

113TH CONGRESS
1ST SESSION

S. 179

To prevent gun trafficking.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2013

Mrs. GILLIBRAND (for herself and Mr. KIRK) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent gun trafficking.

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 Trafficking Pre-
5 vention Act of 2013”.

6 **SEC. 2. FIREARMS TRAFFICKING.**

7 (a) IN GENERAL.—Chapter 44 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 932. Trafficking in firearms**

11 “(a) OFFENSES.—It shall be unlawful for any person,
12 regardless of whether anything of value is exchanged—

1 “(1) to ship, transport, transfer, or otherwise
2 dispose to a person, 2 or more firearms in or affect-
3 ing interstate or foreign commerce, if the transferor
4 knows or has reasonable cause to believe that such
5 use, carry, possession, or disposition of the firearm
6 would be in violation of, or would result in a viola-
7 tion of any Federal, State, or local law punishable
8 by a term of imprisonment exceeding 1 year;

9 “(2) to receive from a person, 2 or more fire-
10 arms in or affecting interstate or foreign commerce,
11 if the recipient knows or has reasonable cause to be-
12 lieve that such receipt would be in violation of, or
13 would result in a violation of any Federal, State, or
14 local law punishable by a term of imprisonment ex-
15 ceeding 1 year;

16 “(3) to make false statements regarding an ac-
17 tual buyer to a licensed importer, licensed manufac-
18 turer, or licensed dealer, relating to the purchase,
19 receipt, or acquisition from a licensed importer, li-
20 censed manufacturer, or licensed dealer of 2 or more
21 firearms that have moved in or affected interstate or
22 foreign commerce; or

23 “(4) to direct, promote, or facilitate conduct
24 specified in paragraphs (1), (2), or (3).

1 “(b) GIFT EXCEPTIONS.—Subsection (a) shall not
2 apply to a firearm that is—

3 “(1) lawfully acquired by a person to be given
4 to another person not prohibited from possessing a
5 firearm under Federal or State law as a gift; or

6 “(2) lawfully received or otherwise acquired by
7 a court-appointed trustee, receiver, or conservator
8 for, or on behalf of, an estate or creditor or by a
9 person to carry out a bequest, or an acquisition by
10 intestate succession under the laws of the State of
11 residence of the person.

12 “(c) PENALTIES.—

13 “(1) IN GENERAL.—Any person who violates, or
14 conspires to violate, subsection (a) shall be fined
15 under this title, imprisoned for not more than 20
16 years, or both.

17 “(2) ORGANIZER ENHANCEMENT.—If a viola-
18 tion of subsection (a) is committed by a person in
19 concert with 5 or more other persons with respect to
20 whom such person occupies a position of organizer,
21 a supervisory position, or any other position of man-
22 agement, such person may be sentenced to an addi-
23 tional term of imprisonment of not more than 5 con-
24 secutive years.

25 “(d) DEFINITIONS.—In this subsection—

1 “(1) the term ‘actual buyer’ means the indi-
2 vidual for whom the firearm is being purchased, as
3 described in paragraph (1)(C); and

4 “(2) the term ‘term of imprisonment exceeding
5 1 year’ does not include any offense classified by
6 such jurisdiction as a misdemeanor and punishable
7 by a term of imprisonment of 2 years or less.”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The table of sections for chapter 44 of title 18, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

 “932. Trafficking in firearms.”.

12 (c) DIRECTIVE TO THE SENTENCING COMMISSION.—

13 (1) IN GENERAL.—Pursuant to its authority
14 under section 994(p) of title 28, United States Code,
15 the United States Sentencing Commission shall re-
16 view and, if appropriate, amend the Federal sen-
17 tencing guidelines and policy statements applicable
18 to persons convicted of offenses under section 932 of
19 title 18, United States Code (as added by subsection
20 (a)).

21 (2) REQUIREMENTS.—In carrying out this sec-
22 tion, the Commission shall—

23 (A) review the penalty structure that the
24 guidelines currently provide based on the num-
25 ber of firearms involved in the offense and de-

1 termine whether any changes to that penalty
2 structure are appropriate in order to reflect the
3 intent of Congress that such penalties reflect
4 the gravity of the offense; and

5 (B) review and amend, if appropriate, the
6 guidelines and policy statements to reflect the
7 intent of Congress that guideline penalties for
8 violations of section 932 of title 18, United
9 States Code, and similar offenses be increased
10 substantially when committed by a person who
11 is a member of a gang, cartel, organized crime
12 ring, or other such enterprise or in concert with
13 another person who is a member of a gang, car-
14 tel, organized crime ring or other such enter-
15 prise.

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