

117TH CONGRESS
1ST SESSION

H. R. 5245

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2021

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

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”.

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

8 (a) REPORTING REQUIREMENT.—

1 (1) IN GENERAL.—Section 922 of title 18,
2 United States Code, is amended by adding at the
3 end the following:

4 “(aa)(1) Within 48 hours after a person not licensed
5 under this chapter who owns a firearm that has been
6 shipped or transported in, or has been possessed in or af-
7 fecting, interstate or foreign commerce, discovers or
8 should have discovered the theft or loss of the firearm,
9 the person shall report the theft or loss to the Attorney
10 General. If the report to the Attorney General is not sub-
11 mitted through a web portal created by the Attorney Gen-
12 eral for such purpose, the person shall report the theft
13 or loss to local law enforcement authorities.

14 “(2) Within 72 hours after the Attorney General re-
15 ceives a report through the web portal pursuant to para-
16 graph (1), the Attorney General shall notify the chief law
17 enforcement officer of the jurisdiction in which the theft
18 or loss occurred of the name and address of the reporting
19 person.”.

20 (2) CREATION OF WEB-BASED PORTAL FOR RE-
21 PORTING.—Within 180 days after the date of the
22 enactment of this Act, the Attorney General shall
23 create a web-based electronic portal, which members
24 of the public may use to report the theft or loss of
25 a firearm to the Attorney General pursuant to sec-

1 tion 922(aa) of title 18, United States Code, that in-
2 cludes a notice to users of the penalties under sec-
3 tion 924(a)(1) of such title for knowingly making a
4 false statement or representation in such a report.

5 (3) PENALTIES.—Section 924 of such title is
6 amended by adding at the end the following:

7 “(q) With respect to a violation of section 922(aa),
8 the Attorney General shall, after notice and opportunity
9 for a hearing—

10 “(1)(A) in the case of a first violation, subject
11 the person to a civil money penalty of not more than
12 \$1,000; or

13 “(B) in the case of a second or subsequent vio-
14 lation, subject the person to a civil money penalty of
15 not more than \$5,000; and

16 “(2) in the case of any violation, notify the per-
17 son of the prohibitions set forth in section
18 922(bb).”.

19 (b) PROHIBITION ON FIREARM RECEIPT AFTER
20 MULTIPLE CONVICTIONS.—

21 (1) IN GENERAL.—Section 922 of such title, as
22 amended by subsection (a)(1) of this section, is
23 amended by adding at the end the following:

24 “(bb)(1) It shall be unlawful for a person who has
25 been twice assessed a civil money penalty under section

1 924(q) to receive a firearm during the 1-year period that
2 begins with the date of the most recent such assessment.

3 “(2) It shall be unlawful for a person who has been
4 thrice assessed a civil money penalty under section 924(q)
5 to receive a firearm during the 5-year period that begins
6 with the date of the most recent such assessment.”.

7 (2) PENALTIES.—Section 924(a)(5) of such
8 title is amended by striking “or (t)” and inserting
9 “(t), or (bb)”.

10 (c) PROHIBITION ON FALSE REPORTING.—Section
11 924(a)(1)(A) of such title is amended by striking “chapter
12 or” and inserting “chapter, in reporting a lost or stolen
13 firearm pursuant to section 922(aa), or”.

14 (d) 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—

20 (A) the national instant criminal back-
21 ground check system takes account of section
22 922(bb) of title 18, United States Code, in per-
23 forming the functions of the system; and

24 (B) all persons licensed under chapter 44
25 of such title provide notice of the penalties for

1 violations of section 922(aa) of such title to any
2 person not so licensed who acquires a firearm
3 from the licensee.

4 (2) CONFORMING AMENDMENTS.—

5 (A) The following provisions of section 103
6 of the Brady Handgun Violence Prevention Act
7 (34 U.S.C. 40901) are each amended by strik-
8 ing “(g) or (n)” each place it appears and in-
9 serting “(g), (n), or (bb)”:

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

12 (ii) Subsection (g).

13 (iii) Subsection (i)(2).

14 (B) The following provisions of title 18,
15 United States Code, are each amended by strik-
16 ing “(g) or (n)” and inserting “(g), (n), or
17 (bb)”:

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

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

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

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

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

23 (vi) Section 925A(2).

1 **SEC. 3. EFFECTIVE DATE.**

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

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