

Gun Free School Zones Act—as reenacted

Originally enacted in 1990

(P.L. 101-647, Sec. 1702(b)(1))

Overtaken by the U.S. Supreme Court, April 26, 1995

Re: Federalism; Congress exceeded its authority under Commerce Clause.

(U.S. v. Lopez, 514 US 549)

Reenacted by Congress, Sep. 30, 1996

(P.L. 104-208)

Deletions • Additions

18 USC § 922 Unlawful acts

(q)(1) The Congress finds and declares that—

- (A) crime, particularly crime involving drugs and guns, is a pervasive, nationwide problem;
- (B) crime at the local level is exacerbated by the interstate movement of drugs, guns, and criminal gangs;
- (C) firearms and ammunition move easily in interstate commerce and have been found in increasing numbers in and around schools, as documented in numerous hearings in both the ~~Judiciary~~ Committee ~~on the Judiciary~~ of the House of Representatives and ~~Judiciary~~the Committee ~~on the Judiciary~~ of the Senate;
- (D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;
- (E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence, and parents may decline to send their children to school for the same reason;
- (F) the occurrence of violent crime in school zones has resulted in a decline in the quality of education in our country;
- (G) this decline in the quality of education has an adverse impact on interstate commerce and the foreign commerce of the United States;
- (H) States, localities, and school systems find it almost impossible to handle gun-related crime by ~~themselves~~; ~~eventhemselves-even~~ States, localities, and school systems that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and
- (I) ~~the~~ Congress has ~~the~~ power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the ~~Nation's~~~~Nation's~~ schools by enactment of this subsection.

(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) ~~shall~~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 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;

(iii) ~~which~~that is—

(I) not loaded; and

(II) in a locked container, or a locked firearms rack ~~which~~that is on a motor vehicle;

(iv) by an individual for use in a program approved by a school in the school zone;

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

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

(vii) that is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

(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) ~~shall~~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.

(4) Nothing in this subsection shall be construed as preempting or preventing a State or local government from enacting a statute establishing ~~gun-free~~gun free school zones as provided in this subsection.

18 USC § 921 Definitions

(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.