

116TH CONGRESS  
2D SESSION

# H. R. 5866

To require lost or stolen firearms to be reported to law enforcement authorities within 48 hours, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2020

Mr. CASTEN of Illinois (for himself, Ms. KELLY of Illinois, and Mr. DEUTCH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To require lost or stolen firearms to be reported to law enforcement authorities within 48 hours, and for other purposes.

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 Trafficker Detec-  
5 tion Act”.

1 **SEC. 2. REPORTING OF LOST OR STOLEN FIREARMS TO**  
2 **LAW ENFORCEMENT AUTHORITIES.**

3 (a) REPORTING REQUIREMENT.—Section 922 of title  
4 18, United States Code, is amended by adding at the end  
5 the following:

6 “(aa) Within 48 hours after a person not licensed  
7 under this chapter who owns a firearm that has been  
8 shipped or transported in, or has been possessed in or af-  
9 fecting, interstate or foreign commerce, discovers or  
10 should have discovered the theft or loss of the firearm,  
11 the person shall report the theft or loss to the Attorney  
12 General and local law enforcement authorities.”.

13 (b) PENALTIES.—

14 (1) IN GENERAL.—Section 924 of such title is  
15 amended by adding at the end the following:

16 “(r) Whoever violates section 922(aa) shall—

17 “(1) in the case of the 1st violation by the per-  
18 son, be guilty of a class C misdemeanor;

19 “(2) in the case of the 2nd violation by the per-  
20 son, be guilty of a class B misdemeanor; or

21 “(3) in the case of the 3rd or subsequent viola-  
22 tion by the person, be guilty of a class E felony.”.

23 (2) PROHIBITION ON FIREARM RECEIPT AFTER  
24 MULTIPLE CONVICTIONS.—

25 (A) PROHIBITION.—Section 922 of such  
26 title, as amended by subsection (a) of this sec-

1           tion, is amended by adding at the end the fol-  
2           lowing:

3           “(bb)(1) It shall be unlawful for a person who has  
4           been twice convicted in any court of a violation of section  
5           922(aa) to receive a firearm during the 1-year period that  
6           begins with the date of the most recent such conviction.

7           “(2) It shall be unlawful for a person who has been  
8           thrice convicted in any court of a violation of section  
9           922(aa) to receive a firearm during the 5-year period that  
10          begins with the date of the most recent such conviction.”.

11                   (B) PENALTIES.—Section 924(a)(2) of  
12                   such title is amended by striking “or (o)” and  
13                   inserting “(o), or (bb)”.

14           (c) UPDATING OF NATIONAL INSTANT CRIMINAL  
15           BACKGROUND CHECK SYSTEM.—

16                   (1) IN GENERAL.—Within 6 months after the  
17                   date of the enactment of this Act, the Attorney Gen-  
18                   eral shall promulgate such rules as are necessary to  
19                   ensure that the national instant criminal background  
20                   check system takes account of section 922(bb) of  
21                   title 18, United States Code, in performing the func-  
22                   tions of the system.

23                   (2) CONFORMING AMENDMENTS.—

24                           (A) The following provisions of section 103  
25                   of the Brady Handgun Violence Prevention Act

1 (34 U.S.C. 40901) are each amended by strik-  
 2 ing “(g) or (n)” each place it appears and in-  
 3 serting “(g), (n), or (bb)”:

4 (i) Subparagraphs (A), (C),  
 5 (F)(iii)(I), and (G)(i) of subsection (e)(1).

6 (ii) Subsection (g).

7 (iii) Subsection (i)(2).

8 (B) The following provisions of title 18,  
 9 United States Code, are each amended by strik-  
 10 ing “(g) or (n)” and inserting “(g), (n), or  
 11 (bb)”:

12 (i) Section 922(t)(1)(B)(ii).

13 (ii) Section 922(t)(2).

14 (iii) Section 922(t)(4).

15 (iv) Section 922(t)(5).

16 (v) Section 923(g)(3)(B).

17 (vi) Section 925A(2).

18 **SEC. 3. PRIVATE RIGHT OF ACTION FOR DAMAGES RESULT-**  
 19 **ING FROM INJURY CAUSED BY AN UNRE-**  
 20 **PORTED STOLEN OR LOST FIREARM.**

21 A person who suffers an injury proximately caused  
 22 by a firearm that is the subject of a violation of section  
 23 922(aa) of title 18, United States Code, may bring an ac-  
 24 tion in a United States district court against the violator  
 25 for damages resulting from the injury. The court shall

1 award a plaintiff prevailing in such an action all appro-  
2 priate damages, including injunctive relief.

3 **SEC. 4. EFFECTIVE DATE.**

4       This Act and the amendments made by this Act shall  
5 take effect 90 days after the date of the enactment of this  
6 Act.

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