

110TH CONGRESS  
1ST SESSION

# S. 77

To improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, 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 “Anti-Gun Trafficking  
5 Penalties Enhancement Act of 2007”.

**1 SEC. 2. FIREARMS TRACE SYSTEM.**

2 (a) IN GENERAL.—The Science, State, Justice, Com-  
3 merce, and Related Agencies Appropriations Act, 2006  
4 (Public Law 109–108) is amended in title I, under the  
5 heading “BUREAU OF ALCOHOL, TOBACCO, FIREARMS  
6 AND EXPLOSIVES”, by striking “*Provided further*, That no  
7 funds appropriated under this or any other Act with re-  
8 spect to any fiscal year may be used to disclose part or  
9 all of the contents of the Firearms Trace System data-  
10 base” and all that follows through “section 921(a)(10) of  
11 such title):”.

12 (b) REQUESTS FOR INFORMATION.—Upon receipt of  
13 a written request from a State or local government or law  
14 enforcement agency for information contained in the Fire-  
15 arms Trace System database maintained by the National  
16 Trace Center of the Bureau of Alcohol, Tobacco, Firearms  
17 and Explosives (or any successor database or agency), the  
18 Attorney General shall provide all data in such database  
19 that is responsive to such request for information.

**20 SEC. 3. STOLEN FIREARMS.**

21 (a) DEFINITION.—As used in this section, the term  
22 “firearm” has the meaning given the term by section 921  
23 of title 18, United States Code.

24 (b) FEDERAL OFFICIALS.—If a Federal law enforce-  
25 ment agency investigates the commission of a crime and  
26 determines that a specific firearm is known to have been

1 stolen or to have been used in such crime, the agency shall  
 2 provide information regarding the firearm to the Bureau  
 3 of Alcohol, Firearms, Tobacco, and Explosives, for inclu-  
 4 sion in the Firearms Trace System database.

5 (c) STATE AND LOCAL OFFICIALS.—Section 1702 of  
 6 the Omnibus Crime Control and Safe Streets Act of 1968  
 7 (42 U.S.C. 3796dd–1) is amended by adding at the end  
 8 the following:

9 “(e) STOLEN FIREARMS.—

10 “(1) DEFINITION.—As used in this subsection,  
 11 the term ‘firearm’ has the meaning given the term  
 12 by section 921 of title 18, United States Code.

13 “(2) REPORTING.—If a State or local law en-  
 14 forcement agency receiving a grant under this part  
 15 investigates the commission of a crime and deter-  
 16 mines that a specific firearm is known to have been  
 17 stolen or to have been used in such crime, the agen-  
 18 cy shall provide information regarding the firearm to  
 19 the Bureau of Alcohol, Firearms, Tobacco, and Ex-  
 20 plosives, for inclusion in the Firearms Trace System  
 21 database.”.

22 **SEC. 4. INSPECTIONS OF GUN DEALERS.**

23 Section 923(g)(1)(B)(ii) of title 18, United States  
 24 Code, is amended by striking subclause (I) and inserting  
 25 the following:

1                   “(I) at any time that the Attorney General  
2                   may reasonably require; and”.

3 **SEC. 5. ILLEGAL FIREARMS TRAFFICKING.**

4           (a) INCREASED MAXIMUM TERM OF IMPRISON-  
5 MENT.—Section 924 of title 18, United States Code, is  
6 amended—

7                   (1) in subsection (a)(2)—

8                           (A) by inserting “(A)” after “(2)”;

9                           (B) by striking “(d),”; and

10                          (C) by adding at the end the following:

11                   “(B) Whoever knowingly violates subsection (d) of  
12 section 922 shall be fined under this title, imprisoned not  
13 more than 20 years, or both.”;

14                   (2) in subsection (g), by striking “10 years,  
15 fined in accordance with” and inserting “20 years,  
16 fined under”;

17                   (3) in subsection (h), by striking “10 years,  
18 fined in accordance with” and inserting “20 years,  
19 fined under”; and

20                   (4) in subsection (n), by striking “10 years”  
21 and inserting “20 years”.

22           (b) RACKETEERING ACTIVITY.—Section 1961(1) of  
23 title 18, United States Code, is amended by inserting “sec-  
24 tion 922(d) (relating to firearms sales to ineligible per-

1 sons), subsections (g), (h), and (n) of section 924 (relating  
2 to illegal firearms trafficking),” before “section 1028”.

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