

113TH CONGRESS
1ST SESSION

H. R. 404

To enhance criminal penalties for straw purchasers of firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. SCHIFF (for himself, Ms. LEE of California, Mr. MEEKS, Mr. PIERLUISI, Ms. NORTON, Mr. MORAN, Mr. DANNY K. DAVIS of Illinois, Ms. DELAURO, Mr. TAKANO, Ms. SLAUGHTER, and Mr. SHERMAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To enhance criminal penalties for straw purchasers of
firearms.

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 “Straw Purchaser Pen-
5 alty Enhancement Act”.

6 **SEC. 2. SENTENCING ENHANCEMENT FOR CERTAIN STRAW**
7 **PURCHASERS.**

8 Section 924 of title 18, United States Code, is
9 amended by adding at the end the following:

1 “(q)(1) Whoever violates section 922(a)(6) or sub-
2 section (a)(1)(A) of this section—

3 “(A) knowing or having reason to believe that
4 the violation will further the transfer of two or more
5 firearms to a person prohibited by law from ship-
6 ping, transporting, possessing or receiving a firearm;
7 and

8 “(B) with the intent to conceal from the trans-
9 feror of the firearm the identity of the person re-
10 ferred to in subparagraph (A),

11 shall, in addition to the punishment otherwise provided for
12 the violation, be sentenced to a term of imprisonment of
13 2 years.

14 “(2) Notwithstanding any other provision of law:

15 “(A) The court shall not place on probation any
16 person convicted of a violation described in para-
17 graph (1).

18 “(B) The court shall not reduce a term of im-
19 prisonment to be imposed for such a violation so as
20 to compensate for, or otherwise take into account, a
21 term of imprisonment imposed or to be imposed for
22 a separate such violation.

23 “(C)(i) Except as provided in clause (ii), a term
24 of imprisonment imposed on a person under this
25 subsection shall not run concurrently with a term of

1 imprisonment imposed on the person under any
2 other provision of law.

3 “(ii) A term of imprisonment imposed on a per-
4 son for such a violation may, in the discretion of the
5 court, run concurrently, in whole or in part, with an-
6 other term of imprisonment imposed on the person
7 by the court at the same time for a separate such
8 violation, subject to applicable guidelines and policy
9 statements issued by the Sentencing Commission
10 pursuant to section 994 of title 28.

11 “(D)(i) Section 3553(a) shall apply in sen-
12 tencing under this subsection.

13 “(ii) Before imposing a sentence in accordance
14 with section 3553(a), the court shall give the parties
15 reasonable notice of the intent of the court to do so
16 and an opportunity to respond.

17 “(iii) If the court imposes a sentence in accord-
18 ance with section 3553(a), the court shall state, in
19 the written statement of reasons, the factors under
20 section 3553(a) that require imposition of a sentence
21 below the statutory minimum.

22 “(3) The Attorney General shall issue regulations re-
23 quiring any form required to be completed by the pur-
24 chaser of a firearm from a person licensed under section

1 923 to include a notice of the provisions of this sub-
2 section.”.

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