

AN ACT TO CREATE A NATIONAL CRIMINAL REGISTRY

DESCRIPTION:

The purpose and intent of this Federal Legislation is to prevent, to all possible extent, the unauthorized purchase of firearms and ammunition from licensed dealers and gun show operators while constraining governmental infringements upon the 2nd, 4th, and 14th Amendments.

SECTION I

The National Criminal Registry (NCR):

1. A National data base will be created and linked with automatic updating software to each state whereby all persons convicted of felonies or those adjudicated as mentally unstable will be listed.
 - A. People on the Terrorist Watch List or the No Fly list WILL NOT be in the NCR without a fair hearing and a court order signed by a Federal judge.
 - B. Until there is a legal and justified structure for placement in those two lists, no citizen will have his civil rights denied by reason of improper bureaucratic or official use.
2. The cost of creating, setting up and maintaining the NCR will be paid for jointly by the Federal Government, the 50 states, and the District of Columbia.
 - A. The first 50% shall be covered by the Federal Government and second 50% shall be paid for by the participating states proportionate to their population.
 - B. States will be required to install and employ the software developed for the NCR that will automatically send new adjudication data to the NCR system. This software will do this automatic update instantly when new data is input into the state's systems.
 - C. Each state and territory will be required to update their own data bases on a weekly basis. This will prevent any illegal purchase attempts from slipping through time gaps.
 - D. This NCR database software will be initially built from the existing National Crimes Data System without altering or impairing that system.
 - E. If possible the NCR software will be written and tested by existing government employees and it will utilize existing government servers.
 - F. If there is no government department capable of performing this task the bidding process will be used to obtain prices for the creation and management of the NCR. Only America based companies will be allowed to submit bid proposals and to maintain the system.
3. The NCR will not retain the names, addresses or social security numbers of firearm purchasers for searches which produce a negative return. To prevent unauthorized use of the NCR the system will retain the search inquiries, date and time, performed by the licensed dealer or gun show operator. If the potential buyer's name is not in the NCR the dealer will be so informed and the purchase will be allowed to take place.
4. An independent auditor will be appointed to periodically check to ensure that no personal information is being kept of legal requests which return a negative response. This auditing firm must be approved by a (6) member Congressional Committee which will be, regardless of which party holds the majority, evenly split between the two parties holding the most seats in the House of Representatives. That Congressional Committee will set the time and intervals for the required scheduled audits and will provide for unscheduled audits as well.

5. If a search finds the potential purchaser's name to be in the NCR system that search request and associated information will be automatically stored and notification will be made to state and federal law enforcement agencies.
 - A. A potential buyer who is in the system will be given onetime non-criminal search effort. If the potential buyer request returns a positive response the dealer will be required to warn him or her that he or she is on the no-buy list. They will be informed that a second effort to purchase a firearm anywhere in the country will generate an automatic notification to the state of illegal activity and that notification will result in a criminal prosecution.
 - B. The NCR will upon generating a positive return retain the potential purchaser's name, address and social security number and that individual will be tagged as having once tried to purchase a firearm and that he or she has been warned of their "no purchase" status.
6. When the seller or dealer gets a notice from the NCR that a potential buyer has been previously warned of his or her no purchase status that dealer must inform the person attempting the illegal purchase that he or she has just committed both federal and state felonies and that the authorities have automatically been notified. The NCR system will print out the record of the illegal attempt so the dealer can keep a copy for himself and give another copy to the rejected buyer.
7. The NCR system will have no fields to store or track information on what type of weapon(s) or how much ammunition a buyer will purchase upon a negative return. It is understood that the licensed dealer or operator will not have available for sale any illegal firearms or ammunition.
8. The seller will be required to request sufficient documentation from the buyer to ensure he is who he says he is. This information can be a state or federal government ID card (such as a driver's license) full name and address and social security number. Providing forged documents or false information to the seller by a potential purchaser will result in mandatory federal imprisonment in addition to other penalties already in place in the state where the illegal purchase attempt has been made.

END SECTION I

SECTION II

Penalties, adjudications and prosecution:

1. All sales, trades or transfers involving firearms to individuals by licensed professional dealers will be required by this bill and a proper search will be conducted, into the NCR system by the (seller) dealer. There will be no cost or usage fees levied upon the seller for the use of the NCR system. Sales, trades or transfers of firearms and ammunition between licensed dealers and trade show operators will not be required to use the NCR system.
 - A. If a dealer makes a sale or trade to an individual who is not a licensed dealer and fails to use the NCR system, a fine for the first offense in the amount set by the state where the dealer resides, shall be imposed. The second offense will require the forfeiture of the dealer's license and any other penalties set forth by the state.
 - B. If the dealer has made a search for a buyer and a negative return was received that dealer shall not be required to do an additional search for another purchase, by that buyer, if that purchase falls on the same calendar date as the first.
 - C. Sellers are prohibited from charging potential buyers a fee for the search into the NCR system.
 - D. Only licensed dealers, federal or state, will be given access to the NCR system. Each seller will be issued a password and login ID. It will be a crime for private citizens or government employees, not assigned to maintain the NCR system, to access it.
 - E. If a dealer allows his or her license to expire he or she will no longer be authorized to access the NCR system until such time as the licenses is renewed.
2. Misuse of the NCR system for personal reasons and not related to the potential purchase of a firearm shall be considered an invasion of privacy. All offenders will be charged in a criminal offense. The penalties for which will be set by the state according to its laws.
3. The first attempt to purchase firearms or ammunition by a person in the NCR System will generate a warning notice to the purchaser and a record of that search will be maintained in the NCR System. There will be no criminal offense for the first try which gives the purchaser the benefit of the doubt as to whether he knew his status.
4. A second attempt to purchase a firearm or ammunition within one year of the first attempt, by a person who is in the NCR System, will be considered a felony and penalties will be set forth by the state where the illegal purchase was attempted.
5. Provisions will be made which will allow any individual to access NCR System to check his status before he attempts to make a purchase but only dealers will have access to this feature and the dealer will accommodate a potential buyer and insure that the person and the request name are one in the same. There will be no penalty for that search if it returns a no purchase response. That search will count however as the one time no penalty effort to purchase. Any subsequent purchase attempts will trigger a prosecution.
6. An individual who feels he has been put into the NCR system wrongly and wishes to contest his status can request a review by a (6) Member Congressional Review Board. This board will be appointed to five year terms and be seated by the Congressional Committee referenced in Section I.1.4 above. For an individual to be removed from the NCR system the Review Board will accept and review testimony and documentation from either or both state and federal adjudicators as well as from and by the contester. Removal from the NCR System will require a 50% vote.

END SECTION II

SECTION III

Existing laws and applications of them:

1. This ACT, when approved and signed into law, will preserve the right of self-defense as it is guaranteed under the Second Amendment while making it as difficult as possible for unauthorized persons to acquire firearms from authorized dealers.
2. This ACT, when approved and signed into law, will void all local and state requirements for purchasing or paying fees for hand gun permits. The firearms purchaser ID Systems in the various states may remain in place to allow individuals to show proof to police or other officials that he is indeed a law abiding citizen.
3. States will be given the ability to regularly compare their firearms ID data system with the NCR system which will provide information to them about out of state felonies committed by its ID card holders.
4. It will be unlawful for any federal, state or local court system to plea bargain away any violation of this ACT. For this system to operate at the highest of efficiency any illegal attempt to purchase a firearm, as described here in this document, shall be prosecuted and the required penalties enforced.
5. This ACT, when approved and signed into law, will make null and void all existing Federal and State laws which infringe on the Second Amendment. The states cooperating with and making use of the NCR system must pass new legislation voiding any unconstitutional gun laws they may have and every state must honor carry licenses issued by any other state.

END SECTION III

SECTION IV

Summery:

This ACT provides for a workable system to help keep firearms out of the hands of those who should not possess them. It creates a reliable tool for law enforcement, dealers and individuals which will assist in that effort while not infringing on the rights of law abiding citizens. The creation of the National Criminal Registry system will help keep track of those who might endanger society while preventing governments, state and federal, from using the existing background check system to track and intimidate law abiding citizens

END SECTION IV

END ACT