

106TH CONGRESS
1ST SESSION

H. R. 1889

To amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 1999

Mr. GOODLING introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses.

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. TEMPORARY PROHIBITION AGAINST POSSES-**
4 **SION OF A FIREARM BY, OR TRANSFER OF A**
5 **FIREARM TO, PERSONS CONVICTED OF A**
6 **DRUG CRIME.**

7 (a) IN GENERAL.—Section 922 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

1 “(y)(1)(A) Except as provided in paragraph (2), it
2 shall be unlawful for any individual who has been con-
3 victed in any court of a drug crime to possess a firearm
4 during the period described in subparagraph (B).

5 “(B) The period described in this subparagraph is the
6 period that begins with the date the individual is convicted
7 of the drug crime and ends—

8 “(i) 5 years later; or

9 “(ii) if, during such 5-year period, the indi-
10 vidual is convicted of violating any Federal or State
11 law relating to firearms, 5 years after such later
12 conviction.

13 “(2) Paragraph (1) shall not apply with respect to
14 convictions occurring on or before the date of the enact-
15 ment of this subsection.

16 “(z)(1)(A) Except as provided in paragraph (2), it
17 shall be unlawful for any person to transfer a firearm to
18 any individual knowing or having reasonable cause to be-
19 lieve that the individual is under indictment for a drug
20 crime.

21 “(B)(i) Except as provided in paragraph (2), it shall
22 be unlawful for any person, during the period described
23 in clause (ii), to transfer a firearm to any individual know-
24 ing or having reasonable cause to believe that the indi-
25 vidual has been convicted in any court of a drug crime.

1 “(ii) The period described in this clause is the period
 2 that begins with the date the individual is convicted of
 3 the drug crime and ends—

4 “(I) 5 years later; or

5 “(II) if, during such 5-year period, the indi-
 6 vidual is convicted of violating any Federal or State
 7 law relating to firearms, 5 years after such later
 8 conviction.

9 “(2) The second sentence of subsection (d) shall
 10 apply in like manner to paragraph (1) of this subsection.”.

11 (b) PENALTY.—Section 924(a)(1)(B) of such title is
 12 amended by inserting “(y)(1), or (z)(1)” before “of section
 13 922”.

14 **SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF A**
 15 **FIREARM DURING A DRUG CRIME.**

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

18 “(p) Whoever, during and in relation to a drug crime
 19 (including a drug crime which provides for an enhanced
 20 punishment if committed by the use of a deadly or dan-
 21 gerous weapon or device) for which he may be prosecuted
 22 in a court of the United States, possesses a firearm, in
 23 addition to the punishment provided for such drug crime,
 24 may be sentenced to imprisonment for not less than 15
 25 days and not more than 2 years, and shall be fined not

1 less than \$2,500 and not more than \$10,000, and if the
2 firearm is a machinegun, or is equipped with a firearm
3 silencer or firearm muffler, shall be sentenced to imprison-
4 ment for 15 years. In the case of a second or subsequent
5 conviction under this subsection, such person shall be sen-
6 tenced to imprisonment for not less than 15 days and not
7 more than 2 years, and shall be fined not less than \$2,500
8 and not more than \$10,000, and if the firearm is a ma-
9 chinegun, or is equipped with a firearm silencer or firearm
10 muffler, shall be sentenced to imprisonment for 30 years.
11 Notwithstanding any other provision of law, the court
12 shall not place on probation or suspend the sentence of
13 any person convicted of a violation of this subsection, nor
14 shall the term of imprisonment imposed under this sub-
15 section run concurrently with any other term of imprison-
16 ment including that imposed for the drug crime in which
17 the firearm was possessed.”.

18 **SEC. 3. DEFINITION OF DRUG CRIME.**

19 Section 921(a) of title 18, United States Code, is
20 amended by adding at the end the following:

21 “(34) The term ‘drug crime’ means any offense
22 (other than a drug trafficking crime) punishable by im-
23 prisonment under—

24 “(A) any Act specified in section 924(c)(2); or

1 “(B) any State law involving the possession,
2 distribution, or manufacture of a controlled sub-
3 stance (as defined in section 102 of the Controlled
4 Substances Act).”.

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