

106TH CONGRESS  
1ST SESSION

# S. 1080

To amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

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## IN THE SENATE OF THE UNITED STATES

MAY 19, 1999

Mr. TORRICELLI (for himself, Mr. SCHUMER, 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 amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning.

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 Kingpin Penalty  
5 Act”.

6 **SEC. 2. GUN KINGPIN PENALTIES.**

7 (a) PROHIBITION AGAINST GUNRUNNING.—Section  
8 922 of title 18, United States Code, is amended by insert-  
9 ing after subsection (y) the following:

1       “(z) It shall be unlawful for a person not licensed  
2 under section 923 to ship or transport, or conspire to ship  
3 or transport, 5 or more firearms from a State into another  
4 State during any period of 12 consecutive months, with  
5 the intent to transfer all of such firearms to another per-  
6 son who is not so licensed.”.

7       (b) MANDATORY MINIMUM PENALTIES FOR CRIMES  
8 RELATED TO GUNRUNNING.—Section 924 of title 18,  
9 United States Code, is amended by adding at the end the  
10 following:

11       “(p)(1)(A)(i) Whoever violates section 922(z) shall,  
12 except as otherwise provided in this subsection, be impris-  
13 oned not less than 3 years, and may be fined under this  
14 title.

15       “(ii) In the case of a person’s second or subsequent  
16 violation described in clause (i), the term of imprisonment  
17 shall be not less than 5 years.

18       “(B) If a firearm which is shipped or transported in  
19 violation of section 922(z) is used subsequently by the per-  
20 son to whom shipped or transported, or by any person  
21 within 3 years after the shipment or transportation, in an  
22 offense in which a person is killed or suffers serious bodily  
23 injury, the term of imprisonment for the violation shall  
24 be not less than 10 years.

1 “(C) If more than 50 firearms are the subject of a  
2 violation of section 922(z), the term of imprisonment for  
3 the violation shall be not less than 15 years.

4 “(D) If more than 50 firearms are the subject of a  
5 violation of section 922(z) and 1 of the firearms is used  
6 subsequently by the person to whom shipped or trans-  
7 ported, or by any person within 3 years after the shipment  
8 or transportation, in an offense in which a person is killed  
9 or suffers serious bodily injury, the term of imprisonment  
10 for the violation shall be not less than 25 years.

11 “(2) Notwithstanding any other provision of law, the  
12 court shall not impose a probationary sentence or suspend  
13 the sentence of a person convicted of a violation of this  
14 subsection, nor shall any term of imprisonment imposed  
15 on a person under this subsection run concurrently with  
16 any other term of imprisonment imposed on the person  
17 by a court of the United States.”.

18 (c) CRIMES RELATED TO GUNRUNNING MADE PRED-  
19 ICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of  
20 title 18, United States Code, is amended by inserting “sec-  
21 tion 922(a)(1)(A) (relating to unlicensed importation,  
22 manufacture, or dealing in firearms), section 922(a)(3)  
23 (relating to interstate transportation or receipt of fire-  
24 arm), section 922(a)(5) (relating to transfer of firearm to  
25 person from another State), or section 922(a)(6) (relating

1 to false statements made in acquisition of firearm or am-  
2 munition from licensee), section 922(d) (relating to dis-  
3 position of firearm or ammunition to a prohibited person),  
4 section 922(g) (relating to receipt of firearm or ammuni-  
5 tion by a prohibited person), section 922(h) (relating to  
6 possession of firearm or ammunition on behalf of a prohib-  
7 ited person), section 922(i) (relating to transportation of  
8 stolen firearm or ammunition), section 922(j) (relating to  
9 receipt of stolen firearm or ammunition), section 922(k)  
10 (relating to transportation or receipt of firearm with al-  
11 tered serial number), section 922(z) (relating to  
12 gunrunning), section 924(b) (relating to shipment or re-  
13 ceipt of firearm for use in a crime),” before “section  
14 1028”.

15 (d) ENFORCEMENT.—The Secretary of the Treasury  
16 may hire and employ 200 personnel, in addition to any  
17 personnel hired and employed by the Department of the  
18 Treasury under other law, to enforce the amendments  
19 made by this section, notwithstanding any limitations im-  
20 posed by or under the Federal Workforce Restructuring  
21 Act.

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