

AN INVESTIGATION OF FIFTY CALIBER RIFLE CAPABILITIES

Prepared: by Daniel Pouzner (email douzzer@mega.nu), 2001-Mar-31
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Introduction

The “Military Sniper Weapon Regulation Act of 2001” was recently (2001-Mar-9) reintroduced as Senate Bill S.505 (full text included below as Appendix B).

The sponsors of S.505 (Diane Feinstein D-CA, Charles Schumer D-NY, and Edward Kennedy D-MA) seek to impose special regulations on .50 caliber rifles, effectively criminalizing possession by common citizens.

Bills that have been introduced at the provincial level with similar intent are A1534 and S742 in the New York State legislature (see Appendix C), HB2359 in the Illinois General Assembly (see Appendix D), and SB1405 in the General Assembly of Connecticut (see Appendix E).

As this report explains in detail, no valid state interest would be served by these regulations, and there exists no rational basis for the qualitative differentiation of .50 caliber rifles from other rifles not subject to present or proposed special regulation.

S.505's Apparent Motivation

An astute observer must wonder what sort of paranoia has Feinstein and her cosponsors in its grip. They appear to fear citizens launching paramilitary assaults on armored vehicles and radar facilities, but this is nonsense. Presently there are no armored vehicles extant for the citizenry (whom she apparently fears and distrusts) to fire on, even if they were inclined to - and they are presently rather strongly disinclined, of course. Does Feinstein envision a future in which state agents patrol our communities in armored personnel carriers - *and* regularly come under attack by formerly upstanding citizenry? It seems unlikely that her constituency in California is aware of her frightening vision, and even less likely that they (or any constituency) would support it.

Correcting False Premises

The allegations of Feinstein *et al.*, articulated in the text of S.505 and elsewhere, are factually inaccurate. The .50 BMG cartridge (by far the most common .50 caliber rifle cartridge in the United States) is ballistically similar to common hunting calibers, and has almost never been used in the United States (or indeed anywhere) in the commission of crimes of violence. Due to the price and unwieldy size and weight of the equipment, .50 BMG will likely never play a significant role in criminality. It has no exceptional abilities in terms of range and accuracy that are significant from a policy perspective. .50 is not the largest caliber openly available to consumers: the “Nitro-Express” safari hunting cartridges in .577, .600, and .700 are all larger, and the latter two actually have heavier projectiles than any .50 BMG projectile. A .500 Nitro-Express safari cartridge also exists, and would be effectively criminalized by S.505. A common 12 gauge shotgun (for which rifled slugs weighing as much as .50 BMG projectiles are widely available) has a much larger bore than the rifles affected by S.505 - .729 - and a 10 gauge shotgun is fully .775.

.50 BMG rifles are built and used extensively by a large and diverse community of specialty manufacturers and sportsmen in formal organized competitions across the country and in other countries. In fact, the technical innovations of this community have directly benefited the United States military, enhancing national defense readiness. On the other hand, the military origins of the .50 BMG cartridge have no possible significance from a policy perspective: two of the most common deer hunting calibers, .308 Winchester and 30-06 Springfield, also have strictly military origins. Of course, all firearms have a military origin, historically.

.50 BMG rifles are subject to the same stringent commerce regulations as other firearms: they cannot be shipped interstate except to a national license holder (18 USC §922(a)(2)), they cannot be manufactured for sale or transfer except by national license holders (18 USC §922(a)(1)), they are subject to significant national excise taxes (26 USC §4181), and they cannot be possessed by a felon or adjudicated mental incompetent (or by those with various other disqualifications, under 18 USC §922(g), and as further articulated by provincial laws), etc. The provisions of 26 USC §5801 *et seq.* as interpreted by the Department of the Treasury, which S.505 seeks to impose on .50 BMG rifles, in fact constitute an effective criminalization because of the Certified Law Enforcement Officer certification requirement. The Department has repeatedly and explicitly encouraged these certifiers to refuse, on a blanket and causeless basis, to certify applicants. In any case, gun criminalization - effective or explicit - is no more effective at keeping illicit weapons out of criminal hands, than are the current drug laws at keeping illicit drugs out of criminal hands.

Proponents of .50 caliber criminalization hope to enlist the knee-jerk support of the public by relentlessly repeating the sensational epithet “sniper rifle”, even including the term in bill titles. This is simply a bold-faced ruse, since there is no difference between a quality deer rifle and a “sniper rifle”. The Remington 700 is among the most popular deer rifles of the twentieth century, and is the heart of the US Army’s M24 and the US Marine Corps’ M40A1, the standard high power sniper weapon systems of the respective service branches.

Proponents of .50 caliber criminalization make much of the .50 BMG cartridge’s armor-defeating capabilities. .50 BMG has somewhat more energy on impact than do other common rifle cartridges (see detailed results below, in Appendix A), but this is of little practical import. All rifle cartridges commonly in use for hunting deer and larger game, or for competitive shooting at ranges of 600 yards or greater, are capable of defeating any flexible body armor currently available to soldiers and law enforcement agents - even if simple unjacketed cast lead bullets are used. If one maintains that this capability is sufficient to justify effective criminalization of .50 caliber rifles, then consistency demands that one support effective criminalization of nearly all rifles (only .22 rimfire and a few similar lightweight cartridges would be spared). In practice, of course, this vulnerability has no rational policy consequences, since the laws of this country are not applicable to this country’s prospective battlefield opponents, and since criminals seldom carry rifles (since they do not lend themselves to concealment) and in any case by definition do not obey the law.

In seeking to effectively criminalize .50 BMG rifles, the supporters of S.505 and similar bills purport to rely on the “sporting purpose” standard pursued ardently by the Department of the Treasury and referenced variously in relevant portions of Title 18 and 26 of the US Code. This standard has no domestic origin, but rather, is imported from Europe (specifically, from Germany). In fact, it is completely unsupported by the US constitution. Where the first amendment of the constitution recognizes “the right of the people peaceably to assemble”, where the second amend-

ment recognizes “the right of the people to keep and bear arms”, and where the fourth amendment recognizes “The right of the people to be secure in their persons, houses, papers, and effects”, the same “people” are at issue - and the rights recognized are individual (because otherwise meaningless, a legally untenable conclusion). Moreover, the arms at issue in the second amendment, the ones specifically contemplated by the Framers of the constitution (as they articulated with great specificity in their contemporary writings), are technologically current military arms. The Framers recognized that national security (continuity of government) is powerfully and unavoidably dependent on the continued possession by the common citizenry of current military weapons. On the other hand, the Framers were relatively unconcerned (at least in terms of policy) with the sports of hunting and competitive shooting, as these have relatively little political significance.

Local Criminalization Initiatives

As of this writing, at least three states - New York, Illinois, and Connecticut - have bills pending in their legislatures that explicitly or effectively criminalize some or all .50 caliber rifles.

In the New York legislature, A1534 and S742 open with a declaration “that 50-caliber weapons having the capacity for rapidly discharging ammunition have no acceptable purpose” - an allegation which the bill text makes no attempt to support and which is, in any case, not rationally supportable. It then proceeds to criminalize possession of any center fire .50 caliber weapon, without regard for any actual or alleged capacity for rapid discharge.

In HB2359, introduced in the Illinois General Assembly, the sensational epithet “sniper” recurs. Reflecting the technical vacuity of the term, the bill opens with the following definition: “‘50 caliber sniper weapon’ means a rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of that caliber.” Thus, when the bill criminalizes possession of “a 50 caliber sniper weapon”, it criminalizes all center fire .50 caliber rifles.

In SB1405, pending in the General Assembly of Connecticut, the term “assault rifle” - another vacuous epithet favored by the firearm criminalization lobby - is revisited with renewed zeal. SB1405 asserts, without actual or possible support, that the Springfield M1A - a commercial version of the M14 battle rifle - is an “assault rifle”. It is criminalized on that basis. Inclusion of this firearm is a particularly remarkable affront, since it is one of three self-loading service rifles permitted in the formal competitions administered by the Civilian Marksmanship Program (CMP) headquartered at Camp Perry (an installation jointly administered by the US Army and the Ohio National Guard). CMP sells parts and ammunition for this rifle, often at a significant discount relative to the open market, to its thousands of affiliates.

More outrageous by far is SB1405’s classification of all self-loading .50 caliber rifles as “assault rifles”. The alleged rationale for the California (Roberti-Roos) “assault rifle” criminalization (the inspiration for all subsequent such criminalizations, including the national one introduced in 1994 by Diane Feinstein) was their compactness and suitability to employment by gang members, bank robbers, drug dealers, and other featured public enemies. The TNW M2 HB self-loading .50 caliber rifle (for example) weighs over 100 pounds and retails for approximately \$6,500. SB1405 seeks to classify this behemoth as an “assault rifle”, effectively criminalizing it.

SB1405 defines “armor piercing” (yet another vacuous epithet) in such a way that it can be trivially construed to describe all bullets. At sufficient velocity, a common .177 caliber BB will

defeat the armor of an Abrams main battle tank - indeed, will cause a nuclear explosion. This construal, though plainly absurd, is permitted by SB1405's definition, "a bullet with sufficient mass to penetrate steel or bullet-proof glass". Even if velocities are constrained to those attainable with common firearms, the definition provides no guidance on the thickness of the steel "armor": it could be construed to include steel foil easily penetrated with a fist or accelerated subatomic particle, or steel sheet metal easily penetrated by a classic .22 caliber rimfire rifle. Of course, the definition is contradictory on its face, since "bullet-proof glass" could not be penetrated by a bullet were the term meaningful. It is not, but vacuous language is the staple of these legislative insults.

One can assume that the conscious intent of SB1405's sponsors in criminalizing "armor piercing" bullets is to sweep up in its net of criminalization all firearms with capabilities like those of a .50 caliber rifle, but by its terms it can be used as a pretext to effectively criminalize all firearms. Because there are no qualitative differences between the firearms primarily at issue, this result is inevitable. Indeed, since Webster's Dictionary defines "bullet" as "a small round mass" or "something suggesting a bullet esp. in form or vigor of action", the language of SB1405 can be construed to criminalize a wide variety of objects, including arrows, ball bearings, tennis and golf balls, potatoes and tomatoes (criminalization of entire species of plant has ample precedent, of course), the limbs of the human body (particularly when under the control of a person trained in martial arts), and in the final analysis, all collections of solid matter or accumulated kinetic energy.

SB1405 also imposes a licensing regime on manually loaded .50 caliber rifles. The bill directs that this regime be operated in compliance with Chapter 54 of the General Statutes of Connecticut ("Uniform Administrative Procedure Act"), but this would have been automatic. What SB1405 pointedly and explicitly does not provide is a standard by which license applications are to be evaluated. Thus, despite the Connecticut judicial precedent that concealed carry applicants cannot be rejected without basis, it would be very easy (and probably, very common) for the executive branch to concoct pretexts for rejection, erecting onerous procedural obstacles to lawful possession of .50 caliber rifles. Many agents of the state - as many members of the public at large - view with intense suspicion any individual who desires to possess firearms, and count this suspicion against such individuals whenever they exercise executive discretion within a licensing regime.

Such prejudice, while clearly unconstitutional (illegal), is routine. The government of New York City, among those of other municipalities, has embarked on a systematic campaign to encourage anonymous tips on illicit firearms, with the promise of a cash reward (though it's not clear how an anonymous tipster could claim it). This campaign is fascinating because it appears to directly defy the unanimous ruling of the US Supreme Court in *Florida v. J.L.* (No. 98-1993, decided 2000-Mar-28) that "An anonymous tip that a person is carrying a gun is not, without more, sufficient to justify a police officer's stop and frisk of that person." The anonymous tip program might in theory be operated consistent with the details of the ruling (with "moderate indicia of reliability present in [*Alabama v.] White* [, 496 U. S., at 329]"), but in practice this is implausible because of the nature of the ostensible crime (concealed possession, with no commercial or other social component).

By all appearances, supporters of HB2359 in Illinois and SB1405 in Connecticut expect that any firearm they describe with the vacuous epithets "sniper" or "assault" can be criminalized or regulated out of existence without regard for its actual physical characteristics or mode of em-

ployment. This is a somewhat fantastic proposition. It resides strictly within the realm of political propaganda. By this principle, one might describe a whole category of erstwhile protected and commonplace political speech as “incitement to overthrow the government”, then assert this essentially meaningless (but manifestly incendiary) description as a pretext for criminalization of that speech.

Evident in all these local initiatives is a continuation of the dishonesty, misrepresentation, and manipulation exhibited most encyclopedically in the text of S.505. Each of the bills, without exception, fully exempts all agents and components of the state, and all manufacturers and distributors who supply them under discretionary and capriciously revokable license, from all the prohibitions they impose on all those who are not agents of the state or suppliers to them. Each of the bills is founded on principles that, continued, progress inexorably to the prohibition of firearms possession by anyone not an agent of the state, with all the horrible mischief that has historically accompanied such a circumstance.

Conclusion

Now is the time for legislative heroics in Congress, or judicial heroics in the Supreme Court of the United States, to decisively preempt the political mischief detailed herein. Justice would be served immediately if either body were to recognize and declare the rank unconstitutionality of the “National Firearms Act” of 1934, as written and particularly as administered, of the import restrictions of the “Gun Control Act” of 1968, of the criminalizing portions of the “Gun Owners Protection Act” of 1986, of the Department of the Treasury’s policy, since 1989, of capriciously rejecting properly filed import applications for firearms it disfavors, of the “assault weapon” criminalization provisions (the “Feinstein amendment”) of the Crime Bill of 1994, and of all similar regimes enforced at provincial levels. The odor of unconstitutional policies progressively corrupts the whole of the state.

Appendix A - Maximum Attainable Ranges for Five Sample Cartridges

What follows are the results of precision calculations of ballistic trajectories, providing a clear and thorough quantitative demonstration of the similarity of .50 BMG to other rifle calibers. These results show not so much the inappropriateness of .50 BMG to a military role, but rather, the suitability of common hunting cartridges (indeed, of most firearms) to that role. Bear in mind that accuracy finer than one minute of arc (MOA) is not physically attainable at extreme ranges without an active onboard guidance system, even with large naval guns, because of atmospheric variation and turbulence. In the case of these ordinary small arms cartridges, the transonic boundary is traversed, causing the bullet to be buffeted by massive unpredictable turbulence, throwing the point of impact off unpredictably by dozens of yards, and usually causing it to land short of its computed maximum range.

Summary results (maximum attainable ranges)

30-06 commercial: 2.67 miles

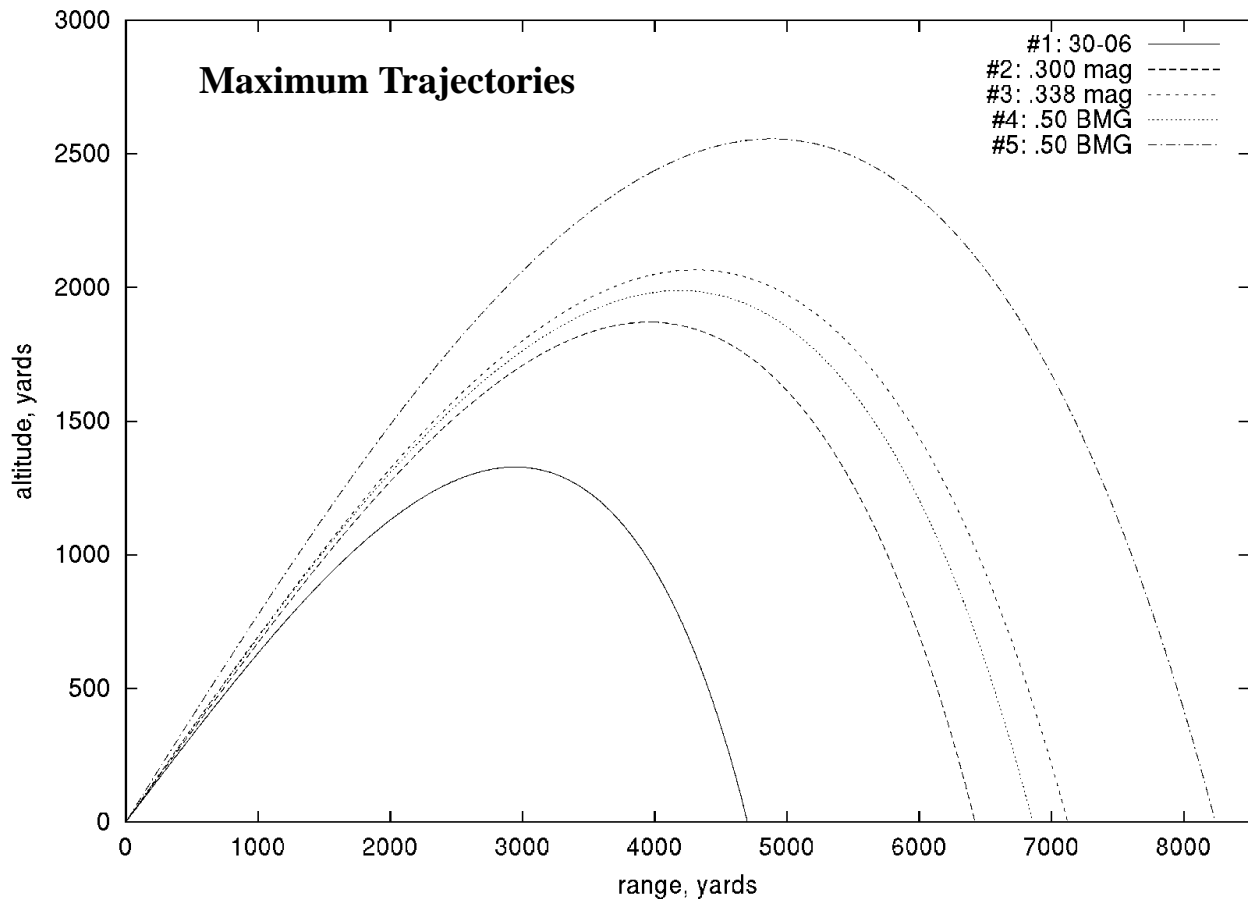
.50 BMG M8 API: 3.89 miles

.300 magnum commercial: 3.64 miles

.50 BMG commercial match: 4.68 miles

.338 Lapua magnum commercial: 4.05 miles

Results in Detail



Maximum Trajectory Key Parameters and Results

before impact						at impact					
cartridge number (see notes)	max diameter <i>inches</i>	muzzle speed <i>ft/sec</i>	launch angle	min speed <i>ft/sec</i> @ <i>yds</i>	max height <i>ft (mi)</i> @ <i>yds</i>	range yards <i>(miles)</i>	speed <i>ft/sec</i>	energy <i>ft-lb</i>	slope <i>in/yd</i>	flight time <i>sec</i>	size of 1 MOA <i>feet</i>
1	.308	2700	33°10'	370 @3700	3985 (.75) @2950	4702 (2.67)	442	73	-72	30.1	4.0
2	.308	3100	34°22'	440 @4900	5611 (1.06) @4000	6420 (3.64)	538	141	-70	35.5	5.6
3	.338	2825	35°19'	470 @5330	6199 (1.17) @4310	7123 (4.05)	586	228	-66	37.5	6.2
4	.510	2948	35°10'	460 @5200	5967 (1.13) @4200	6859 (3.89)	561	434	-69	37.0	6.0
5	.510	2600	38°23'	511 @5900	7669 (1.45) @4900	8240 (4.68)	660	726	-67	41.9	7.2

Notes on Cartridges

1. Cartridge: 30-06 Springfield

Bullet: Sierra .308 168 grain HPBT Match King

Load: Federal Cartridge Co. GM3006M

Ballistic Coefficient: manufacturer data

2. Cartridge: .300 Winchester Magnum

Bullet: Sierra .308 220 grain HPBT Match King

Load: powder charge equal to factory high energy Winchester or Weatherby magnum load

Ballistic Coefficient: manufacturer data

3. Cartridge: .338 Lapua Magnum

Bullet: Sierra .338 300 grain HPBT Match King

Load: maximum powder charge reported by Norma

Ballistic Coefficient: manufacturer data

4. Cartridge: .50 BMG

Bullet: M8 API 622.5 grain

Load: per US Army Technical Manual 43-0001-27 "Army Ammunition Data Sheets, Small Caliber Ammunition, FSC 1305"

Ballistic Coefficient: derived from projectile dimensions

5. Cartridge: .50 BMG

Bullet: G1 approximation of 750 grain .50 BMG commercial match ammo (e.g. Hornady A-MAX, or solids from Barnes or Thunderbird)

Load: typical competition powder charge

Ballistic Coefficient: unity with G1 reference drag function (over-estimates performance)

Appendix B - Text of S.505

Military Sniper Weapon Regulation Act of 2001 (Introduced in the Senate)

S 505 IS

107th CONGRESS

1st Session

S. 505

To amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms and for other purposes.

IN THE SENATE OF THE UNITED STATES

March 9, 2001

Mrs. FEINSTEIN (for herself, Mr. SCHUMER, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ‘Military Sniper Weapon Regulation Act of 2001’.

SEC. 2. FINDINGS.

The Congress finds that—

- (1) certain firearms originally designed and built for use as long-range 50 caliber military sniper weapons are increasingly sold in the domestic civilian market;
- (2) the intended use of these long-range firearms, and an increasing number of models derived directly from them, is the taking of human life and the destruction of materiel, including armored vehicles and such components of the national critical infrastructure as radars and microwave transmission devices;
- (3) these firearms are neither designed nor used in any significant number for legitimate sporting or hunting purposes and are clearly distinguishable from rifles intended for sporting and hunting use;
- (4) extraordinarily destructive ammunition for these weapons, including armor-piercing and armor-piercing incendiary ammunition, is freely sold in interstate commerce; and
- (5) the virtually unrestricted availability of these firearms and ammunition, given the uses intended in their design and manufacture, present a serious and substantial threat to the national security.

SEC. 3. COVERAGE OF 50 CALIBER SNIPER WEAPONS UNDER NATIONAL FIREARMS ACT.

(a) IN GENERAL- Section 5845(a) of the Internal Revenue Code of 1986 (defining firearm) is amended by striking ‘(6) a machine gun; (7) any silencer (as defined in section 921 of title 18, United States Code); and (8) a destructive device.’ and inserting ‘(6) a 50 caliber sniper weapon; (7) a machine gun; (8) any silencer (as defined in section 921 of title 18, United States Code); and (9) a destructive device.’

(b) 50 CALIBER SNIPER WEAPON-

(1) IN GENERAL- Section 5845 of the Internal Revenue Code of 1986 is amended by redesignating subsections (d) through (m) as subsections (e) through (n), respectively, and by inserting after subsection (c) the following new subsection:

‘(d) 50 CALIBER SNIPER WEAPON- The term ‘50 caliber sniper weapon’ means a rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of such calibers.’

(2) MODIFICATION TO DEFINITION OF RIFLE- Subsection (c) of section 5845 of such Code is amended by inserting ‘or from a bipod or other support’ after ‘shoulder’.

(3) CONFORMING AMENDMENT- Section 5811(a) of such Code is amended by striking ‘section 5845(e)’ and inserting ‘section 5845(f)’.

(c) EFFECTIVE DATE- The amendments made by this section shall take effect on the date of the enactment of this Act.

Appendix C - Excerpts of NYS A1534

Full bill text:

<http://www.assembly.state.ny.us/leg/?bn=A01534&sh=t>

<http://www.assembly.state.ny.us/leg/?bn=S00742&sh=t>

STATE OF NEW YORK

1534

2001-2002 Regular Sessions

I N A S S E M B L Y

January 16, 2001

Introduced by M. of A. MATUSOW – Multi-Sponsored by – M. of A. CLARK, DIAZ, DINOWITZ, ENGLEBRIGHT, GLICK, GREENE, HOYT, JOHN, KOON, ORTIZ, PERRY, PHEFFER, SANDERS, SCARBOROUGH, STRINGER, WEISENBERG – read once and referred to the Committee on Codes

AN ACT to amend the penal law and the executive law, in relation to banning the sale, possession or use of 50-caliber weapons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that 50-caliber weapons having the capacity for rapidly discharging ammunition have no acceptable purpose. The legislature additionally finds and declares that such weapons pose such an imminent threat and danger to the safety and security of the people of this state that it is necessary to ban the possession and use of such weapons.

[...]

24. "50-CALIBER WEAPON" MEANS A RIFLE CAPABLE OF FIRING A CENTER-FIRE CARTRIDGE IN 50-CALIBER, .50BMG CALIBER, ANY OTHER VARIANT OF 50-CALIBER, OR ANY OTHER METRIC EQUIVALENT OF SUCH CALIBER.

[...]

S 10. Subdivisions 2, 3 and 6 of section 265.10 of the penal law, as amended by chapter 189 of the laws of 2000, are amended to read as follows:

2. Any person who transports or ships any machine-gun, 50-CALIBER WEAPON, firearm silencer, assault weapon or large capacity ammunition feeding device or disguised gun, or who transports or ships as merchandise five or more firearms, is guilty of a class D felony.

[...]

3. Any person who disposes of any machine-gun, assault weapon, large capacity ammunition feeding device, 50-CALIBER WEAPON or firearm silencer is guilty of a class D felony.

[...]

1. The presence in any room, dwelling, structure or vehicle of any machine-gun OR 50-CALIBER WEAPON is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun OR 50-CALIBER WEAPON is found.

[...]

S 22. The executive law is amended by adding a new section 231 to read as follows:

S 231. COMPLIANCE WITH THE BAN ON THE SALE, POSSESSION OR USE OF 50-CALIBER WEAPONS.

1. FROM WITHIN AMOUNTS APPROPRIATED THEREFORE, THE DIVISION OF STATE POLICE SHALL TAKE SUCH ACTION AS IS NECESSARY TO IMPLEMENT A PROGRAM WHEREBY PERSONS, INCLUDING DEALERS OF FIREARMS, IN LAWFUL POSSESSION OF 50-CALIBER WEAPONS MAY BRING THEMSELVES INTO COMPLIANCE WITH THE PROVISIONS OF THE PENAL LAW WHICH BANS THE SALE, POSSESSION OR USE OF SUCH WEAPONS AFTER JANUARY FIRST, TWO THOUSAND TWO.

2. ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWO, ANY LICENSED FIREARM DEALER WHO HAS IN HIS OR HER POSSESSION A NEW 50-CALIBER WEAPON SHALL BE ENTITLED TO RETURN SUCH WEAPON TO THE DISTRIBUTOR OR MANUFACTURER, AND SHALL BE ENTITLED TO A FULL REFUND, OR CREDIT, IN AN AMOUNT EQUAL TO THE PURCHASE PRICE OF SUCH WEAPON. IN ANY CASE WHERE A DISTRIBUTOR OR MANUFACTURER FAILS OR REFUSES TO SO REFUND OR CREDIT SUCH DEALER, THE DEALER SHALL NOTIFY THE DIVISION OF STATE POLICE, AND IT SHALL IMMEDIATELY NOTIFY THE ATTORNEY GENERAL SO THAT HE OR SHE MAY INTERCEDE AND TAKE SUCH ACTIONS ON BEHALF OF THE DEALER TO SECURE SUCH REFUND OR CREDIT.

3. ON OR BEFORE JANUARY FIRST, TWO THOUSAND TWO, ANY PERSON, INCLUDING A LICENSED FIREARM DEALER, WHO HAS IN HIS OR HER LEGAL POSSESSION A USED 50-CALIBER WEAPON SHALL PERSONALLY DELIVER SUCH WEAPON TO THE DIVISION OF STATE POLICE, AND UPON TRANSFERRING OWNERSHIP AND POSSESSION TO A DULY DESIGNATED OFFICER THEREOF, SHALL BE ENTITLED TO RECEIVE PAYMENT IN AN AMOUNT EQUAL TO THE FAIR MARKET VALUE OF SUCH WEAPON, BUT NOT TO EXCEED EIGHT THOUSAND FIVE HUNDRED DOLLARS.

4. THE DIVISION OF STATE POLICE SHALL TAKE SUCH ACTION, INCLUDING A PUBLIC CAMPAIGN USING THE PRINT MEDIA, TELEVISION, RADIO OR OTHER MEANS TO NOTIFY PERSONS OF THE EXISTENCE OF THE PROGRAM ESTABLISHED IN THIS SECTION.

Appendix D - Excerpts of IL HB2359

Full bill text:

<http://www.legis.state.il.us/legisnet/legisnet92/hbgroups/hb/920hb2359.html>

State of Illinois

92nd General Assembly
Legislation

92_HB2359

LRB9205955RCcd

AN ACT in relation to criminal law.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

Section 5. The Criminal Code of 1961 is amended by adding Section 24-3.6 as follows:

(720 ILCS 5/24-3.6 new)

Sec. 24-3.6. Certain sniper weapons.

(a) In this Section, "50 caliber sniper weapon" means a rifle capable of firing a center-fire cartridge in 50 caliber, .50 BMG caliber, any other variant of 50 caliber, or any metric equivalent of that caliber.

(b) It is unlawful for a person, within this State, to distribute, transport, or import into this State or possess with intent to sell or to offer for sale or to give a 50 caliber sniper weapon.

(c) It is unlawful for a person to transfer, sell, or give any 50 caliber sniper weapon to a person under 18 years of age.

(d) It is unlawful to possess a 50 caliber sniper weapon.

[...]

(f) Sentence.

(1) A person convicted of a violation of this Section commits a Class 2 felony.

[...]

(5) A person who violates this Section by possessing a 50 caliber sniper weapon that he or she acquired before the effective date of this amendatory Act of the 92nd General Assembly and does not use that weapon in the commission of an offense nor possess that weapon in a place described in paragraph (2) or (3) is guilty of a Class A misdemeanor.

Appendix E - Excerpts of CT SB1405

Full bill text:

<http://www.cga.state.ct.us/2001/tob/s/2001SB-01405-R00-SB.htm>

State of Connecticut General Assembly
January Session, 2001

Raised Bill No. 1405
LCO No. 4709

Referred to Committee on Public Safety

Introduced by:

(PS)

AN ACT CONCERNING FIREARMS SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 53-202a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) As used in this section and sections 53-202b to 53-202k, inclusive, as amended by this act, [and subsection (h) of section 53a-46a,] "assault weapon" means:

[...]

(3) A semiautomatic, centerfire rifle that has the capacity to accept a detachable magazine and any one of the following: (A) A pistol grip that protrudes conspicuously beneath the action of the weapon; (B) a thumbhole stock; (C) a folding or telescoping stock; (D) a grenade launcher or flare launcher; (E) a flash suppressor; or (F) a forward pistol grip;

[...]

(11) Any of the following specified semiautomatic firearms: [...] Springfield M1A [...]

(12) Any semiautomatic firearm capable of firing fifty caliber ammunition;

[...]

Sec. 2. Section 53-202b of the general statutes is repealed and the following is substituted in lieu thereof:

(a) (1) Any person who, within this state, distributes, transports or imports into the state, keeps for sale, or offers or exposes for sale, or who gives any assault weapon, [except as provided by sections 29-37j and 53-202a to 53-202k, inclusive, and subsection (h) of section 53a-46a,] shall be guilty of a class C felony and shall be sentenced to a term of imprisonment of which two years may not be suspended or reduced.

[...]

(b) No assault weapon, as defined in subdivision (1) or (2) of subsection (a) of section 53-202a, as amended by this act, possessed pursuant to this section may be sold or transferred on or after January 1, 1994, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, as amended by this act, or as provided in section 53-202e, or by bequest or intestate succession. No assault weapon, as defined in subdivisions (3) to (13), inclusive, of subsection (a) of section 53-202a, as amended by this act, possessed pursuant to this section may be sold or transferred on or after January 1, 2002, to any person within this state other than to a licensed gun dealer, as defined in subsection (d) of section 53-202f, as amended by this act, or as provided in section 53-202e, or by bequest or intestate succession.

[...]

Sec. 8. (NEW) (a) (1) As used in this section, "single shot fifty caliber weapon" means a firearm, as defined in section 53a-3 of the general statutes, that is (A) capable of firing fifty caliber ammunition, and (B) not automatic or semiautomatic.

(2) As used in this section, the term "single shot fifty caliber weapon" does not include any firearm modified to render it permanently inoperable, or any antique firearm, as defined in subsection (b) of section 29-37a of the general statutes, or a muzzle loader, as defined in section 26-86a of the general statutes.

(b) Any person who lawfully possesses a single shot fifty caliber weapon prior to October 1, 2001, shall apply by October 1, 2002, or, if such person is a member of the military or naval forces of this state or of the United States and is unable to apply by October 1, 2002, because such member is or was on official duty outside of this state, shall apply within ninety days of returning to the state, to the Department of Public Safety for a certificate of possession with respect to such single shot fifty caliber weapon. The certificate shall contain a description of the single shot fifty caliber weapon that identifies it uniquely, including all identification marks, the full name, address, date of birth and thumbprint of the owner, and any other information as the department may deem appropriate. The department shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, not later than January 1, 2002, to establish procedures with respect to the application for and issuance of certificates of possession pursuant to this section. Notwithstanding the provisions of sections 1-210 and 1-211 of the general statutes, the name and address of a person issued a certificate of possession shall be confidential and shall not be disclosed, except such records may be disclosed to (1) law enforcement agencies, and (2) the Commissioner of Mental Health and Addiction Services to carry out the provisions of subsection (c) of section 17a-500 of the general statutes.

(c) Any person who buys or otherwise comes into lawful possession of any single shot fifty caliber weapon on or after October 1, 2001, shall, within ninety days of obtaining title, apply to the Department of Public Safety for a certificate of possession as provided in subsection (b) of this section. Any person who moves into the state in lawful possession of a single shot fifty caliber weapon, shall, within ninety days, apply to the Department of Public Safety for a certificate of possession as provided in subsection (b) of this section.

[...]

(e) (1) Except as provided in subsection (f) of this section, any person who, within this state, possesses any single shot fifty caliber weapon and does not have a certificate of possession, shall be guilty of a class D felony and shall be sentenced to a term of imprisonment of which one year may not be suspended or reduced, except that a first-time violation of this subsection shall be a class A misdemeanor if (A) the person presents proof that such person lawfully possessed the single shot fifty caliber weapon prior to October 1, 2001, and (B) the person has otherwise possessed the firearm in compliance with subsection (d) of this section.

[...]

(f) Any individual may arrange in advance to relinquish a single shot fifty caliber weapon to a police department or the Department of Public Safety. The single shot fifty caliber weapon shall be transported in accordance with the provisions of section 53-202f of the general statutes, as amended by this act.

[...]

Sec. 11. (NEW) (a) (1) For purposes of this section, "armor piercing bullet" means a bullet with sufficient mass to penetrate steel or bullet-proof glass, "incendiary bullet" means a bullet with an inflammable filling or that is designed to explode on impact, and "tracing bullet" means a bullet that leaves a lighted residue trail.

(2) Any person who distributes, transports or imports into the state, keeps for sale or offers or exposes for sale or gives to any person any ammunition that is fifty caliber in diameter and that is an armor piercing bullet, an incendiary bullet or a tracing bullet shall be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor.

(3) Any person who possesses any ammunition that is fifty caliber in diameter and that is an armor piercing bullet, an incendiary bullet or a tracing bullet shall, after July 1, 2002, be guilty of a class D felony, except that a first-time violation of this subsection shall be a class A misdemeanor. Any person may arrange in advance to relinquish such ammunition to a police department or the Department of Public Safety.

[...]

Sec. 12. (NEW) (a) For purposes of this section, "large capacity ammunition magazine" means any ammunition feeding device with the capacity to accept more than ten rounds, except it does not include (1) a feeding device that has been permanently altered so that it cannot accommodate more than ten rounds, or (2) any .22 caliber tube ammunition feeding device.

(b) Any person who distributes, transports or imports into the state, keeps for sale or offers or exposes for sale, gives or transfers to any person any large capacity ammunition magazine shall be guilty of a class D felony.

[...]

Sec. 13. (NEW) Not later than October 1, 2001, the Commissioner of Public Safety shall institute a continuing public education and notification program regarding the identification and registration of single shot fifty caliber weapons and assault weapons, as defined in subsections (3) to (13), inclusive, of subsection (a) of section 53-202a of the general statutes, as amended by this act. Such program shall include, but not be limited to, information regarding gun owners' responsibilities, registration requirements and deadlines, and the consequences for failing to register single shot fifty caliber weapons and such assault weapons. A variety of media outlets shall be used to ensure maximum publicity for the information. The commissioner shall develop posters to be posted in a conspicuous place in every store licensed to sell guns in this state.

Statement of Purpose:

To increase firearms safety in this state by amending the definition of assault weapon to include semiautomatic assault weapons not previously covered, including semiautomatic fifty caliber weapons, by banning the possession or sale of certain fifty caliber ammunition and large capacity ammunition magazines, and by enacting a special permitting process for single shot fifty caliber sniper weapons.