

110TH CONGRESS  
1ST SESSION

# H. R. 3142

To provide law enforcement critical tools and resources for preventing and enforcing violent crime.

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IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2007

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

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## A BILL

To provide law enforcement critical tools and resources for preventing and enforcing violent crime.

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 “Violent Crime Preven-  
5 tion and Enforcement Act of 2007”.

6 **SEC. 2. GRADUATED PENALTIES FOR CIVIL VIOLATIONS BY**

7 **FEDERAL FIREARMS LICENSEES.**

8 (a) IN GENERAL.—Section 923(e) of title 18, United  
9 States Code, is amended to read as follows:

1       “(e)(1)(A) If the Attorney General determines that  
2 a licensee under this section has willfully violated any pro-  
3 vision of this chapter or any regulation prescribed under  
4 this chapter, the Attorney General may—

5           “(i) if the violation is of a minor nature—

6               “(I) impose on the licensee a civil money  
7 penalty of not more than \$1,000 for each in-  
8 stance of such violation, except that the total  
9 amount of penalties imposed on a licensee  
10 under this subclause for violations arising from  
11 a single inspection shall not exceed \$5,000; or

12               “(II) suspend the license for not more than  
13 30 days, if in the period for which the license  
14 has been in effect, the licensee on at least 1  
15 prior occasion has received a written notice of  
16 violation(s) of this chapter or any regulations  
17 prescribed under this chapter, and specify the  
18 circumstances under which the suspension is to  
19 be terminated; or

20           “(ii) if the violation is of a serious nature—

21               “(I) impose on the licensee a civil money  
22 penalty of not more than \$2,500 for each in-  
23 stance of such violation, except that the total  
24 amount of penalties imposed on a licensee

1 under this subclause for a violation arising from  
2 a single inspection shall not exceed \$15,000;

3 “(II) suspend the license for not more than  
4 90 days, and specify the circumstances under  
5 which the suspension is to be terminated;

6 “(III) revoke the license; or

7 “(IV) take the actions described in sub-  
8 clauses (I) and (II), or subclauses (I) and (III).

9 “(B)(i)(I) In determining the amount of a civil money  
10 penalty to impose under subparagraph (A) on a licensee,  
11 the nature and severity of the violation involved, the size  
12 of the firearms business operated by the licensee, and the  
13 prior record of the licensee shall be considered.

14 “(II) On request of the licensee, the Attorney General  
15 may consider the ability of the licensee to pay a civil  
16 money penalty, and may allow the licensee to submit docu-  
17 ments and information to establish the ability of the li-  
18 censee to pay. The Attorney General shall not make part  
19 of any public record any document or information so sub-  
20 mitted, and shall return to the licensee any such document  
21 or information.

22 “(III) The total amount of penalties imposed on a  
23 licensee under subparagraph (A) with respect to violations  
24 of a minor nature and of a serious nature arising from

1 a single inspection or examination shall not exceed  
2 \$15,000.

3 “(ii) For purposes of subparagraph (A), violation of  
4 a provision of this chapter with respect to 2 or more fire-  
5 arms during a single transaction shall be considered a sin-  
6 gle violation of the provision.

7 “(iii) The Attorney General may defer, or suspend,  
8 in whole or in part, the imposition of a civil money penalty  
9 on a licensee whose license is suspended under this para-  
10 graph.

11 “(C) For purposes of subparagraph (A), the Attorney  
12 General shall prescribe by regulation which violations of  
13 this chapter shall be considered to be of a serious nature.

14 “(D) The Attorney General may not commence an  
15 enforcement action under subparagraph (A) with respect  
16 to any violation after the 2-year period that begins on the  
17 date the violation is discovered. The limitations period  
18 does not prevent the Attorney General from introducing  
19 evidence of any violation to establish willfulness.

20 “(2)(A) Not less than 30 days before the effective  
21 date of any penalty imposed on a licensee by reason of  
22 a determination made under paragraph (1), or of any de-  
23 nial of an application for a license pursuant to subsection  
24 (d)(2) of this section, the Attorney General shall send the  
25 licensee a written notice—

1           “(i) of the determination or denial, and the  
2           grounds on which the determination or denial was  
3           made;

4           “(ii) of the nature of the penalty; and

5           “(iii) that the licensee may, within 30 days  
6           after receipt of the notice, request a hearing to re-  
7           view the determination or denial.

8           “(B) A hearing to review a determination or denial  
9           made under paragraph (1) or subsection (d)(2) of this sec-  
10          tion with respect to a licensee shall not be held unless the  
11          licensee requests such a hearing within 30 days after re-  
12          ceiving the notice of the determination or denial sent pur-  
13          suant to subparagraph (A).

14          “(3) This subsection shall not be interpreted to affect  
15          the authority of the Attorney General under section  
16          922(t)(5) or section 924(p) of this title.”.

17          (b) CONFORMING AMENDMENT.—Section 923(f) of  
18          title 18, United States Code, is amended—

19                 (1) by striking paragraphs (1) and redesignig-  
20                 nating paragraphs (2) through (4) as paragraphs  
21                 (1) through (3), respectively;

22                 (2) in paragraph (1), as redesignated, by—

23                         (A) inserting “or otherwise imposes a sanc-  
24                         tion pursuant to subsection (e)” after “or re-  
25                         vokes, a license”;

1 (B) striking “or revocation” and inserting  
2 “or sanction pursuant to subsection (e)”;

3 (C) striking “In the case of a revocation of  
4 a license, the” and inserting “The”; and

5 (D) striking “date of the revocation” and  
6 inserting “date of the sanction”; and

7 (3) in paragraph (2), as redesignated, by—

8 (A) striking “(2)” each place it appears  
9 and inserting “(1)”;

10 (B) striking “or revoke a license” and in-  
11 sserting “or impose a sanction pursuant to sub-  
12 section (e)”;

13 (C) striking “or revocation” and inserting  
14 “or sanction under subsection (e)”;

15 (D) striking “or to revoke the license” and  
16 inserting “or to impose the sanction under sub-  
17 section (e)”.

18 (c) EFFECTIVE DATE.—The amendments made by  
19 this section shall take effect 270 days after the date of  
20 enactment of this Act.

21 **SEC. 3. AMENDMENTS RELATING TO VIOLENT CRIME.**

22 (a) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO  
23 COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-  
24 LENCE.—Section 924(h) of title 18, United States Code,  
25 is amended to read as follows:

1 “(h) Whoever, in or affecting interstate or foreign  
2 commerce, knowingly transfers a firearm, knowing that  
3 the firearm will be used to commit, or possessed in fur-  
4 therance of, a crime of violence or drug trafficking crime  
5 (as defined in subsection (c)(2)), shall be fined under this  
6 title and imprisoned not more than 20 years.”.

7 (b) CONSPIRACY PENALTY.—Section 371 of title 18,  
8 United States Code, is amended by striking “five years,  
9 or both.” and inserting “20 years (unless the maximum  
10 penalty for the crime that served as the object of the con-  
11 spiracy has a maximum penalty of imprisonment of less  
12 than 20 years, in which case the maximum penalty under  
13 this section shall be the penalty for such crime), or both.  
14 This paragraph does not supersede any other penalty spe-  
15 cifically set forth for a conspiracy offense.”.

16 **SEC. 4. POSSESSION OF FIREARMS BY DANGEROUS FEL-**  
17 **ONS.**

18 (a) IN GENERAL.—Section 924(e) of title 18, United  
19 States Code, is amended by striking paragraph (1) and  
20 inserting the following:

21 “(1) In the case of a person who violates section  
22 922(g) of this title and has previously been convicted by  
23 any court referred to in section 922(g)(1) of a violent fel-  
24 ony or a serious drug offense shall—

1           “(A) in the case of 1 such prior conviction,  
2           where a period of not more than 10 years has  
3           elapsed since the later of the date of conviction and  
4           the date of release of the person from imprisonment  
5           for that conviction, be imprisoned for not more than  
6           15 years, fined under this title, or both;

7           “(B) in the case of 2 such prior convictions,  
8           committed on occasions different from one another,  
9           and where a period of not more than 10 years has  
10          elapsed since the later of the date of conviction and  
11          the date of release of the person from imprisonment  
12          for the most recent such conviction, be imprisoned  
13          for not more than 20 years, fined under this title,  
14          or both; and

15          “(C) in the case of 3 such prior convictions,  
16          committed on occasions different from one another,  
17          be fined under this title and imprisoned not less  
18          than 15 years or more than life, and notwith-  
19          standing any other provision of law, the court shall  
20          not suspend the sentence of, or grant a probationary  
21          sentence to, such person with respect to the convic-  
22          tion under section 922(g).”.

23          (b) AMENDMENT TO SENTENCING GUIDELINES.—  
24          Pursuant to its authority under section 994(p) of title 28,  
25          United States Code, the United States Sentencing Com-



1 mission shall amend the Federal Sentencing Guidelines to  
2 provide for an appropriate increase in the offense level for  
3 violations of section 922(g) of title 18, United States  
4 Code, in accordance with section 924(e) of that title 18,  
5 as amended by subsection (a).

6 **SEC. 5. EXPANSION OF REBUTTABLE PRESUMPTION**  
7 **AGAINST RELEASE OF PERSONS CHARGED**  
8 **WITH FIREARMS OFFENSES.**

9 Section 3142(e) of title 18, United States Code, is  
10 amended in the matter following paragraph (3) by insert-  
11 ing “an offense under subsection (g)(1), (g)(2), (g)(4),  
12 (g)(5), (g)(8), or (g)(9) of section 922,” after “that the  
13 person committed”.

14 **SEC. 6. CONFORMING AMENDMENT.**

15 Section 922(d) of title 18, United States Code, is  
16 amended in the matter preceding paragraph (1) by insert-  
17 ing “, transfer,” after “sell”.

18 **SEC. 7. INCREASED PENALTIES FOR INTERSTATE AND FOR-**  
19 **EIGN TRAVEL OR TRANSPORTATION IN AID**  
20 **OF RACKETEERING.**

21 Section 1952 of title 18, United States Code, is  
22 amended—

23 (1) in subsection (a), by striking “perform” and  
24 all that follows through the end of the subsection  
25 and inserting “perform or attempts to perform an

1 act described in paragraph (1), (2), or (3), or con-  
2 spires to do so, shall be punished as provided in sub-  
3 section (d).”; and

4 (2) by adding at the end following:

5 “(d) The punishment for an offense under subsection  
6 (a) is—

7 “(1) in the case of a violation of paragraph (1)  
8 or (3), a fine under this title and imprisonment for  
9 not more than 20 years; and

10 “(2) in the case of a violation of paragraph (2),  
11 a fine under this title and imprisonment for any  
12 term of years or for life, but if death results the of-  
13 fender may be sentenced to death.”.

14 **SEC. 8. INCREASED PENALTIES FOR USE OF INTERSTATE**  
15 **COMMERCE FACILITIES IN THE COMMISSION**  
16 **OF MURDER-FOR-HIRE AND OTHER FELONY**  
17 **CRIMES OF VIOLENCE.**

18 (a) IN GENERAL.—Section 1958 of title 18, United  
19 States Code, is amended—

20 (1) by striking the section heading and insert-  
21 ing the following:

22 **“§ 1958. Use of interstate commerce facilities in the**  
23 **commission of murder-for-hire and other**  
24 **felony crimes of violence”;** and

25 (2) in subsection (a), by—

1 (A) inserting “or other crime of violence,  
2 punishable by imprisonment for more than 1  
3 year,” after “intent that a murder”; and

4 (B) striking “shall be fined” the first place  
5 it appears and all that follows through the end  
6 of such subsection and inserting the following:  
7 “shall, in addition to being subject to a fine  
8 under this title—

9 “(1) if death results, be sentenced to death or  
10 life in prison;

11 “(2) if the crime of violence is kidnapping, ag-  
12 gravated sexual abuse (as defined in section 521), or  
13 maiming, or a conspiracy to commit such a crime of  
14 violence, be imprisoned any term of years or for life;

15 “(3) if the crime of violence is an assault, or a  
16 conspiracy to assault, that results in serious bodily  
17 injury (as defined in section 1365), be imprisoned  
18 not more than 30 years; and

19 “(4) in any other case, be imprisoned not more  
20 than 20 years.”.

21 (b) CLERICAL AMENDMENT.—The item relating to  
22 section 1958 in the table of sections at the beginning of  
23 chapter 95 of title 18, United States Code, is amended  
24 to read as follows:

“1958. Use of interstate commerce facilities in the commission of murder-for-  
hire and other felony crimes of violence.”.

1 **SEC. 9. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

2 (a) IN GENERAL.—Chapter 213 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“§ 3299A. Violent crime offenses**

6 “No person shall be prosecuted, tried, or punished  
7 for any noncapital felony crime of violence, including any  
8 racketeering activity or gang crime which involves any  
9 crime of violence, unless the indictment is found or the  
10 information is instituted not later than 10 years after the  
11 date on which the alleged violation occurred or the con-  
12 tinuing offense was completed.”.

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of chapter 213 of title 18, United States  
15 Code, is amended by adding at the end the following:

“3299A. Violent crime offenses.”.

16 **SEC. 10. STATUTE OF LIMITATIONS FOR TERRORISM OF-**  
17 **FENSES.**

18 Section 3286(a) of title 18, United States Code, is  
19 amended—

20 (1) in the subsection heading, by striking  
21 “Eight-Year” and inserting “Ten-Year”; and

22 (2) in the first sentence, by striking “8 years”  
23 and inserting “10 years”.

1 **SEC. 11. CRIMES OF VIOLENCE AND DRUG CRIMES COM-**  
2 **MITTED BY ILLEGAL ALIENS.**

3 (a) OFFENSES.—Part 1 of title 18, United States  
4 Code, is amended by inserting after chapter 51 the fol-  
5 lowing:

6 **“CHAPTER 52—ILLEGAL ALIENS**

7 **“§ 1131. Enhanced penalties for certain crimes com-**  
8 **mitted by illegal aliens**

9 “(a) IN GENERAL.—Whoever, being an alien who is  
10 present in the United States in violation of section 275  
11 or 276 of the Immigration and Nationality Act (8 U.S.C.  
12 1325 and 1326), knowingly commits, conspires, or at-  
13 tempts to commit a felony crime of violence for which im-  
14 prisonment for a period of more than 1 year may be im-  
15 posed, or a drug trafficking crime (as defined in section  
16 924(c)), shall be fined under this title, imprisoned not  
17 more than 20 years, or both.

18 “(b) PREVIOUSLY ORDERED REMOVED.—If the de-  
19 fendant in a prosecution under subsection (a) was pre-  
20 viously ordered removed under the Immigration and Na-  
21 tionality Act on the grounds of having committed a crime,  
22 the defendant shall be fined under this title, imprisoned  
23 not more than 30 years, or both.

24 “(c) RUNNING OF SENTENCE.—A term of imprison-  
25 ment imposed for an offense pursuant to this section may

1 not run concurrently with any other sentence of imprison-  
2 ment imposed for another offense.”.

3 (b) CLERICAL AMENDMENT.—The table of chapters  
4 at the beginning of part I of title 18, United States Code,  
5 is amended by inserting after the item relating to chapter  
6 51 the following new item:

**“52. Illegal Aliens ..... 1131.”.**

