

107TH CONGRESS
2D SESSION

S. 2091

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 11, 2002

Mr. TORRICELLI 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. GUN KINGPIN PENALTIES.**

7 (a) PROHIBITION AGAINST GUNRUNNING.—Section
8 922 of title 18, United States Code, is amended by adding
9 at the end the following:

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

7 (b) MANDATORY MINIMUM PENALTIES FOR CRIMES
8 RELATED TO GUNRUNNING.—Section 924 of title 18,
9 United States Code, is amended by adding at the end the
10 following:

11 “(p)(1)(A)(i) Except as otherwise provided in this
12 subsection, whoever violates section 922(z) shall be impris-
13 oned not less than 3 years, and may be fined under this
14 title.

15 “(ii) Except as otherwise provided in this subsection,
16 in the case of a person’s second or subsequent violation
17 of section 922(a), the term of imprisonment shall be not
18 less than 5 years.

19 “(B) If a firearm which is shipped or transported in
20 violation of section 922(z) is used subsequently by the per-
21 son to whom the firearm was shipped or transported, or
22 by any person within 3 years after the shipment or trans-
23 portation, in an offense in which a person is killed or suf-
24 fers serious bodily injury, the term of imprisonment for
25 the violation shall be not less than 10 years.

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

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

12 “(2) Notwithstanding any other provision of law, the
13 court shall not impose a probationary sentence or suspend
14 the sentence of a person convicted of a violation of section
15 922(z), nor shall any term of imprisonment imposed on
16 a person under this subsection run concurrently with any
17 other term of imprisonment imposed on the person by a
18 court of the United States.”.

19 (c) CRIMES RELATED TO GUNRUNNING MADE PRED-
20 ICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of
21 title 18, United States Code, is amended by inserting be-
22 fore “section 1028” the following: “section 922(a)(1)(A)
23 (relating to unlicensed importation, manufacture, or deal-
24 ing in firearms), section 922(a)(3) (relating to interstate
25 transportation or receipt of firearm), section 922(a)(5)

1 (relating to transfer of firearm to person from another
2 State), section 922(a)(6) (relating to false statements
3 made in acquisition of firearm or ammunition from li-
4 censee), section 922(d) (relating to disposition of firearm
5 or ammunition to a prohibited person), section 922(g) (re-
6 lating to receipt of firearm or ammunition by a prohibited
7 person), section 922(h) (relating to possession of firearm
8 or ammunition on behalf of a prohibited person), section
9 922(i) (relating to transportation of stolen firearm or am-
10 munition), section 922(j) (relating to receipt of stolen fire-
11 arm or ammunition), section 922(k) (relating to transpor-
12 tation or receipt of firearm with altered serial number),
13 section 922(z) (relating to gunrunning), section 924(b)
14 (relating to shipment or receipt of firearm for use in a
15 crime),”.

16 (d) ENFORCEMENT.—Notwithstanding any limita-
17 tions imposed by or under the Federal Workforce Restruc-
18 turing Act (108 Stat. 111), the Secretary of the Treasury
19 may hire and employ 200 personnel, in addition to any
20 personnel hired and employed by the Department of the
21 Treasury under other law, to enforce the amendments
22 made by this section.

○