

106TH CONGRESS
1ST SESSION

H. R. 3057

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 1999

Mr. BLAGOJEVICH (for himself, Mrs. MCCARTHY of New York, Mrs. JONES of Ohio, Ms. SCHAKOWSKY, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

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 Kingpin Penalty
5 Act”.

1 **SEC. 2. GUN KINGPIN PENALTIES.**

2 (a) PROHIBITION AGAINST GUNRUNNING.—Section
3 922 of title 18, United States Code, is amended by insert-
4 ing after subsection (y) the following:

5 “(z) It shall be unlawful for a person not licensed
6 under section 923 to ship or transport, or conspire to ship
7 or transport, 5 or more firearms from a State into another
8 State during any period of 12 consecutive months, with
9 the intent to transfer all of such firearms to another per-
10 son who is not so licensed.”.

11 (b) MANDATORY MINIMUM PENALTIES FOR CRIMES
12 RELATED TO GUNRUNNING.—Section 924 of title 18,
13 United States Code, is amended by adding at the end the
14 following:

15 “(p)(1)(A)(i) Whoever violates section 922(z) shall,
16 except as otherwise provided in this subsection, be impris-
17 oned not less than 3 years, and may be fined under this
18 title.

19 “(ii) In the case of a person’s second or subsequent
20 violation described in clause (i), the term of imprisonment
21 shall be not less than 5 years.

22 “(B) If a firearm which is shipped or transported in
23 violation of section 922(z) is used subsequently by the per-
24 son to whom shipped or transported, or by any person
25 within 3 years after the shipment or transportation, in an
26 offense in which a person is killed or suffers serious bodily

1 injury, the term of imprisonment for the violation shall
2 be not less than 10 years.

3 “(C) If more than 50 firearms are the subject of a
4 violation of section 922(z), the term of imprisonment for
5 the violation shall be not less than 15 years.

6 “(D) If more than 50 firearms are the subject of a
7 violation of section 922(z) and 1 of the firearms is used
8 subsequently by the person to whom shipped or trans-
9 ported, or by any person within 3 years after the shipment
10 or transportation, in an offense in which a person is killed
11 or suffers serious bodily injury, the term of imprisonment
12 for the violation shall be not less than 25 years.

13 “(2) Notwithstanding any other provision of law, the
14 court shall not impose a probationary sentence or suspend
15 the sentence of a person convicted of a violation of this
16 subsection, nor shall any term of imprisonment imposed
17 on a person under this subsection run concurrently with
18 any other term of imprisonment imposed on the person
19 by a court of the United States.”.

20 (c) CRIMES RELATED TO GUNRUNNING MADE PRED-
21 ICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of
22 title 18, United States Code, is amended by inserting “sec-
23 tion 922(a)(1)(A) (relating to unlicensed importation,
24 manufacture, or dealing in firearms), section 922(a)(3)
25 (relating to interstate transportation or receipt of fire-

1 arm), section 922(a)(5) (relating to transfer of firearm to
 2 person from another State), or section 922(a)(6) (relating
 3 to false statements made in acquisition of firearm or am-
 4 munition from licensee), section 922(d) (relating to dis-
 5 position of firearm or ammunition to a prohibited person),
 6 section 922(g) (relating to receipt of firearm or ammuni-
 7 tion by a prohibited person), section 922(h) (relating to
 8 possession of firearm or ammunition on behalf of a prohib-
 9 ited person), section 922(i) (relating to transportation of
 10 stolen firearm or ammunition), section 922(j) (relating to
 11 receipt of stolen firearm or ammunition), section 922(k)
 12 (relating to transportation or receipt of firearm with al-
 13 tered serial number), section 922(z) (relating to
 14 gunrunning), section 924(b) (relating to shipment or re-
 15 ceipt of firearm for use in a crime),” before “section
 16 1028”.

17 (d) ENFORCEMENT.—The Secretary of the Treasury
 18 may hire and employ 200 personnel, in addition to any
 19 personnel hired and employed by the Department of the
 20 Treasury under other law, to enforce the amendments
 21 made by this section, notwithstanding any limitations im-
 22 posed by or under the Federal Workforce Restructuring
 23 Act.

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