

113TH CONGRESS  
1ST SESSION

# S. 54

To increase public safety by punishing and deterring firearms trafficking.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. LEAHY (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase public safety by punishing and deterring firearms 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 “Stop Illegal Trafficking  
5 in Firearms Act of 2013”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Punishing and deterring straw purchasing of firearms.
- Sec. 4. Amendments to section 922(a)(6).
- Sec. 5. Amendments to section 922(d).
- Sec. 6. Amendments to section 924(h).
- Sec. 7. Amendments to section 924(k).

1 **SEC. 3. PUNISHING AND DETERRING STRAW PURCHASING**  
2 **OF FIREARMS.**

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

6 **“§ 932. Straw purchasing of firearms**

7 “(a) Any person (other than a licensed importer, li-  
8 censed manufacturer, or licensed dealer) who knowingly  
9 purchases any firearm for, on behalf of, or with intent to  
10 transfer it to, any other person, if that firearm has moved  
11 in or otherwise affected interstate or foreign commerce,  
12 or attempts or conspires to do so, shall be fined under  
13 this title, imprisoned not more than 20 years or both. For  
14 purposes of this section, the term ‘purchases’ includes the  
15 receipt of any firearm from pawn or on consignment by  
16 a person who does not own the firearm.

17 “(b) Subsection (a) shall not apply to any firearm  
18 that is lawfully purchased by a person—

19 “(1) to be given as a bona fide gift to a recipi-  
20 ent who provided no service or tangible thing of  
21 value to acquire the firearm, unless the person  
22 knows or has reason to believe such recipient is pro-  
23 hibited by Federal, State, or local law from pos-  
24 sessed, receiving, selling, shipping, transporting,  
25 transferring, or otherwise disposing of the firearm;  
26 or

1           “(2) to be given to a bona fide winner of an or-  
2           ganized raffle, contest, or auction conducted in ac-  
3           cordance with law and sponsored by a national,  
4           State, or local organization or association, unless the  
5           person knows or has reason to believe such recipient  
6           is prohibited by Federal, State, or local law from  
7           possessing, purchasing, receiving, selling, shipping,  
8           transporting, transferring, or otherwise disposing of  
9           the firearm.

10          “(c) If any violation of subsection (a) is committed  
11         knowing or with reasonable cause to believe that any fire-  
12         arm involved will be used to commit a crime of violence,  
13         the person shall be sentenced to a term of imprisonment  
14         of not more than 30 years.

15         **“§ 933. Forfeiture and fines**

16          “(a)(1) Any person convicted of a violation of this  
17         chapter shall forfeit to the United States, irrespective of  
18         any provision of State law—

19                 “(A) any property constituting, or derived from,  
20                 any proceeds the person obtained, directly or indi-  
21                 rectly, as the result of such violation; and

22                 “(B) any of the person’s property used, or in-  
23                 tended to be used, in any manner or part, to com-  
24                 mit, or to facilitate the commission of, such viola-  
25                 tion.

1           “(2) The court, in imposing sentence on a person con-  
2 victed of a violation of this chapter, shall order, in addition  
3 to any other sentence imposed pursuant to this chapter,  
4 that the person forfeit to the United States all property  
5 described in paragraph (1).

6           “(b) A defendant who derives profits or other pro-  
7 ceeds from an offense under this chapter may be fined  
8 not more than the greater of—

9                   “(1) the fine otherwise authorized by this part;  
10           and

11                   “(2) the amount equal to twice the gross profits  
12           or other proceeds of the offense under this chap-  
13           ter.”.

14           (b) TITLE III AUTHORIZATION.—Section 2516(1)(n)  
15 of title 18, United States Code, is amended by striking  
16 “and 924(n)” and inserting “, 924, and 932”.

17           (c) RACKETEERING AMENDMENT.—Section  
18 1961(1)(B) of title 18, United States Code, is amended  
19 by adding at the end the following: “section 932 (relating  
20 to trafficking in firearms),”.

21           (d) MONEY LAUNDERING AMENDMENT.—Section  
22 1956(c)(7)(D) of title 18, United States Code, is amended  
23 by striking “section 924(n)” and inserting “sections  
24 924(n) and 932”.

1           (e) DIRECTIVE TO SENTENCING COMMISSION.—Pur-  
2 suant to its authority under section 994 of title 28, United  
3 States Code, and in accordance with this section, the  
4 United States Sentencing Commission shall review and  
5 amend its guidelines and policy statements to ensure that  
6 persons convicted of an offense under section 932 of title  
7 18, United States Code and other offenses applicable to  
8 the straw purchases of firearms are subject to increased  
9 penalties in comparison to those currently provided by the  
10 guidelines and policy statements for such straw pur-  
11 chasing offenses. In carrying out this subsection, the Com-  
12 mission shall ensure that the sentencing guidelines and  
13 policy statements reflect Congress’ intent that the applica-  
14 ble guideline penalties be increased and the guidelines and  
15 policy statements reflect the extremely serious nature of  
16 the offenses described in the amendment made by sub-  
17 section (a), the incidence of such offenses, and the need  
18 for an effective deterrent and appropriate punishment to  
19 prevent such offenses.

20           (f) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The table of sections of chapter 44 of title 18, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

“932. Straw purchasing of firearms.  
“933. Forfeiture and fines.”.

1 **SEC. 4. AMENDMENTS TO SECTION 922(a)(6).**

2 Section 922(a) of title 18, United States Code, is  
3 amended by adding at the end the following:

4 “For purposes of paragraph (6), in addition to the eligi-  
5 bility of a person to ship, transport, receive, or possess  
6 any firearm or ammunition, information concerning the  
7 identity, age, place of residence (to include address), and  
8 citizenship or immigration status of a person shall be con-  
9 sidered material to the lawfulness of the sale or other dis-  
10 position of a firearm or ammunition”.

11 **SEC. 5. AMENDMENTS TO SECTION 922(d).**

12 Section 922(d) of title 18, United States Code, is  
13 amended—

14 (1) in paragraph (8), by striking “or” at the  
15 end;

16 (2) in paragraph (9), by striking the period at  
17 the end and inserting “;”; and

18 (3) by striking the matter following paragraph  
19 (9) and inserting the following:

20 “(10) is prohibited by State or local law from  
21 possessing, receiving, selling, shipping, transporting,  
22 transferring, or otherwise disposing of the firearm or  
23 ammunition;

24 “(11) intends to sell or otherwise dispose of the  
25 firearm or ammunition to a person described in any  
26 of paragraphs (1) through (10); or

1           “(12) intends to sell or otherwise dispose of the  
2           firearm or ammunition in furtherance of a crime of  
3           violence or drug trafficking offense or to export the  
4           firearm or ammunition in violation of law.

5 This subsection shall not apply with respect to the sale  
6 or disposition of a firearm or ammunition to a licensed  
7 importer, licensed manufacturer, licensed dealer, or li-  
8 censed collector who pursuant to subsection (b) of section  
9 925 is not precluded from dealing in firearms or ammuni-  
10 tion, or to a person who has been granted relief from dis-  
11 abilities pursuant to subsection (c) of section 925.”.

12 **SEC. 6. AMENDMENTS TO SECTION 924(h).**

13           Section 924 of title 18, United States Code, is  
14 amended by striking subsection (h) and inserting the fol-  
15 lowing:

16           “(h)(1) Whoever knowingly receives or transfers a  
17 firearm or ammunition, or attempts or conspires to do so,  
18 knowing or having reasonable cause to believe that such  
19 firearm or ammunition will be used to commit a crime of  
20 violence (as defined in subsection (c)(3)), a drug traf-  
21 ficking crime (as defined in subsection (c)(2)), or a crime  
22 under the Arms Export Control Act (22 U.S.C. 2751 et  
23 seq.), the International Emergency Economic Powers Act  
24 (50 U.S.C. 1701 et seq.), the Foreign Narcotics Kingpin  
25 Designation Act (21 U.S.C. 1901 et seq.), or section

1 212(a)(2)(C) of the Immigration and Nationality Act (8  
2 U.S.C. 1182(a)(2)(C)) shall be imprisoned not more than  
3 30 years, fined in accordance with this title, or both.

4 “(2) No term of imprisonment imposed on a person  
5 under this subsection shall run concurrently with any term  
6 of imprisonment imposed on the person under section  
7 932.”.

8 **SEC. 7. AMENDMENTS TO SECTION 924(k).**

9 Section 924 of title 18, United States Code, is  
10 amended by striking subsection (k) and inserting the fol-  
11 lowing:

12 “(k)(1) A person who, with intent to engage in or  
13 to promote conduct that—

14 “(A) is punishable under the Controlled Sub-  
15 stances Act (21 U.S.C. 801 et seq.), the Controlled  
16 Substances Import and Export Act (21 U.S.C. 951  
17 et seq.), or chapter 705 of title 46;

18 “(B) violates any law of a State relating to any  
19 controlled substance (as defined in section 102 of  
20 the Controlled Substances Act, 21 U.S.C. 802); or

21 “(C) constitutes a crime of violence (as defined  
22 in subsection (c)(3)),

23 smuggles or knowingly brings into the United States, a  
24 firearm or ammunition, or attempts or conspires to do so,



1 shall be imprisoned not more than 10 years, fined under  
2 this title, or both.

3 “(2) A person who, with intent to engage in or to  
4 promote conduct that—

5 “(A) would be punishable under the Controlled  
6 Substances Act (21 U.S.C. 801 et seq.), the Con-  
7 trolled Substances Import and Export Act (21  
8 U.S.C. 951 et seq.), or chapter 705 of title 46, if the  
9 conduct had occurred within the United States; or

10 “(B) would constitute a crime of violence (as  
11 defined in subsection (c)(3)) for which the person  
12 may be prosecuted in a court of the United States,  
13 if the conduct had occurred within the United  
14 States,

15 smuggles or knowingly takes out of the United States, a  
16 firearm or ammunition, or attempts or conspires to do so,  
17 shall be imprisoned not more than 10 years, fined under  
18 this title, or both.”.

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