

113TH CONGRESS  
1ST SESSION

# H. R. 236

To ensure greater accountability by licensed firearms dealers.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2013

Mr. LANGEVIN (for himself, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. CICILLINE, Mr. RUSH, Mr. CARTWRIGHT, and Ms. SLAUGHTER) 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 Gun Dealers Act of 2013”.

6       **SEC. 2. INCREASING THE NUMBER OF ALLOWED COMPLI-**  
7       **ANCE INSPECTIONS OF FIREARMS DEALERS.**

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

1 **SEC. 3. INCREASING PENALTIES ON FIREARMS LICENSEES.**

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

4 **SEC. 4. SERIOUS RECORDKEEPING OFFENSES THAT AID**  
5 **GUN TRAFFICKING.**

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

11 **SEC. 5. SUSPENSION OF FIREARMS DEALER’S LICENSE AND**  
12 **CIVIL PENALTIES FOR VIOLATIONS OF THE**  
13 **GUN CONTROL ACT.**

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

16 “(e) The Attorney General may, after notice and op-  
17 portunity for hearing, suspend or revoke any license issued  
18 under this section, or may subject the licensee to a civil  
19 penalty of not more than \$10,000 per violation, if the  
20 holder of the license has willfully violated any provision  
21 of this chapter or any rule or regulation prescribed by the  
22 Attorney General under this chapter or fails to have secure  
23 gun storage or safety devices available at any place in  
24 which firearms are sold under the license to persons who  
25 are not licensees (except that in any case in which a secure  
26 gun storage or safety device is temporarily unavailable be-

1 cause of theft, casualty loss, consumer sales, backorders  
2 from a manufacturer, or any other similar reason beyond  
3 the control of the licensee, the dealer shall not be consid-  
4 ered to be in violation of the requirement to make available  
5 such a device). The Attorney General may, after notice  
6 and opportunity for hearing, suspend or revoke the license  
7 of, or assess a civil penalty of not more than \$10,000 on,  
8 a dealer who willfully transfers armor piercing ammuni-  
9 tion. The Attorney General may at any time compromise,  
10 mitigate, or remit the liability with respect to any willful  
11 violation of this chapter or any rule or regulation pre-  
12 scribed by the Attorney General under this chapter. The  
13 Attorney General's actions under this subsection may be  
14 reviewed only as provided in subsection (f).

15       “(f)(1) Any person whose application for a license is  
16 denied and any holder of a license which is suspended or  
17 revoked or who is assessed a civil penalty shall receive a  
18 written notice from the Attorney General stating specifi-  
19 cally the grounds upon which the application was denied  
20 or upon which the license was suspended or revoked or  
21 the civil penalty assessed. Any notice of a suspension or  
22 revocation of a license shall be given to the holder of the  
23 license before the effective date of the suspension or rev-  
24 ocation.

1       “(2) If the Attorney General denies an application  
2 for a license, or suspends or revokes a license, or assesses  
3 a civil penalty, the Attorney General shall, upon request  
4 by the aggrieved party, promptly hold a hearing to review  
5 the denial, suspension, revocation, or assessment. In the  
6 case of a suspension or revocation of a license, the Attor-  
7 ney General shall, on the request of the holder of the li-  
8 cense, stay the effective date of the suspension or revoca-  
9 tion. A hearing under this paragraph shall be held at a  
10 location convenient to the aggrieved party.

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

1 eral was not authorized to deny the application or to sus-  
2 pend or revoke the license or to assess the civil penalty,  
3 the court shall order the Attorney General to take such  
4 action as may be necessary to comply with the judgment  
5 of the court.”.

6 **SEC. 6. TERMINATION OF FIREARMS DEALER’S LICENSE**  
7 **UPON FELONY CONVICTION.**

8 Section 925(b) of title 18, United States Code, is  
9 amended by striking “until any conviction pursuant to the  
10 indictment becomes final” and inserting “until the date  
11 of any conviction pursuant to the indictment”.

12 **SEC. 7. AUTHORITY TO HIRE ADDITIONAL PERSONNEL.**

13 The Director of the Bureau of Alcohol, Tobacco,  
14 Firearms, and Explosives may hire at least 50 additional  
15 personnel for the purpose of carrying out additional in-  
16 spections as provided for in the amendments made by this  
17 Act.

18 **SEC. 8. REPORT TO THE CONGRESS.**

19 The Director of the Bureau of Alcohol, Tobacco,  
20 Firearms, and Explosives shall submit biennial reports to  
21 the Congress on the implementation of this Act, which  
22 shall include a statement by the Director as to what addi-  
23 tional resources, if any, are necessary in order to imple-  
24 ment this Act, and any recommendations of the Director  
25 for how better to ensure that firearms dealers are com-

1 plying with all laws and regulations that apply with re-  
2 spect to dealing in firearms, and that noncompliant fire-  
3 arms dealers are subject to appropriate action in a timely  
4 manner.

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