

105TH CONGRESS
1ST SESSION

S. 658

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

IN THE SENATE OF THE UNITED STATES

APRIL 25, 1997

Mr. TORRICELLI (for himself and Mr. Durbin) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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”.

6 **SEC. 2. PROHIBITION AGAINST GUNRUNNING.**

7 Section 922 of title 18, United States Code, is
8 amended by inserting after subsection (x) the following:

9 “(y) It shall be unlawful for a person not licensed
10 under section 923 to ship or transport, or conspire to ship

1 or transport, 5 or more firearms from a State into another
2 State during any period of 12 consecutive months, with
3 the intent to transfer all of such firearms to another per-
4 son who is not so licensed.”.

5 **SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RE-**
6 **LATED TO GUNRUNNING.**

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

9 “(p)(1)(A)(i) Whoever violates section 922(y) shall,
10 except as otherwise provided in this subsection, be impris-
11 oned not less than 3 years, and may be fined under this
12 title.

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

16 “(B) If a firearm which is shipped or transported in
17 violation of section 922(y) is used subsequently by the per-
18 son to whom shipped or transported, or by any person
19 within 3 years after the shipment or transportation, in an
20 offense in which a person is killed or suffers serious bodily
21 injury, the term of imprisonment for the violation shall
22 be not less than 10 years.

23 “(C) If more than 50 firearms are the subject of a
24 violation of section 922(y), the term of imprisonment for
25 the violation shall be not less than 15 years.

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

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

15 **SEC. 4. CRIMES RELATED TO GUNRUNNING MADE PREDI-**
 16 **CATE OFFENSES UNDER RICO.**

17 Section 1961(1)(B) of title 18, United States Code,
 18 is amended by inserting “section 922(a)(1)(A) (relating
 19 to unlicensed importation, manufacture, or dealing in fire-
 20 arms), section 922(a)(3) (relating to interstate transpor-
 21 tation or receipt of firearm), section 922(a)(5) (relating
 22 to transfer of firearm to person from another State), or
 23 section 922(a)(6) (relating to false statements made in ac-
 24 quisition of firearm or ammunition from licensee), section
 25 922(d) (relating to disposition of firearm or ammunition

1 to a prohibited person), section 922(g) (relating to receipt
2 of firearm or ammunition by a prohibited person), section
3 922(h) (relating to possession of firearm or ammunition
4 on behalf of a prohibited person), section 922(i) (relating
5 to transportation of stolen firearm or ammunition), sec-
6 tion 922(j) (relating to receipt of stolen firearm or ammu-
7 nition), section 922(k) (relating to transportation or re-
8 ceipt of firearm with altered serial number), section
9 922(y) (relating to gunrunning), section 924(b) (relating
10 to shipment or receipt of firearm for use in a crime),”
11 before “section 1028”.

12 **SEC. 5. ENFORCEMENT.**

13 The Secretary of the Treasury may hire and employ
14 200 personnel, in addition to any personnel hired and em-
15 ployed by the Department of the Treasury under other
16 law, to enforce the amendments made by this Act, notwith-
17 standing any limitations imposed by or under the Federal
18 Workforce Restructuring Act.

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