

117TH CONGRESS
2D SESSION

S. 4376

To amend title 18, United States Code, relating to sentencing of armed career criminals.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2022

Mr. COTTON (for himself, Mr. CASSIDY, Mr. HAWLEY, Mr. YOUNG, Mr. TILLIS, Mrs. BLACKBURN, Mr. DAINES, Mr. KENNEDY, and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, relating to sentencing of armed career criminals.

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 “Stop Gun Criminals
5 Act”.

6 **SEC. 2. AMENDMENTS TO THE ARMED CAREER CRIMINAL**
7 **ACT.**

8 Section 924 of title 18, United States Code, is
9 amended—

1 (1) in subsection (a)(2)—

2 (A) by striking “violates subsection” and
3 inserting the following: “violates—

4 “(A) subsection”;

5 (B) in subparagraph (A), as so designated,
6 by striking “(g)”;

7 (C) by striking the period at the end and
8 inserting “; or” and

9 (D) by adding at the end the following:

10 “(B) section 922(g) shall be—

11 “(i) fined as provided in this title; and

12 “(ii) except as provided in subsection
13 (e) of this section, imprisoned not less than
14 5 years and not more than 10 years.”;

15 (2) in subsection (c)(1)(A)—

16 (A) in clause (i), by striking “5 years” and
17 inserting “7 years”;

18 (B) in clause (ii), by striking “7 years”
19 and inserting “10 years”; and

20 (C) in clause (iii), by striking “10 years”
21 and inserting “15 years”; and

22 (3) by striking subsection (e) and inserting the
23 following:

24 “(e)(1) Whoever knowingly violates section 922(g)

25 and has 3 or more previous serious felony convictions for

1 offenses committed on occasions different from one an-
2 other shall be fined under this title and imprisoned not
3 less than 15 years and not more than 30 years, and, not-
4 withstanding any other provision of law, the court shall
5 not suspend the sentence of, or grant a probationary sen-
6 tence to, such person with respect to the conviction under
7 section 922(g).

8 “(2) In this subsection—

9 “(A) the term ‘offense punishable by imprison-
10 ment for a statutory maximum term of not less than
11 10 years’ includes an offense (without regard to the
12 application of any sentencing guideline, statutory
13 criterion, or judgment that may provide for a short-
14 er period of imprisonment within the statutory sen-
15 tencing range) for which the statute provides for a
16 range in the period of imprisonment that may be im-
17 posed at sentencing the maximum term of which is
18 not less than 10 years; and

19 “(B) the term ‘serious felony conviction’
20 means—

21 “(i) any conviction by a court referred to
22 in section 922(g)(1) for an offense that, at the
23 time of sentencing, was an offense punishable
24 by imprisonment for a statutory maximum term
25 of not less than 10 years; or

“(ii) any group of convictions for which a court referred to in section 922(g)(1) imposed in the same proceeding or in consolidated proceedings a total term of imprisonment of not less than 10 years, regardless of how many years of that total term the defendant served in custody.”.

SEC. 3. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act relating to offenses committed by an individual who has 3 or more previous serious felony convictions (as defined in subsection (e) of section 924 of title 18, United States Code, as amended by this Act) shall apply to any offense committed after the date of enactment of this Act by an individual who, on the date on which the offense is committed, has 3 or more previous serious felony convictions.

(b) RULE OF CONSTRUCTION.—This Act and the amendments made by this Act shall not be construed to create any right to challenge a sentence imposed under subsection (e) of section 924 of title 18, United States Code.

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