

109TH CONGRESS  
1ST SESSION

# H. R. 4390

To ensure greater accountability by licensed firearms dealers.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. LANGEVIN (for himself, Mr. SHAYS, Mrs. MCCARTHY, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Ms. DELAURO, Mr. KENNEDY of Rhode Island, Mr. CASE, Mr. WEXLER, Mr. MORAN of Virginia, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Ms. NORTON, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To ensure greater accountability by licensed firearms dealers.

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 “Crackdown on Dead-  
5       beat Dealers Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds that—

8               (1) a small number of licensed firearms dealers  
9       account for a large proportion of the firearms traced  
10      from crimes;

1           (2) in 1998, 1.2 percent of licensed firearms  
2           dealers—1,020 of the approximately 83,200 licensed  
3           retail firearms dealers and pawnbrokers—accounted  
4           for over 57 percent of the crime guns traced to li-  
5           censed firearms dealers; and

6           (3) in 1998, just over 450 licensed firearms  
7           dealers had traced to them 10 or more guns that  
8           were used in crimes within 3 years after they sold  
9           the guns.

10 **SEC. 3. INCREASING THE NUMBER OF ALLOWED COMPLI-**  
11 **ANCE INSPECTIONS OF FIREARMS DEALERS.**

12           Section 923(g)(1)(B)(ii)(I) of title 18, United States  
13 Code, is amended by striking “once” and inserting “3  
14 times”.

15 **SEC. 4. INCREASING PENALTIES ON FIREARMS LICENSEES.**

16           Section 924(a)(3) of title 18, United States Code is  
17 amended by striking “one year” and inserting “5 years”.

18 **SEC. 5. SERIOUS RECORDKEEPING OFFENSES THAT AID**  
19 **GUN TRAFFICKING.**

20           Section 924(a)(3) of title 18, United States Code, is  
21 amended by striking the period and inserting “; but if the  
22 violation is in relation to an offense under subsection  
23 (a)(6) or (d) of section 922, shall be fined under this title,  
24 imprisoned not more than 10 years, or both.”.

1 **SEC. 6. SUSPENSION OF FIREARMS DEALER'S LICENSE AND**  
2 **CIVIL PENALTIES FOR VIOLATIONS OF THE**  
3 **GUN CONTROL ACT.**

4 Subsections (e) and (f) of section 923 of title 18,  
5 United States Code, are amended to read as follows:

6 “(e) The Attorney General may, after notice and op-  
7 portunity for hearing, suspend or revoke any license issued  
8 under this section, or may subject the licensee to a civil  
9 penalty of not more than \$10,000 per violation, if the  
10 holder of the license has willfully violated any provision  
11 of this chapter or any rule or regulation prescribed by the  
12 Attorney General under this chapter or fails to have secure  
13 gun storage or safety devices available at any place in  
14 which firearms are sold under the license to persons who  
15 are not licensees (except that in any case in which a secure  
16 gun storage or safety device is temporarily unavailable be-  
17 cause of theft, casualty loss, consumer sales, backorders  
18 from a manufacturer, or any other similar reason beyond  
19 the control of the licensee, the dealer shall not be consid-  
20 ered to be in violation of the requirement to make available  
21 such a device). The Attorney General may, after notice  
22 and opportunity for hearing, suspend or revoke the license  
23 of, or assess a civil penalty of not more than \$10,000 on,  
24 a dealer who willfully transfers armor piercing ammuni-  
25 tion. The Attorney General may at any time compromise,  
26 mitigate, or remit the liability with respect to any willful

1 violation of this chapter or any rule or regulation pre-  
2 scribed by the Attorney General under this chapter. The  
3 Attorney General's actions under this subsection may be  
4 reviewed only as provided in subsection (f).

5       “(f)(1) Any person whose application for a license is  
6 denied and any holder of a license which is suspended or  
7 revoked or who is assessed a civil penalty shall receive a  
8 written notice from the Attorney General stating specifi-  
9 cally the grounds upon which the application was denied  
10 or upon which the license was suspended or revoked or  
11 the civil penalty assessed. Any notice of a suspension or  
12 revocation of a license shall be given to the holder of the  
13 license before the effective date of the suspension or rev-  
14 ocation.

15       “(2) If the Attorney General denies an application  
16 for a license, or suspends or revokes a license, or assesses  
17 a civil penalty, the Attorney General shall, upon request  
18 by the aggrieved party, promptly hold a hearing to review  
19 the denial, suspension, revocation, or assessment. In the  
20 case of a suspension or revocation of a license, the Attor-  
21 ney General shall, on the request of the holder of the li-  
22 cense, stay the effective date of the suspension or revoca-  
23 tion. A hearing under this paragraph shall be held at a  
24 location convenient to the aggrieved party.

1       “(3) If after a hearing held under paragraph (2) the  
2 Attorney General decides not to reverse the decision to  
3 deny an application or suspend or revoke a license or as-  
4 sess a civil penalty, the Attorney General shall give notice  
5 of the decision to the aggrieved party. The aggrieved party  
6 may at any time within 60 days after the date notice is  
7 given under this paragraph file a petition with the United  
8 States district court for the district in which party resides  
9 or in which the party’s principal place of business is lo-  
10 cated for a de novo judicial review of the denial, suspen-  
11 sion, revocation, or assessment. In a proceeding conducted  
12 under this subsection, the court may consider any evidence  
13 submitted by the parties to the proceeding whether or not  
14 such evidence was considered at the hearing held under  
15 paragraph (2). If the court decides that the Attorney Gen-  
16 eral was not authorized to deny the application or to sus-  
17 pend or revoke the license or to assess the civil penalty,  
18 the court shall order the Attorney General to take such  
19 action as may be necessary to comply with the judgment  
20 of the court.”.

21 **SEC. 7. TERMINATION OF FIREARMS DEALER’S LICENSE**  
22 **UPON FELONY CONVICTION.**

23       Section 925(b) of title 18, United States Code, is  
24 amended by striking “until any conviction pursuant to the

1 indictment becomes final” and inserting “until the date  
2 of any conviction pursuant to the indictment”.

3 **SEC. 8. HIRING AND TRAINING OF ADDITIONAL INSPEC-**  
4 **TORS FOR THE BUREAU OF ALCOHOL, TO-**  
5 **BACCO, FIREARMS, AND EXPLOSIVES.**

6 (a) LIMITATIONS ON AUTHORIZATION OF APPRO-  
7 PRIATIONS.—For the hiring and training of 500 additional  
8 inspectors for the Bureau of Alcohol, Tobacco, Firearms,  
9 and Explosives of the Department of Justice, there are  
10 authorized to be appropriated—

11 (1) not more than \$100,000,000 for fiscal year  
12 2006; and

13 (2) not more than \$55,000,000 for each of fis-  
14 cal years 2007 through 2010.

15 (b) AVAILABILITY OF APPROPRIATIONS.—Amounts  
16 appropriated under subsection (a) are authorized to re-  
17 main available until expended.

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