

gress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

#### AMENDMENTS

1968—Pub. L. 90-618 struck out “or possession” after “State” wherever appearing.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

#### EFFECTIVE DATE

Section effective 180 days after June 19, 1968, see section 907 of Pub. L. 90-351, set out as a note under section 921 of this title.

### § 928. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Added Pub. L. 90-351, title IV, §902, June 19, 1968, 82 Stat. 234; amended Pub. L. 90-618, title I, §102, Oct. 22, 1968, 82 Stat. 1226.)

#### AMENDMENTS

1968—Pub. L. 90-618 reenacted section without change.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-618 effective Dec. 16, 1968, see section 105 of Pub. L. 90-618, set out as a note under section 921 of this title.

#### EFFECTIVE DATE

Section effective 180 days after June 19, 1968, see section 907 of Pub. L. 90-351, set out as a note under section 921 of this title.

### § 929. Use of restricted ammunition

(a)(1) Whoever, during and in relation to the commission of a crime of violence or drug trafficking crime (including a crime of violence or drug trafficking crime which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which he may be prosecuted in a court of the United States, uses or carries a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm, shall, in addition to the punishment provided for the commission of such crime of violence or drug trafficking crime be sentenced to a term of imprisonment for not less than five years.

(2) For purposes of this subsection, the term “drug trafficking crime” means any felony punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or chapter 705 of title 46.

(b) Notwithstanding any other provision of law, the court shall not suspend the sentence of any person convicted of a violation of this section, nor place the person on probation, nor shall the terms of imprisonment run concurrently with any other terms of imprisonment, including that imposed for the crime in which the armor piercing ammunition was used or possessed.

(Added Pub. L. 98-473, title II, §1006(a), Oct. 12, 1984, 98 Stat. 2139; amended Pub. L. 99-308, §108, May 19, 1986, 100 Stat. 460; Pub. L. 99-408, §8, Aug. 28, 1986, 100 Stat. 921; Pub. L. 100-690, title VI, §6212, title VII, §7060(b), Nov. 18, 1988, 102 Stat. 4360, 4404; Pub. L. 107-273, div. B, title IV, §4002(c)(4), Nov. 2, 2002, 116 Stat. 1809; Pub. L. 109-304, §17(d)(4), Oct. 6, 2006, 120 Stat. 1707.)

#### REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a)(2), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

The Controlled Substances Import and Export Act, referred to in subsec. (a)(2), is title III of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1285, as amended, which is classified principally to subchapter II (§951 et seq.) of chapter 13 of Title 21. For complete classification of this Act to the Code, see Short Title note set out under section 951 of Title 21 and Tables.

#### AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109-304 substituted “chapter 705 of title 46” for “the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.)”.

2002—Subsec. (b). Pub. L. 107-273 struck out at end “No person sentenced under this section shall be eligible for parole during the term of imprisonment imposed herein.”

1988—Subsec. (a)(1). Pub. L. 100-690, §7060(b), substituted “trafficking crime” for “trafficking crime,” in three places.

Subsec. (a)(2). Pub. L. 100-690, §6212, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “For purposes of this subsection, the term ‘drug trafficking crime’ means any felony violation of Federal law involving the distribution, manufacture, or importation of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).”

1986—Subsec. (a). Pub. L. 99-408, §8(1), substituted “violence (including” for “violence including”, “(device) for” for “device for”, “a firearm and is in possession of armor piercing ammunition capable of being fired in that firearm” for “any handgun loaded with armor-piercing ammunition as defined in subsection (b)”, and “five years” for “five nor more than ten years”, and struck out provisions relating to suspension of sentence, probation, concurrent sentence and parole eligibility of any person convicted under this subsection.

Pub. L. 99-308 designated existing provision as par. (1), substituted “violence or drug trafficking crime,” for “violence” in three places, and added par. (2).

Subsec. (b). Pub. L. 99-408, §8(2), amended subsec. (b) generally, substituting provisions that the court may not suspend sentence of any person convicted of a violation of this section or place the person on probation, that term of imprisonment may not run concurrently with other terms of imprisonment, and that the person is not eligible for parole during term of imprisonment, for provisions defining “armor-piercing ammunition” and “handgun”.