

103^D CONGRESS
1ST SESSION

H. R. 1222

To amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses.

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1993

Mr. GOODLING (for himself, Mr. SHAYS, Mr. SHUSTER, Mr. SANTORUM, Mr. GALLEGLY, Mr. FAWELL, and Mr. INHOFE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to impose stiffer penalties on persons convicted of lesser drug offenses.

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. TEMPORARY PROHIBITION AGAINST POSSES-**
4 **SION OF A FIREARM BY, OR TRANSFER OF A**
5 **FIREARM TO, PERSONS CONVICTED OF A**
6 **DRUG CRIME.**

7 (a) IN GENERAL.—Section 922 of title 18, United
8 States Code, is amended by adding at the end the
9 following:

1 “(s)(1)(A) Except as provided in paragraph (2), it
2 shall be unlawful for any individual who has been con-
3 victed in any court of a drug crime to possess a firearm
4 during the period described in subparagraph (B).

5 “(B) The period described in this subparagraph is the
6 period that begins with the date the individual committed
7 the drug crime and ends 5 years after the most recent
8 date (occurring after the commission of such crime) on
9 which the individual has committed a drug crime or has
10 violated any Federal or State law relating to firearms.

11 “(2) Paragraph (1) shall not apply with respect to
12 convictions occurring on or before the date of the enact-
13 ment of this subsection.

14 “(t)(1)(A) Except as provided in paragraph (2), it
15 shall be unlawful for any person to transfer a firearm to
16 any individual knowing or having reasonable cause to be-
17 lieve that the individual is under indictment for a drug
18 crime.

19 “(B)(i) Except as provided in paragraph (2), it shall
20 be unlawful for any person, during the period described
21 in clause (ii), to transfer a firearm to any individual know-
22 ing or having reasonable cause to believe that the individ-
23 ual has been convicted in any court of a drug crime.

24 “(ii) The period described in this clause is the period
25 that begins with the date the individual committed the

1 drug crime and ends 5 years after the most recent date
2 (occurring after the commission of such crime) on which
3 the individual has committed a drug crime or has violated
4 any Federal or State law relating to firearms.

5 “(2) The second sentence of subsection (d) shall
6 apply in like manner to paragraph (1) of this subsection.”.

7 (b) PENALTY.—Section 924(a)(1)(B) of such title is
8 amended by striking “or (q)” and inserting “(r), (s)(1),
9 or (t)(1)”.

10 **SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF A**
11 **FIREARM DURING A DRUG CRIME.**

12 Section 924 of title 18, United States Code, is
13 amended by adding at the end the following:

14 “(i) Whoever, during and in relation to a drug crime
15 (including a drug crime which provides for an enhanced
16 punishment if committed by the use of a deadly or dan-
17 gerous weapon or device) for which he may be prosecuted
18 in a court of the United States, possesses a firearm, in
19 addition to the punishment provided for such drug crime,
20 may be sentenced to imprisonment for not less than 15
21 days and not more than 2 years, and shall be fined not
22 less than \$2,500 and not more than \$10,000, and if the
23 firearm is a machinegun, or is equipped with a firearm
24 silencer or firearm muffler, shall be sentenced to imprison-
25 ment for 15 years. In the case of a second or subsequent

1 conviction under this subsection, such person shall be sen-
2 tenced to imprisonment for not less than 15 days and not
3 more than 2 years, and shall be fined not less than \$2,500
4 and not more than \$10,000, and if the firearm is a ma-
5 chinegun, or is equipped with a firearm silencer or firearm
6 muffler, shall be sentenced to imprisonment for 30 years.
7 Notwithstanding any other provision of law, the court
8 shall not place on probation or suspend the sentence of
9 any person convicted of a violation of this subsection, nor
10 shall the term of imprisonment imposed under this sub-
11 section run concurrently with any other term of imprison-
12 ment including that imposed for the drug crime in which
13 the firearm was possessed.”.

14 **SEC. 3. DEFINITION OF DRUG CRIME.**

15 Section 921(a) of title 18, United States Code, is
16 amended by adding at the end the following:

17 “(29) The term ‘drug crime’ means any offense
18 (other than a drug trafficking crime) punishable by
19 imprisonment under—

20 “(A) any Act specified in section
21 924(c)(2); or

22 “(B) any State law involving the posses-
23 sion, distribution, or manufacture of a con-
24 trolled substance (as defined in section 102 of
25 the Controlled Substances Act).”.

