

113TH CONGRESS
2D SESSION

S. 2068

To provide for the development and use of technology for personalized handguns, to require that, within 3 years, all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mr. MARKEY (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the development and use of technology for personalized handguns, to require that, within 3 years, all handguns manufactured or sold in, or imported into, the United States incorporate such technology, 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 “Handgun Trigger
5 Safety Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) It is in the interest of the United States to
2 protect its citizens from handgun violence and acci-
3 dental firearm deaths.

4 (2) Personalizing handguns would prevent un-
5 authorized users, whether children, criminals, or oth-
6 ers, from misusing the weapons.

7 (3) Personalizing handguns would allow author-
8 ized users to continue to lawfully own and use their
9 handguns more safely.

10 (4) In 2011, according to the Centers for Dis-
11 ease Control, there were 851 accidental firearm
12 deaths.

13 (5) In 2010, according to the Centers for Dis-
14 ease Control, 62 people under the age of 15 were
15 killed accidentally with firearms.

16 (6) According to the National Crime Victimization
17 Survey, almost 350,000 incidents of firearm
18 theft from private citizens occur each year.

19 (7) According to the Federal Bureau of Inves-
20 tigation, 45 law enforcement officers were killed with
21 their own firearm between 2002 and 2011.

22 (8) According to the Federal Bureau of Inves-
23 tigation, almost half of all murders in the United
24 States in 2011 were committed with handguns.

1 **TITLE I—TECHNOLOGY FOR**
2 **PERSONALIZED HANDGUNS**
3 **GRANTS**

4 **SEC. 101. DEFINITIONS.**

5 In this title:

6 (1) **HANDGUN.**—The term “handgun” has the
7 meaning given the term in section 921(a)(29) of title
8 18, United States Code.

9 (2) **PERSONALIZED HANDGUN.**—The term “per-
10 sonalized handgun” means a handgun that—

11 (A) enables only an authorized user of the
12 handgun to fire the handgun; and

13 (B) was manufactured in such a manner
14 that the firing restriction described in subpara-
15 graph (A)—

16 (i) is incorporated into the design of
17 the handgun;

18 (ii) is not sold as an accessory; and

19 (iii) cannot be readily removed or de-
20 activated.

21 (3) **QUALIFIED ENTITY.**—The term “qualified
22 entity” means—

23 (A) a State or unit of local government;

24 (B) a nonprofit or for-profit organization;

25 or

1 (C) an institution of higher education (as
2 defined in section 101 of the Higher Education
3 Act of 1965 (20 U.S.C. 1001)).

4 (4) RETROFITTED PERSONALIZED HANDGUN.—
5 The term “retrofitted personalized handgun” means
6 a handgun fitted with a device that—

7 (A) enables only an authorized user of the
8 handgun to fire the handgun; and

9 (B) cannot be readily removed or deacti-
10 vated.

11 **SEC. 102. AUTHORIZATION.**

12 The Attorney General, acting through the Director
13 of the National Institute of Justice (referred to in this
14 title as the “Director”), shall make grants to qualified en-
15 tities to develop technology for personalized handguns.

16 **SEC. 103. APPLICATIONS.**

17 A qualified entity seeking a grant under this title
18 shall submit to the Director an application at such time,
19 in such manner, and containing such information as the
20 Director may reasonably require.

21 **SEC. 104. USES OF FUNDS.**

22 A qualified entity that receives a grant under this
23 title—

1 (1) shall use not less than 70 percent of the
2 amount of the grant to develop technology for per-
3 sonalized handguns;

4 (2) may use not more than 20 percent of the
5 amount of the grant to develop technology for retro-
6 fitted personalized handguns; and

7 (3) may use not more than 10 percent of the
8 amount of the grant for administrative costs associ-
9 ated with the development of technology funded
10 under this title.

11 **SEC. 105. TERM; RENEWAL.**

12 (a) **TERM.**—A grant awarded under this title shall
13 be for a term of 1 year.

14 (b) **RENEWAL.**—A qualified entity receiving a grant
15 under this title may renew the grant by submitting to the
16 Director an application for renewal at such time, in such
17 manner, and containing such information as the Director
18 may reasonably require.

19 **SEC. 106. REPORTS.**

20 (a) **REPORTS TO DIRECTOR.**—A qualified entity re-
21 ceiving a grant under this title shall submit to the Director
22 such reports, at such time, in such manner, and con-
23 taining such information as the Director may reasonably
24 require.

1 (b) REPORTS TO CONGRESS.—Each year, the Direc-
 2 tor shall submit to Congress a report that contains a sum-
 3 mary of the information submitted to the Director under
 4 subsection (a) during the previous year.

5 **SEC. 107. REGULATIONS.**

6 The Director may promulgate such guidelines, rules,
 7 regulations, and procedures as may be necessary to carry
 8 out this title.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
 11 this title \$2,000,000 for each of fiscal years 2015 and
 12 2016.

13 **TITLE II—CONSUMER PRODUCT**
 14 **SAFETY COMMISSION SAFETY**
 15 **STANDARD**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) ANTIQUE FIREARM; FIREARM; HANDGUN.—

19 The terms “antique firearm”, “firearm”, and “hand-
 20 gun” have the meaning given those terms in section
 21 921 of title 18, United States Code.

22 (2) AUTHORIZED USER.—The term “authorized
 23 user”, with respect to a firearm, means—

24 (A) the lawful owner of the firearm; and

25 (B) any individual who is—

1 (i) authorized by the lawful owner of
2 the firearm to use the firearm; and

3 (ii) authorized, under the law of the
4 State where the firearm is being used, to
5 own, carry, or use a firearm in the State.

6 (3) COMMISSION.—The term “Commission”
7 means the Consumer Product Safety Commission

8 (4) CONSUMER PRODUCT SAFETY RULE.—The
9 term “consumer product safety rule” has the mean-
10 ing given such term in section 3(a) of the Consumer
11 Product Safety Act (15 U.S.C. 2052(a)).

12 (5) MANUFACTURED AND MANUFACTURER.—
13 The terms “manufactured” and “manufacturer”
14 have the meaning given such terms in section 3(a)
15 of the Consumer Product Safety Act (15 U.S.C.
16 2052(a)).

17 (6) PERSONALIZED HANDGUN.—The term “per-
18 sonalized handgun” means a handgun that—

19 (A) enables only an authorized user of a
20 handgun to fire the handgun; and

21 (B) is manufactured in such a manner
22 that the firing restriction described in subpara-
23 graph (A)—

24 (i) is incorporated into the design of
25 the handgun; and

1 (ii) cannot be readily removed or de-
2 activated.

3 (7) RETROFITTED PERSONALIZED HANDGUN.—
4 The term “retrofitted personalized handgun” means
5 a handgun fitted with a device that—

6 (A) enables only an authorized user of a
7 handgun to fire the handgun; and

8 (B) attaches to the handgun in a manner
9 such that the device cannot be readily removed
10 or deactivated.

11 (8) STATE AND UNITED STATES.—The terms
12 “State” and “United States” have the meaning
13 given such terms in section 3(a) of the Consumer
14 Product Safety Act (15 U.S.C. 2052(a)).

15 (9) TO DISTRIBUTE IN COMMERCE AND DIS-
16 TRIBUTION IN COMMERCE.—The terms “to dis-
17 tribute in commerce” and “distribution in com-
18 merce” have the meaning given such terms in sec-
19 tion 3(a) of the Consumer Product Safety Act (15
20 U.S.C. 2052(a)).

21 **SEC. 202. PROHIBITION ON MANUFACTURING AND DIS-**
22 **TRIBUTION OF HANDGUNS THAT ARE NOT**
23 **PERSONALIZED HANDGUNS.**

24 (a) PROHIBITION.—

1 (1) MANUFACTURING.—Beginning on the date
2 that is 2 years after the date of enactment of this
3 Act, no person may manufacture in the United
4 States a handgun that is not a personalized hand-
5 gun.

6 (2) DISTRIBUTION IN COMMERCE.—Beginning
7 on the date that is 3 years after the date of enact-
8 ment of this Act, no person may distribute in com-
9 merce any handgun that is not a personalized hand-
10 gun or a retrofitted personalized handgun.

11 (3) EXEMPTIONS FOR ANTIQUE FIREARMS AND
12 MILITARY FIREARMS.—Paragraphs (1) and (2) shall
13 not apply to—

14 (A) an antique firearm;

15 (B) the manufacture of a firearm that is
16 sold to the Department of Defense; or

17 (C) the sale or distribution of a firearm to
18 the Department of Defense.

19 (b) ENFORCEMENT BY CONSUMER PRODUCT SAFETY
20 COMMISSION.—

21 (1) TREATMENT OF VIOLATION.—Notwith-
22 standing section 3(a)(5)(E) of the Consumer Prod-
23 uct Safety Act (15 U.S.C. 2052(a)(5)(E)), a viola-
24 tion of subsection (a) or any rule promulgated by
25 the Commission pursuant to paragraph (4) shall be

1 treated as a violation of section 19(a)(1) of the Con-
2 sumer Product Safety Act (15 U.S.C. 2068(a)(1)).

3 (2) TREATMENT AS CONSUMER PRODUCT SAFE-
4 TY STANDARDS.—Notwithstanding section
5 3(a)(5)(E) of the Consumer Product Safety Act (15
6 U.S.C. 2052(a)(5)(E)), subsection (a) and any rule
7 promulgated pursuant to paragraph (4) shall be con-
8 sidered consumer product safety rules.

9 (3) POWERS OF COMMISSION.—

10 (A) IN GENERAL.—The Commission shall
11 enforce this section in the same manner, by the
12 same means, and with the same jurisdiction,
13 powers, and duties as though all applicable
14 terms and provisions of the Consumer Product
15 Safety Act (15 U.S.C. 2051 et seq.) were incor-
16 porated into and made a part of this section.

17 (B) PRIVILEGES AND IMMUNITIES.—Any
18 person who violates this section shall be subject
19 to the penalties and entitled to the privileges
20 and immunities provided in the Consumer
21 Product Safety Act (15 U.S.C. 2051 et seq.).

22 (4) REGULATIONS.—The Commission, in con-
23 sultation with the Attorney General and the Director
24 of the National Institute of Justice, may promulgate

1 such rules as the Commission considers appropriate
2 to carry out this section.

3 (c) ENFORCEMENT BY STATES.—If an attorney gen-
4 eral, other official, or agency of a State has reason to be-
5 lieve that an interest of the residents of the State has been
6 or is threatened or adversely affected by a person who vio-
7 lates subsection (a), the attorney general, official, or agen-
8 cy may bring a civil action on behalf of the residents of
9 the State against the person in an appropriate district
10 court of the United States to enjoin any further such viola-
11 tion and for other relief as may be appropriate.

12 (d) COST OF RETROFITTING.—

13 (1) COST BORNE BY MANUFACTURERS.—Upon
14 the request of the owner of a handgun that was
15 manufactured in the United States and that is not
16 a personalized handgun or retrofitted personalized
17 handgun, the manufacturer of the handgun—

18 (A) shall—

19 (i) retrofit the handgun so that the
20 handgun is a retrofitted personalized hand-
21 gun; and

22 (ii) return the handgun to the owner
23 within a reasonable period of time; and

24 (B) may not request compensation for the
25 retrofit from the owner.

1 (2) RULEMAKING.—Not later than 1 year after
2 the date of enactment of this Act, the Commission,
3 in consultation with the Attorney General and the
4 Director of the National Institute of Justice, shall
5 by regulation establish the maximum period of time
6 within which a manufacturer that receives a request
7 from the owner of a handgun under paragraph (1)
8 shall retrofit and return the handgun to the owner.

9 (3) REIMBURSEMENT FROM DEPARTMENT OF
10 JUSTICE ASSETS FORFEITURE FUND.—Section
11 524(c) of title 28, United States Code, is amended—

12 (A) in subparagraph (H), by striking
13 “and” at the end;

14 (B) in subparagraph (I), by striking the
15 period at the end and inserting “; and”; and

16 (C) by inserting after subparagraph (I) the
17 following:

18 “(J) payments to reimburse manufacturers of
19 handguns for the costs of retrofitting handguns to
20 comply with the requirement under section
21 202(d)(1) of the Handgun Trigger Safety Act of
22 2014.”.

23 (e) RELATION TO STATE LAW.—Nothing in this sec-
24 tion or the Consumer Product Safety Act (15 U.S.C. 2051
25 et seq.) shall be construed to preempt or otherwise affect

1 any State requirement with respect to any handgun not
 2 specifically regulated in a consumer product safety stand-
 3 ard under the Consumer Product Safety Act.

4 **TITLE III—EXEMPTION FROM**
 5 **THE PROTECTION OF LAW-**
 6 **FUL COMMERCE IN ARMS ACT**

7 **SEC. 301. EXEMPTIONS FROM THE PROTECTION OF LAW-**
 8 **FUL COMMERCE IN ARMS ACT.**

9 Section 4 of the Protection of Lawful Commerce in
 10 Arms Act (15 U.S.C. 7903) is amended—

11 (1) in paragraph (4)—

12 (A) by striking “The term ‘qualified prod-
 13 uct’ means” and inserting the following: “The
 14 term ‘qualified product’—

15 “(i) except as provided in clause (ii),
 16 means”;

17 (B) by striking the period at the end and
 18 inserting “; and”; and

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

20 “(ii) does not include a handgun
 21 that—

22 “(I) is manufactured on or after
 23 the date that is 2 years after the date
 24 of enactment of the Handgun Trigger
 25 Safety Act of 2014; and

1 “(II) is not a—
 2 “(aa) personalized handgun;
 3 or
 4 “(bb) retrofitted personal-
 5 ized handgun.”; and

6 (2) by adding at the end the following:

7 “(10) AUTHORIZED USER.—The term ‘author-
 8 ized user’, with respect to a handgun, means—

9 “(A) the lawful owner of the firearm; and

10 “(B) any individual who is—

11 “(i) authorized by the lawful owner of
 12 the firearm to use the firearm; and

13 “(ii) authorized, under the law of the
 14 State where the firearm is being used, to
 15 own, carry, or use a firearm in the State.

16 “(11) HANDGUN.—The term ‘handgun’ has the
 17 meaning given the term in section 921(a)(29) of title
 18 18, United States Code.

19 “(12) PERSONALIZED HANDGUN.—The term
 20 ‘personalized handgun’ means a handgun that—

21 “(A) enables only an authorized user of the
 22 handgun to fire the handgun; and

23 “(B) is manufactured in such a manner
 24 that the firing restriction described in subpara-
 25 graph (A)—

1 “(i) is incorporated into the design of
2 the handgun; and

3 “(ii) cannot be readily removed or de-
4 activated.

5 “(13) RETROFITTED PERSONALIZED HAND-
6 GUN.—The term ‘retrofitted personalized handgun’
7 means a handgun fitted with a device that—

8 “(A) enables only an authorized user of the
9 handgun to fire the handgun; and

10 “(B) attaches to the handgun in a manner
11 such that the device cannot be readily removed
12 or deactivated.”.

○