

107TH CONGRESS
2D SESSION

H. R. 4193

To ensure greater accountability by licensed firearms dealers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2002

Mr. LANGEVIN (for himself, Mr. ABERCROMBIE, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. CLAY, Mr. CAPUANO, Ms. DELAURO, Mr. FRANK, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MEEHAN, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. PASCRELL, Mr. SERRANO, Mr. SHAYS, Mr. STARK, Mrs. TAUSCHER, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

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 2002”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) a small number of licensed firearms dealers
2 account for a large proportion of the firearms traced
3 from crimes;

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

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

13 **SEC. 3. INCREASING THE NUMBER OF ALLOWED COMPLI-**
14 **ANCE INSPECTIONS OF FIREARMS DEALERS.**

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

18 **SEC. 4. INCREASING PENALTIES ON GUN KINGPINS.**

19 (a) INCREASING THE PENALTY FOR ENGAGING IN AN
20 ILLEGAL FIREARMS BUSINESS.—Section 924(a)(2) of
21 title 18, United States Code is amended to read as follows:

22 “(2) Whoever—

23 “(A) knowingly violates subsection (a)(6), (d),
24 (g), (h), (i), (j), or (o) of section 922; or

25 “(B) willfully violates section 922(a)(1),

1 shall be fined under this title, imprisoned not more than
2 10 years, or both.”.

3 (b) **SENTENCING GUIDELINES INCREASE FOR CER-**
4 **TAIN VIOLATIONS AND OFFENSES.**—Pursuant to its au-
5 thority under section 994(p) of title 28, United States
6 Code, the United States Sentencing Commission shall re-
7 view and amend the Federal sentencing guidelines to pro-
8 vide an appropriate enhancement for a violation of section
9 922(a)(1) of title 18, United States Code. The Commis-
10 sion shall promulgate the amendments provided for under
11 this subsection as soon as is practicable in accordance with
12 the procedure set forth in section 21(a) of the Sentencing
13 Act of 1987, as though the authority under that Act had
14 not expired.

15 **SEC. 5. SERIOUS RECORDKEEPING OFFENSES THAT AID**
16 **GUN TRAFFICKING.**

17 Section 924(a)(3) of title 18, United States Code, is
18 amended by striking the period and inserting “; but if the
19 violation is in relation to an offense under subsection
20 (a)(6) or (d) of section 922, shall be fined under this title,
21 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 Secretary may, after notice and opportunity
7 for hearing, suspend or revoke any license issued under
8 this section, or may subject the licensee to a civil penalty
9 of not more than \$10,000 per violation, if the holder of
10 the license has willfully violated any provision of this chap-
11 ter or any rule or regulation prescribed by the Secretary
12 under this chapter or fails to have secure gun storage or
13 safety devices available at any place in which firearms are
14 sold under the license to persons who are not licensees
15 (except that in any case in which a secure gun storage
16 or safety device is temporarily unavailable because of
17 theft, casualty loss, consumer sales, backorders from a
18 manufacturer, or any other similar reason beyond the con-
19 trol of the licensee, the dealer shall not be considered to
20 be in violation of the requirement to make available such
21 a device). The Secretary may, after notice and opportunity
22 for hearing, suspend or revoke the license of, or assess
23 a civil penalty of not more than \$10,000 on, a dealer who
24 willfully transfers armor piercing ammunition. The Sec-
25 retary may at any time compromise, mitigate, or remit the
26 liability with respect to any willful violation of this chapter

1 or any rule or regulation prescribed by the Secretary
2 under this chapter. The Secretary's actions under this
3 subsection may be reviewed only as provided in subsection
4 (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 Secretary stating specifically the
9 grounds upon which the application was denied or upon
10 which the license was suspended or revoked or the civil
11 penalty assessed. Any notice of a suspension or revocation
12 of a license shall be given to the holder of the license be-
13 fore the effective date of the suspension or revocation.

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

24 “(3) If after a hearing held under paragraph (2) the
25 Secretary decides not to reverse the decision to deny an

1 application or suspend or revoke a license or assess a civil
2 penalty, the Secretary shall give notice of the decision to
3 the aggrieved party. The aggrieved party may at any time
4 within 60 days after the date notice is given under this
5 paragraph file a petition with the United States district
6 court for the district in which party resides or in which
7 the party's principal place of business is located for a de
8 novo judicial review of the denial, suspension, revocation,
9 or assessment. In a proceeding conducted under this sub-
10 section, the court may consider any evidence submitted by
11 the parties to the proceeding whether or not such evidence
12 was considered at the hearing held under paragraph (2).
13 If the court decides that the Secretary was not authorized
14 to deny the application or to suspend or revoke the license
15 or to assess the civil penalty, the court shall order the Sec-
16 retary to take such action as may be necessary to comply
17 with the judgment of the court.”.

18 **SEC. 7. TERMINATION OF FIREARMS DEALER'S LICENSE**

19 **UPON FELONY CONVICTION.**

20 Section 925(b) of title 18, United States Code, is
21 amended by striking “until any conviction pursuant to the
22 indictment becomes final” and inserting “until the date
23 of any conviction pursuant to the indictment”.

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