

115TH CONGRESS  
2D SESSION

# S. 2470

To amend title 18, United States Code, to prohibit the purchase of certain firearms by individuals under 21 years of age, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2018

Mr. FLAKE (for himself and Mrs. FEINSTEIN) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to prohibit the purchase of certain firearms by individuals under 21 years of age, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Age 21 Act”.

5 **SEC. 2. PROHIBITION ON PURCHASE OF CERTAIN FIRE-**  
6 **ARMS BY INDIVIDUALS UNDER 21 YEARS OF**  
7 **AGE.**

8 (a) DEFINITIONS.—Section 921(a) of title 18, United  
9 States Code, is amended—

1           (1) by inserting after paragraph (29) the fol-  
2           lowing:

3           “(30) The term ‘semiautomatic pistol’ means any re-  
4           peating pistol that—

5           “(A) utilizes a portion of the energy of a firing  
6           cartridge to extract the fired cartridge case and  
7           chamber the next round; and

8           “(B) requires a separate pull of the trigger to  
9           fire each cartridge.

10          “(31) The term ‘semiautomatic shotgun’ means any  
11          repeating shotgun that—

12          “(A) utilizes a portion of the energy of a firing  
13          cartridge to extract the fired cartridge case and  
14          chamber the next round; and

15          “(B) requires a separate pull of the trigger to  
16          fire each cartridge.”; and

17          (2) by adding at the end the following:

18          “(36) The term ‘semiautomatic assault weapon’  
19          means any of the following, regardless of country of manu-  
20          facture or caliber of ammunition accepted:

21          “(A) A semiautomatic rifle that has the capac-  
22          ity to accept a detachable magazine and any one of  
23          the following:

24                  “(i) A pistol grip.

25                  “(ii) A forward grip.

1           “(iii) A folding, telescoping, or detachable  
2 stock.

3           “(iv) A grenade launcher or rocket launch-  
4 er.

5           “(v) A barrel shroud.

6           “(vi) A threaded barrel.

7           “(B) A semiautomatic rifle that has a fixed  
8 magazine with the capacity to accept more than 10  
9 rounds, except for an attached tubular device de-  
10 signed to accept, and is capable of operating only  
11 with, .22 caliber rimfire ammunition.

12           “(C) Any part, combination of parts, compo-  
13 nent, device, attachment, or accessory that is de-  
14 signed or functions to accelerate the rate of fire of  
15 a semiautomatic rifle but not convert the semiauto-  
16 matic rifle into a machinegun.

17           “(D) A semiautomatic pistol that has the ca-  
18 pacity to accept a detachable magazine and any one  
19 of the following:

20           “(i) A threaded barrel.

21           “(ii) A second pistol grip.

22           “(iii) A barrel shroud.

23           “(iv) The capacity to accept a detachable  
24 magazine at some location outside of the pistol  
25 grip.

1           “(E) A semiautomatic version of an automatic  
2 firearm.

3           “(F) A semiautomatic pistol with a fixed maga-  
4 zine that has the capacity to accept more than 10  
5 rounds.

6           “(G) A semiautomatic shotgun that has any  
7 one of the following:

8               “(i) A folding, telescoping, or detachable  
9 stock.

10               “(ii) A pistol grip.

11               “(iii) A fixed magazine with the capacity to  
12 accept more than 5 rounds.

13               “(iv) The ability to accept a detachable  
14 magazine.

15               “(v) A forward grip.

16               “(vi) A grenade launcher or rocket launch-  
17 er.

18           “(H) Any shotgun with a revolving cylinder.

19           “(I) All belt-fed semiautomatic firearms.

20           “(J) Any combination of parts from which a  
21 firearm described in subparagraphs (A) through (I)  
22 can be assembled.

23           “(K) The frame or receiver of a rifle or shotgun  
24 described in subparagraph (A), (B), (C), (E), (G),  
25 (H), or (I).

1       “(37) The term ‘large capacity ammunition feeding  
2 device’—

3           “(A) means a magazine, belt, drum, feed strip,  
4 or similar device, including any such device joined or  
5 coupled with another in any manner, that has an  
6 overall capacity of, or that can be readily restored,  
7 changed, or converted to accept, more than 10  
8 rounds of ammunition; and

9           “(B) does not include an attached tubular de-  
10 vice designed to accept, and be capable of operating  
11 only with, .22 caliber rimfire ammunition.

12       “(38) The term ‘barrel shroud’—

13           “(A) means a shroud that is attached to, or  
14 partially or completely encircles, the barrel of a fire-  
15 arm so that the shroud protects the user of the fire-  
16 arm from heat generated by the barrel; and

17           “(B) does not include—

18               “(i) a slide that partially or completely en-  
19 closes the barrel; or

20               “(ii) an extension of the stock along the  
21 bottom of the barrel which does not encircle or  
22 substantially encircle the barrel.

23       “(39) The term ‘detachable magazine’ means an am-  
24 munition feeding device that can be removed from a fire-  
25 arm without disassembly of the firearm action.

1       “(40) The term ‘fixed magazine’ means an ammuni-  
2 tion feeding device that is permanently fixed to the firearm  
3 in such a manner that it cannot be removed without dis-  
4 assembly of the firearm.

5       “(41) The term ‘folding, telescoping, or detachable  
6 stock’ means a stock that folds, telescopes, detaches or  
7 otherwise operates to reduce the length, size, or any other  
8 dimension, or otherwise enhances the concealability, of a  
9 firearm.

10       “(42) The term ‘forward grip’ means a grip located  
11 forward of the trigger that functions as a pistol grip.

12       “(43) The term ‘rocket’ means any simple or complex  
13 tubelike device containing combustibles that on being ig-  
14 nited liberate gases whose action propels the tube through  
15 the air and has a propellant charge of not more than 4  
16 ounces.

17       “(44) The term ‘grenade launcher or rocket launcher’  
18 means an attachment for use on a firearm that is designed  
19 to propel a grenade, rocket, or other similar destructive  
20 device.

21       “(45) The term ‘pistol grip’ means, with respect to  
22 a shotgun or rifle, a pistol style grip, including a thumb-  
23 hole stock or any other characteristic that can function  
24 as a pistol style grip.

1       “(46) The term ‘threaded barrel’ means a feature or  
2 characteristic that is designed in such a manner to allow  
3 for the attachment of a device such as a firearm silencer  
4 or a flash suppressor.

5       “(47) The term ‘belt-fed semiautomatic firearm’  
6 means any repeating firearm that—

7           “(A) utilizes a portion of the energy of a firing  
8 cartridge to extract the fired cartridge case and  
9 chamber the next round;

10          “(B) requires a separate pull of the trigger to  
11 fire each cartridge; and

12          “(C) has the capacity to accept a belt ammuni-  
13 tion feeding device.”.

14       (b) PROHIBITION.—Chapter 44 of title 18, United  
15 States Code, is amended—

16           (1) in section 922—

17               (A) in subsection (b)—

18                   (i) in paragraph (1)—

19                       (I) by inserting “(A)” after  
20 “(1)”; and

21                       (II) by inserting “or” after the  
22 semicolon; and

23                   (ii) by adding at the end the fol-  
24 lowing:

1           “(B) any large capacity ammunition feeding de-  
2           vice to any individual who the licensee knows or has  
3           reasonable cause to believe is less than 21 years of  
4           age;”;

5           (B) in subsection (c)(1), by inserting “a  
6           large capacity ammunition feeding device or”  
7           before “any firearm other than”; and

8           (C) in subsection (x)—

9           (i) in paragraph (1), by striking “a  
10           juvenile—” and all that follows through  
11           “handgun.” and inserting the following:  
12           “less than 21 years of age—

13           “(A) a handgun;

14           “(B) a semiautomatic assault weapon;

15           “(C) a large capacity ammunition feeding de-  
16           vice; or

17           “(D) ammunition that is suitable for use only  
18           in a handgun or semiautomatic assault weapon.”;

19           (ii) in paragraph (2), by striking “a  
20           juvenile” and all that follows through  
21           “handgun.” and inserting the following:  
22           “less than 21 years of age to knowingly  
23           possess—

24           “(A) a handgun;

25           “(B) a semiautomatic assault weapon;



1           “(C) a large capacity ammunition feeding de-  
2 vice; or

3           “(D) ammunition that is suitable for use only  
4 in a handgun or semiautomatic assault weapon.”;

5                         (iii) by striking paragraphs (3), (4),  
6 and (5) and inserting the following:

7           “(3) This subsection does not apply to—

8                         “(A) a temporary transfer of a covered firearm  
9 or covered ammunition to a person who is less than  
10 21 years of age or to the possession or use of a cov-  
11 ered firearm or covered ammunition by a person who  
12 is less than 21 years of age if the covered firearm  
13 or covered ammunition is possessed and used by the  
14 person—

15                                 “(i) in the course of employment, in the  
16 course of ranching or farming related to activi-  
17 ties at the residence of the person (or on prop-  
18 erty used for ranching or farming at which the  
19 person, with the permission of the property  
20 owner or lessee, is performing activities related  
21 to the operation of the farm or ranch), target  
22 practice, hunting, or a course of instruction in  
23 the safe and lawful use of a covered firearm;

24                                 “(ii) with the prior written consent of the  
25 person’s parent or guardian who is not prohib-

1           ited by Federal, State, or local law from pos-  
2           sessing a firearm, except—

3                   “(I) during transportation by the per-  
4                   son of an unloaded covered firearm in a  
5                   locked container directly from the place of  
6                   transfer to a place at which an activity de-  
7                   scribed in clause (i) is to take place and  
8                   transportation by the person of that cov-  
9                   ered firearm, unloaded and in a locked  
10                  container, directly from the place at which  
11                  such an activity took place to the trans-  
12                  feror; or

13                  “(II) with respect to ranching or  
14                  farming activities as described in clause  
15                  (i), a person who is less than 21 years of  
16                  age may possess and use a covered firearm  
17                  or covered ammunition with the prior writ-  
18                  ten approval of the person’s parent or legal  
19                  guardian and at the direction of an adult  
20                  who is not prohibited by Federal, State or  
21                  local law from possessing a firearm;

22                  “(iii) the person has the prior written con-  
23                  sent in the person’s possession at all times  
24                  when a covered firearm or covered ammunition  
25                  is in the possession of the person; and

1           “(iv) in accordance with State and local  
2           law;

3           “(B) a person who is less than 21 years of age  
4           who is a member of the Armed Forces of the United  
5           States or the National Guard who possesses or is  
6           armed with a covered firearm or covered ammunition  
7           in the line of duty;

8           “(C) a transfer by inheritance of title (but not  
9           possession) of a covered firearm or covered ammuni-  
10          tion to a person who is less than 21 years of age;  
11          or

12          “(D) the possession of a covered firearm or cov-  
13          ered ammunition by a person who is less than 21  
14          years of age taken in defense of the person or other  
15          individuals against an intruder into the residence of  
16          the person or a residence in which the person is an  
17          invited guest.

18          “(4) A covered firearm or covered ammunition, the  
19          possession of which is transferred to a person who is less  
20          than 21 years of age in circumstances in which the trans-  
21          feror is not in violation of this subsection shall not be sub-  
22          ject to permanent confiscation by the Government if its  
23          possession by the person who is less than 21 years of age  
24          subsequently becomes unlawful because of the conduct of  
25          the person who is less than 21 years of age, but shall be

1 returned to the lawful owner when such covered firearm  
2 or covered ammunition is no longer required by the Gov-  
3 ernment for the purposes of investigation or prosecution.

4 “(5) For purposes of this subsection—

5 “(A) the term ‘covered ammunition’ means am-  
6 munition that is suitable for use only in a handgun  
7 or a semiautomatic assault weapon; and

8 “(B) the term ‘covered firearm’ means—

9 “(i) a handgun;

10 “(ii) a semiautomatic assault weapon; or

11 “(iii) a large capacity ammunition feeding  
12 device.”; and

13 (iv) in paragraph (6)—

14 (I) in subparagraph (A), by strik-  
15 ing “a juvenile defendant’s parent or  
16 legal guardian” and inserting “the  
17 parent or legal guardian of a defend-  
18 ant who is less than 21 years of age”;  
19 and

20 (II) in subparagraph (C), by  
21 striking “a juvenile defendant” and  
22 inserting “a defendant who is less  
23 than 21 years of age”; and

24 (2) in section 924(a)(6)—

25 (A) in subparagraph (A)—

1 (i) in clause (i), by striking “juvenile”  
2 each place the term appears and inserting  
3 “person who is less than 21 years of age”;  
4 and

5 (ii) in clause (ii)—

6 (I) in the matter preceding sub-  
7 clause (I), by striking “juvenile” and  
8 inserting “person who is less than 21  
9 years of age”;

10 (II) in subclause (I)—

11 (aa) by striking “juvenile”  
12 and inserting “person who is less  
13 than 21 years of age”; and

14 (bb) by striking “handgun  
15 or ammunition” and inserting  
16 “covered firearm or covered am-  
17 muniton”; and

18 (III) in subclause (II), by strik-  
19 ing “juvenile has” and inserting “per-  
20 son who is less than 21 years of age  
21 has”; and

22 (B) in subparagraph (B)—

23 (i) by striking “juvenile” each place  
24 the term appears and inserting “person  
25 who is less than 21 years of age”; and

1                   (ii) by striking “handgun or ammuni-  
2                   tion” each place the term appears and in-  
3                   serting “covered firearm or covered ammu-  
4                   nition”.

○