

108TH CONGRESS  
2D SESSION

# H. R. 5249

To amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential gun safe for the safe storage of firearms.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 2004

Mr. HOUGHTON introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential gun safe for the safe storage of firearms.

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 “Firearm Theft Preven-  
5 tion Act of 2004”.

6 **SEC. 2. CREDIT FOR RESIDENTIAL GUN SAFE PURCHASES.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-  
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to nonrefundable personal credits) is  
2 amended by inserting after section 25B the following new  
3 section:

4 **“SEC. 25C. RESIDENTIAL GUN SAFES.**

5       “(a) IN GENERAL.—In the case of an individual,  
6 there shall be allowed as a credit against the tax imposed  
7 by this chapter for the taxable year an amount equal to  
8 25 percent of the aggregate amount paid or incurred by  
9 the taxpayer during the taxable year for one or more quali-  
10 fied residential gun safes.

11       “(b) LIMITATION.—The credit allowed under sub-  
12 section (a) for any taxable year shall not exceed \$250.

13       “(c) QUALIFIED RESIDENTIAL GUN SAFES.—For  
14 purposes of this section, the term ‘qualified residential gun  
15 safe’ means any container if such container—

16               “(1) is acquired by the taxpayer for the tax-  
17 payer’s personal use,

18               “(2) is designed to fully contain one or more  
19 firearms,

20               “(3) includes a secure locking mechanism,

21               “(4) is designed to prevent unauthorized access  
22 to its contents by children under the age of 18, and

23               “(5) is tested and certified by a certification or-  
24 ganization that is accredited by an appropriate ac-

1       creditation organization, such as the American Na-  
2       tional Standards Institute, as—

3               “(A) complying with an appropriate per-  
4               formance standard, such as Underwriters Lab-  
5               oratories (UL) 1037, ‘Standard for Antitheft  
6               Alarms and Devices’, or

7               “(B) being capable of resisting a 5 minute  
8               attempt to access the interior of the safe using  
9               household tools when the safe is properly in-  
10              stalled.

11 For purposes of paragraph (5)(B), the creation of an  
12 opening in a safe of less than 4 inches in diameter shall  
13 not be treated as having accessed the interior of the safe.

14       “(d) INCLUSION OF INSTALLATION EXPENSES.—For  
15 purposes of this section, any amount paid or incurred by  
16 the taxpayer for the installation of a qualified residential  
17 gun safe shall be treated as an amount paid or incurred  
18 for such safe.

19       “(e) DENIAL OF DOUBLE BENEFIT.—No deduction  
20 or credit shall be allowed under this chapter (other than  
21 this section) for any amount taken into account in deter-  
22 mining the credit under this section.

23       “(f) MARRIED COUPLES MUST FILE JOINT RE-  
24 TURN.—If the taxpayer is married at the close of the tax-  
25 able year, the credit shall be allowed under subsection (a)

1 only if the taxpayer and taxpayer's spouse file a joint re-  
2 turn for the taxable year.

3       “(g) ELECTION TO HAVE CREDIT NOT APPLY.—A  
4 taxpayer may elect (in such form and manner and at such  
5 time as the Secretary may require) to have this section  
6 not apply for any taxable year.

7       “(h) REGULATIONS.—The Secretary shall prescribe  
8 such regulations as may be necessary to carry out this  
9 section, including regulations to carry out subsection  
10 (c)(5).

11       “(i) CARRYFORWARD OF UNUSED CREDITS.—If the  
12 credit allowable under subsection (a) for any taxable year  
13 exceeds the limitation imposed by section 26(a) for such  
14 taxable year reduced by the sum of the credits allowable  
15 under this subpart (other than this section and sections  
16 23 and 1400C), such excess shall be carried to the suc-  
17 ceeding taxable year and added to the credit allowable  
18 under subsection (a) for such taxable year. No credit may  
19 be carried forward under this subsection to any taxable  
20 year following the third taxable year after the taxable year  
21 in which the credit arose. For purposes of the preceding  
22 sentence, credits shall be treated as used on a first-in-first-  
23 out basis.”.

24       “(b) CLERICAL AMENDMENT.—The table of sections  
25 for subpart A of part IV of subchapter A of chapter 1

1 of such Code is amended by inserting after the item relat-  
2 ing to section 25B the following new item:

“Sec. 25C. Residential gun safes.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to taxable years beginning after  
5 December 31, 2004.

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