

113TH CONGRESS
1ST SESSION

H. R. 452

To prevent gun trafficking.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. RIGELL, Mr. MEEHAN, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prevent gun trafficking.

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 “Gun Trafficking Pre-
5 vention Act of 2013.”.

6 **SEC. 2. FIREARMS TRAFFICKING.**

7 (a) IN GENERAL.—Chapter 44 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 **“§ 932. Trafficking in firearms**

2 “(a) OFFENSES.—Except as provided in subsection
3 (b), it shall be unlawful for any person, in or affecting
4 interstate commerce,—

5 “(1) to purchase, attempt to purchase, or trans-
6 fer a firearm, with the intent to deliver the firearm
7 to another person who the transferor knows, or has
8 reasonable cause to believe, is prohibited by Federal
9 or State law from possessing a firearm;

10 “(2) in purchasing, attempting to purchase, or
11 transferring a firearm, to intentionally provide false
12 or misleading material information on a Bureau of
13 Alcohol, Tobacco, Firearms, and Explosives firearms
14 transaction record form; or

15 “(3) to knowingly direct, promote, or facilitate
16 conduct that violates paragraph (1) or (2).

17 “(b) GIFT EXCEPTIONS.—Subsection (a) shall not
18 apply to a firearm that is—

19 “(1) lawfully acquired by a person to be given
20 to another person not prohibited from possessing a
21 firearm under Federal or State law as a gift; or

22 “(2) lawfully received or otherwise acquired by
23 a court-appointed trustee, receiver, or conservator
24 for, or on behalf of, an estate or creditor or by a
25 person to carry out a bequest, or an acquisition by

1 intestate succession under the laws of the State of
2 residence of the person.

3 “(c) PENALTIES.—

4 “(1) IN GENERAL.—Any person who violates
5 this section shall be fined under this title, impris-
6 oned for not more than 20 years, or both.

7 “(2) ORGANIZER ENHANCEMENT.—If a viola-
8 tion of subsection (a) is committed by a person in
9 concert with 5 or more other persons with respect to
10 whom such person occupies a position of organizer,
11 a supervisory position, or any other position of man-
12 agement, such person may be sentenced to an addi-
13 tional term of imprisonment of not more than 5 con-
14 secutive years.

15 “(3) CONSPIRACY.—Any person who conspires
16 to commit an offense described in this section shall
17 be fined under this title, imprisoned for not more
18 than 10 years, or both.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of sections for chapter 44 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

“932. Trafficking in firearms.”.

23 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—

24 (1) IN GENERAL.—Pursuant to its authority
25 under section 994(p) of title 28, United States Code,

1 the United States Sentencing Commission shall re-
2 view and, if appropriate, amend the Federal sen-
3 tencing guidelines and policy statements applicable
4 to persons convicted of offenses under section 932 of
5 title 18, United States Code (as added by subsection
6 (a)).

7 (2) REQUIREMENT.—In carrying out this sec-
8 tion, the Commission shall review the penalty struc-
9 ture that the guidelines currently provide based on
10 the number of firearms involved in the offense and
11 determine whether any changes to that penalty
12 structure are appropriate in order to reflect the in-
13 tent of Congress that such penalties reflect the grav-
14 ity of the offense.

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