

106TH CONGRESS  
2D SESSION

# H. R. 3563

To prevent the theft of firearms from commercial carriers.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 1, 2000

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

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## A BILL

To prevent the theft of firearms from commercial carriers.

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. DUTIES OF COMMERCIAL CARRIERS WHO ARE**  
4       **SHIPPING FIREARMS.**

5       (a) IN GENERAL.—Section 922 of title 18, United  
6       States Code, is amended by inserting after subsection (y)  
7       the following:

8       “(z)(1) A common or contract carrier who is trans-  
9       porting, shipping, or delivering a firearm in interstate or  
10      foreign commerce—

11               “(A) shall, through electronic tracking, be  
12      aware of the identity of each individual who has cus-

1        today of or control over the firearm, and the location  
2        of the firearm;

3            “(B) shall complete the transportation, ship-  
4        ment, or delivery within 24 hours;

5            “(C) shall report the theft or loss of the firearm  
6        within 24 hours after the theft or loss is discovered,  
7        to the Secretary and to the appropriate local au-  
8        thorities; and

9            “(D) shall not authorize an individual to have  
10       such custody or control, or assign to any individual  
11       the function of being aware of the information de-  
12       scribed in subparagraph (A) of this paragraph, un-  
13       less the common or contract carrier—

14            “(i) has contacted the national instant  
15       criminal background check system established  
16       under section 103 of the Brady Handgun Vio-  
17       lence Prevention Act and requested information  
18       from the system on whether receipt of a firearm  
19       by the individual would violate subsection (g) or  
20       (n) of this section or State law; and

21            “(ii) has received from the system an indi-  
22       cation that receipt of a firearm by the indi-  
23       vidual would not violate subsection (g) or (n) of  
24       this section or State law.

1       “(2) Paragraph (2) of subsection (t) shall apply to  
 2 this subsection as if the common or contract carrier were  
 3 the licensee and the request for information described in  
 4 paragraph (1)(D) of this subsection were a transfer.”.

5       (b) CIVIL MONEY PENALTIES.—Section 924 of such  
 6 title is amended by adding at the end the following:

7       “(p) The Secretary shall impose on any common or  
 8 contract carrier who violates section 922(z) a civil money  
 9 penalty in an amount equal to not less than \$100,000 and  
 10 not more than \$250,000, for each shipment with respect  
 11 to which violation occurs.”.

12       (c) AUTHORITY OF COMMERCIAL CARRIERS TO CON-  
 13 TACT AND RECEIVE INFORMATION FROM THE NATIONAL  
 14 INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

15               (1) IN GENERAL.—Section 103(b) of the Brady  
 16 Handgun Violence Prevention Act (18 U.S.C. 922  
 17 note) is amended—

18                       (A) by inserting “or common carrier” after  
 19 “licensee”; and

20                       (B) by inserting “or employee” after  
 21 “transferee”.

22       (2) CONFORMING AMENDMENTS.—Section  
 23 103(g) of such Act (18 U.S.C. 922 note) is amended  
 24 by inserting “or employee” after “transferee” each  
 25 place it appears.

1 **SEC. 2. LOWER THRESHOLD OF PROOF IN CASES ALLEGING**  
2 **FAILURE OF LICENSEE TO REPORT THEFT**  
3 **OR LOSS OF FIREARM.**

4 Section 924(a)(1) of title 18, United States Code, is  
5 amended—

6 (1) by striking “or” at the end of subparagraph  
7 (C);

8 (2) by redesignating subparagraph (D) as sub-  
9 paragraph (E); and

10 (3) by inserting after subparagraph (C) the fol-  
11 lowing:

12 “(D) knowingly or with reckless disregard vio-  
13 lates section 923(g)(6); or”.

14 **SEC. 3. INCREASE IN PENALTY FOR STEALING A FIREARM.**

15 Subsections (l) and (m) of section 922 of title 18,  
16 United States Code, are each amended by striking “not  
17 more than 10 years” and inserting “not less than 5 years  
18 and not more than 20 years”.

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