

112TH CONGRESS  
1ST SESSION

# H. R. 367

To prohibit the knowing possession of a firearm near a venue at which a Member of Congress is performing an official and representational duty or campaigning for public office.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Ms. RICHARDSON introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit the knowing possession of a firearm near a venue at which a Member of Congress is performing an official and representational duty or campaigning for public office.

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 “Freedom to Serve  
5 Without Fear Act of 2011”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) A central tenet of representative democracy  
2 is that citizens enjoy the right to peaceably assemble  
3 and petition their government for redress of griev-  
4 ances.

5           (2) For this right to be exercised meaningfully,  
6 elected representatives must be able to make them-  
7 selves accessible to their constituents.

8           (3) Fear of gun violence at events where elected  
9 representatives are performing their official or rep-  
10 resentational duties has a chilling effect on our de-  
11 mocracy in at least 2 ways:

12           (A) by discouraging citizens from engaging  
13 in the public and personal dialogue with their  
14 representatives that is the lifeblood of vibrant  
15 democratic politics; and

16           (B) by leading elected representatives to  
17 reduce the frequency and extent of personal  
18 contact with their constituents as a reasonable  
19 precaution against unreasonable threats to their  
20 personal safety.

21           (4) During the summer of 2009, there were  
22 multiple cases of persons carrying firearms outside  
23 of venues at which the President of the United  
24 States was holding meetings and official events. In  
25 one instance, a man carried an AR-15 automatic as-

1       sault rifle and a sidearm. In another instance, occur-  
2       ring hours before a presidential town hall a week  
3       earlier, a man was arrested for breaching a security  
4       perimeter at the location of the event, and was  
5       found to be in possession of an unlicensed and load-  
6       ed handgun.

7               (5) In recent months, there has been a three-  
8       fold increase in the number of reported threats  
9       against Members of the United States House of  
10      Representatives and Members of the United States  
11      Senate.

12 **SEC. 3. PROHIBITION ON KNOWINGLY POSSESSING A FIRE-**  
13                               **ARM NEAR A VENUE AT WHICH A MEMBER OF**  
14                               **CONGRESS IS PERFORMING AN OFFICIAL**  
15                               **AND REPRESENTATIONAL DUTY OR CAM-**  
16                               **PAIGNING FOR PUBLIC OFFICE.**

17      (a) PROHIBITION.—Section 922 of title 18, United  
18      States Code, is amended by adding at the end the fol-  
19      lowing:

20               “(aa)(1) Except as provided in paragraph (2), it shall  
21      be unlawful for any person, in or affecting interstate or  
22      foreign commerce, to knowingly carry a firearm—

23                       “(A) in, or within 250 feet of an entrance to or  
24      exit from, a building or structure where the person  
25      knows that a Member of Congress is—

1           “(i) performing an official and representa-  
2           tional duty of the Member;

3           “(ii) engaging in campaign activity as a  
4           candidate for election for Federal office for pur-  
5           poses of the Federal Election Campaign Act of  
6           1971; or

7           “(iii) engaging in campaign activity as a  
8           candidate for election for State or local office,  
9           as determined pursuant to State law; or

10          “(B) at, or within 500 feet of, any other place  
11          where the person knows that a Member of Congress  
12          is performing such a duty or engaging in such a  
13          campaign activity,

14 if there is visible, at each place that is at the applicable  
15 distance specified in this sentence from the building, struc-  
16 ture, or other place, a sign which clearly and conspicuously  
17 states that a Member of Congress will be present at the  
18 building, structure, or other place, and so states the time  
19 interval during which the Member of Congress is sched-  
20 uled to be so present.

21          “(2) Paragraph (1) shall not apply to the carrying  
22 of a firearm—

23           “(A) by a law enforcement officer (whether on-  
24           or off-duty) who is authorized to carry a firearm in  
25           the line of duty; or

1           “(B) pursuant to the express written permis-  
2           sion of—

3                   “(i) any Member of Congress present at  
4           the location involved, which permission has been  
5           filed with the chief of police of the locality in-  
6           volved; or

7                   “(ii) the chief of police of the locality in-  
8           volved;

9           “(C) on real property owned or rented by the  
10          carrier of the firearm;

11           “(D) on the premises of a business in which the  
12          carrier of the firearm is employed and authorized by  
13          the employer to carry the firearm; or

14           “(E) which is in a locked container or otherwise  
15          not readily accessible for use.

16          “(3) If Federal investigative or prosecutive jurisdic-  
17          tion is asserted for a violation of this subsection, such as-  
18          sertion shall suspend the exercise of jurisdiction by a State  
19          or local authority, under any applicable State or local law,  
20          until Federal action is terminated.

21          “(4) Violations of this subsection shall be investigated  
22          by the Federal Bureau of Investigation. Assistance may  
23          be requested from any Federal, State, or local agency, in-  
24          cluding the Army, Navy, and Air Force, any statute, rule,  
25          or regulation to the contrary notwithstanding.”.

1 (b) PENALTIES.—Section 924(a) of such title is  
2 amended by adding at the end the following:

3 “(8) Whoever knowingly violates section 922(aa)  
4 shall be fined under this title, imprisoned not more than  
5 10 years, or both.”.

6 **SEC. 4. ENCOURAGING STATES TO ADOPT FIREARMS PRO-**  
7 **HIBITIONS SIMILAR TO FEDERAL LAW TO**  
8 **PROTECT STATE AND LOCAL ELECTED AND**  
9 **APPOINTED OFFICIALS.**

10 (a) IN GENERAL.—For each fiscal year after the ex-  
11 piration of the period specified in subsection (b)(1) in  
12 which a State receives funds for the Edward Byrne Memo-  
13 rial Justice Assistance Grant Program under subpart 1  
14 of part E of title I of the Omnibus Crime Control and  
15 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), the  
16 State shall have in effect throughout the State laws and  
17 policies that prohibit any person to knowingly possess a  
18 firearm near a venue at which an elected or appointed  
19 State or local official is performing an official and rep-  
20 resentational duty or campaigning for public office if such  
21 possession would constitute an offense under subsection  
22 (aa) of section 922 of title 18, United States Code, if such  
23 official were a Member of Congress.

24 (b) COMPLIANCE AND INELIGIBILITY.—

1           (1) COMPLIANCE DATE.—Each State shall have  
2 not more than 1 year from the date of enactment of  
3 this Act to comply with subsection (a), except that—

4           (A) the Attorney General may grant an ad-  
5 ditional 1 year to a State that is making good  
6 faith efforts to comply with such subsection;  
7 and

8           (B) the Attorney General shall waive the  
9 requirements of subsection (a) if compliance  
10 with such subsection by a State would be un-  
11 constitutional under the constitution of such  
12 State.

13           (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
14 year after the expiration of the period specified in  
15 paragraph (1), a State that fails to comply with sub-  
16 section (a) shall not receive 10 percent of the funds  
17 that would otherwise be allocated for that fiscal year  
18 to the State for the Edward Byrne Memorial Justice  
19 Assistance Grant Program under subpart 1 of part  
20 E of title I of the Omnibus Crime Control and Safe  
21 Streets Act of 1968 (42 U.S.C. 3750 et seq.).

22           (c) REALLOCATION.—Amounts not allocated under  
23 such Edward Byrne Memorial Justice Assistance Grant  
24 Program to a State for failure to fully comply with sub-

- 1 section (a) shall be reallocated under that program to
- 2 States that have not failed to comply with such subsection.

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