

116TH CONGRESS  
1ST SESSION

# H. R. 1670

To prevent gun trafficking.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2019

Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. KING of New York) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 “Hadiya Pendleton and  
5 Nyasia Pryear-Yard Gun Trafficking and Crime Preven-  
6 tion Act of 2019”.

7 **SEC. 2. FIREARMS TRAFFICKING.**

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

1 **“§ 932. Trafficking in firearms**

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

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

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

20 “(3) to make a statement to a licensed im-  
21 porter, licensed manufacturer, or licensed dealer re-  
22 lating to the purchase, receipt, or acquisition from  
23 a licensed importer, licensed manufacturer, or li-  
24 censed dealer of 2 or more firearms that have moved  
25 in or affected interstate or foreign commerce that—

26 “(A) is material to—

1                   “(i) the identity of the actual buyer of  
2                   the firearms; or

3                   “(ii) the intended trafficking of the  
4                   firearms; and

5                   “(B) the person knows or has reasonable  
6                   cause to believe is false; or

7                   “(4) to direct, promote, or facilitate conduct  
8                   specified in paragraph (1), (2), or (3).

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

11                   “(1) lawfully acquired by a person to be given  
12                   as a gift to another person not prohibited from pos-  
13                   sessing a firearm under Federal or State law; or

14                   “(2) lawfully received or otherwise acquired by  
15                   a court-appointed trustee, receiver, or conservator  
16                   for, or on behalf of, an estate or creditor, or by a  
17                   person to carry out a bequest, or an acquisition by  
18                   intestate succession under the laws of the State of  
19                   residence of the person.

20                   “(c) PENALTIES.—

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

1           “(2) ORGANIZER ENHANCEMENT.—If a viola-  
2           tion of subsection (a) is committed by a person in  
3           concert with 5 or more other persons with respect to  
4           whom such person occupies a position of organizer,  
5           a supervisory position, or any other position of man-  
6           agement, such person may be sentenced to an addi-  
7           tional term of imprisonment of not more than 5 con-  
8           secutive years.

9           “(d) DEFINITIONS.—In this section—

10           “(1) the term ‘actual buyer’ means the indi-  
11           vidual for whom a firearm is being purchased, re-  
12           ceived, or acquired; and

13           “(2) the term ‘term of imprisonment exceeding  
14           1 year’ does not include any offense classified by the  
15           applicable jurisdiction as a misdemeanor and punish-  
16           able by a term of imprisonment of 2 years or less.”.

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

          “932. Trafficking in firearms.”.

21           (c) DIRECTIVE TO THE SENTENCING COMMISSION.—

22           (1) IN GENERAL.—Pursuant to its authority  
23           under section 994(p) of title 28, United States Code,  
24           the United States Sentencing Commission shall re-  
25           view and, if appropriate, amend the Federal sen-

1       tencing guidelines and policy statements applicable  
2       to persons convicted of offenses under section 932 of  
3       title 18, United States Code (as added by subsection  
4       (a)).

5           (2) REQUIREMENTS.—In carrying out this sec-  
6       tion, the Commission shall review the penalty struc-  
7       ture that the guidelines currently provide based on  
8       the number of firearms involved in the offense and  
9       determine whether any changes to that penalty  
10      structure are appropriate in order to reflect the in-  
11      tent of Congress that such penalties reflect the grav-  
12      ity of the offense.

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