

Desired Changes to the Federal GUN FREE SCHOOL ZONES ACT of 1995

Section 922 (q) of Title 18, United States Code
Relevant sections noted; no changes to other sections intended

Additions are in italics.

~~Deletions~~ are in strikethrough.

(2)

(A) It shall be unlawful for any individual knowingly to possess a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the individual knows, or has reasonable cause to believe, is a school zone.

(B) Subparagraph (A) does not apply to the possession of a firearm—

(i) on private property not part of school grounds;

(ii) if the individual possessing the firearm is ~~licensed to do so by~~ *in compliance with law of* the State in which the school zone is located or a political subdivision of the State, ~~and the law of the State or political subdivision requires that, before an individual obtains such a license, the law enforcement authorities of the State or political subdivision verify that the individual is qualified under law to receive the license;~~

(3)

(A) Except as provided in subparagraph (B), it shall be unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm that has moved in or that otherwise affects interstate or foreign commerce at a place that the person knows is a school zone.

(B) Subparagraph (A) does not apply to the discharge of a firearm—

(i) on private property not part of school grounds;

(ii) as part of a program approved by a school in the school zone, by an individual who is participating in the program;

(iii) by an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; ~~or~~

(iv) by a law enforcement officer acting in his or her official capacity;

(v) *discharged in accordance with State law.*

Section 921 (a) of Title 18, United States Code
Relevant sections noted; no changes to other sections intended

Additions are in italics.

~~Deletions~~ are in strikethrough.

(a) As used in this chapter—

(25) The term “school zone” means—

~~(A)~~ in, or on the grounds of, a public, parochial or private school; ~~or~~.

~~(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.~~

(26) The term “school” means a school which provides elementary or secondary education, as determined under State law; *but does not include places of education in private homes, such as home schools.*

RATIONALE FOR CHANGES

- This law, enacted after the Supreme Court decided the Lopez case, took effect when there were very few States with a CCW permit system, and even fewer with reciprocal agreements for recognition of other State's permits. The law should be amended to reflect the State-level changes that have occurred over the past two decades.
- Most states allow some form of carrying firearms without any kind of permit – either openly or concealed
- If a person is trusted to carry a handgun by the State in which the school is located, the federal law should be amended to reflect this trust
- The 1,000 foot arbitrary zone around a school is an unreasonably large area that can't be reasonably avoided by law abiding citizens. The large number of schools in populated areas make it impossible for a citizen to travel any reasonable distance without entering one of these zones.
- If an individual discharges a firearm in compliance with State law, then Federal law should not be more restrictive.