

105TH CONGRESS
1ST SESSION

H. R. 1047

To amend chapter 44 of title 18, United States Code, to improve the safety
of handguns.

IN THE HOUSE OF REPRESENTATIVES

MARCH 12, 1997

Mr. SCHUMER (for himself, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. BARRETT of Wisconsin, Mr. CONYERS, Mr. DAVIS of Illinois, Ms. DEGETTE, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mr. LIPINSKI, Ms. LOFGREN, Ms. NORTON, Mr. SERRANO, Mr. TIERNEY, Mr. YATES, and Mr. MANTON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to
improve the safety of handguns.

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 “Child Safety Lock Act
5 of 1997”.

1 **SEC. 2. HANDGUN SAFETY.**

2 (a) DEFINITION OF LOCKING DEVICE.—Section
3 921(a) of title 18, United States Code, is amended by add-
4 ing at the end the following:

5 “(34) The term ‘locking device’ means—

6 “(A) a device that, if installed on a firearm
7 and secured by means of a key or a mechani-
8 cally, electronically, or electromechanically oper-
9 ated combination lock, prevents the firearm
10 from being discharged without first deactivating
11 or removing the device by means of a key or
12 mechanically, electronically, or
13 electromechanically operated combination lock;
14 or

15 “(B) a locking mechanism incorporated
16 into the design of a firearm that prevents dis-
17 charge of the firearm by any person who does
18 not have access to the key or other device de-
19 signed to unlock the mechanism and thereby
20 allow discharge of the firearm.”.

21 (b) UNLAWFUL ACTS.—Section 922 of title 18,
22 United States Code, is amended by inserting after sub-
23 section (x) the following:

24 “(y) LOCKING DEVICES AND WARNINGS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), beginning 90 days after the date of enact-
3 ment of the Child Safety Lock Act of 1997, it shall
4 be unlawful for any licensed manufacturer, licensed
5 importer, or licensed dealer to sell, deliver, or trans-
6 fer any handgun—

7 “(A) to any person, unless the transferee is
8 provided with a locking device for that hand-
9 gun; or

10 “(B) to any person, unless the handgun is
11 accompanied by the following warning, which
12 shall appear in conspicuous and legible type in
13 capital letters, and which shall be printed on a
14 label affixed to the gun and on a separate sheet
15 of paper included within the packaging enclos-
16 ing the handgun:

17 “‘THE USE OF A LOCKING DEVICE OR
18 SAFETY LOCK IS ONLY ONE ASPECT OF
19 RESPONSIBLE FIREARM STORAGE.
20 FIREARMS SHOULD BE STORED UN-
21 LOADED AND LOCKED IN A LOCATION
22 THAT IS BOTH SEPARATE FROM THEIR
23 AMMUNITION AND INACCESSIBLE TO
24 CHILDREN.

1 ‘FAILURE TO PROPERLY LOCK AND
2 STORE YOUR FIREARM MAY RESULT IN
3 CIVIL OR CRIMINAL LIABILITY UNDER
4 STATE LAW. IN ADDITION, FEDERAL
5 LAW PROHIBITS THE POSSESSION OF A
6 HANDGUN BY A MINOR IN MOST CIR-
7 CUMSTANCES.’

8 “(2) EXCEPTIONS.—Paragraph (1) does not
9 apply to—

10 “(A) the—

11 “(i) manufacture for, transfer to, or
12 possession by, the United States or a State
13 or a department or agency of the United
14 States, or a State or a department, agency,
15 or political subdivision of a State, of a
16 handgun; or

17 “(iii) the transfer to, or possession by,
18 a law enforcement officer employed by an
19 entity referred to in clause (i) of a hand-
20 gun for law enforcement purposes (whether
21 on or off-duty); or

22 “(B) the transfer to, or possession by, a
23 rail police officer employed by a rail carrier and
24 certified or commissioned as a police officer

1 under the laws of a State of a handgun for pur-
 2 poses of law enforcement (whether on or off-
 3 duty).”.

4 (c) CIVIL PENALTIES.—Section 924 of title 18,
 5 United States Code, is amended—

6 (1) in subsection (a)(1), by striking “or (f)”
 7 and inserting “(f), or (p)”; and

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

9 “(p) PENALTIES RELATING TO LOCKING DEVICES
 10 AND WARNINGS.—

11 “(1) IN GENERAL.—

12 “(A) SUSPENSION OR REVOCATION OF LI-
 13 CENSE; CIVIL PENALTIES.—With respect to
 14 each violation of subparagraph (A) or (B) of
 15 section 922(y)(1) by a license, the Secretary
 16 may, after notice and opportunity for hearing—

17 “(i) suspend or revoke any license is-
 18 sued to the licensee under this chapter; or

19 “(ii) subject the licensee to a civil
 20 penalty in an amount equal to not more
 21 than \$10,000.

22 “(B) REVIEW.—An action of the Secretary
 23 under this paragraph may be reviewed only as
 24 provided in section 923(f).

1 “(2) ADMINISTRATIVE REMEDIES.—the suspen-
2 sion or revocation of a license or the imposition of
3 a civil penalty under paragraph (1) does not pre-
4 clude any administrative remedy that is otherwise
5 available to the Secretary.”.

○