

105TH CONGRESS  
1ST SESSION

# H. R. 814

To prevent children from injuring themselves with firearms.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1997

Mr. BLUMENAUER introduced the following bill; which was referred to the Committee on the Judiciary

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# A BILL

To prevent children from injuring themselves with 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. CHILDREN AND FIREARMS SAFETY.**

4       (a) PROHIBITION AGAINST AFFORDING A JUVENILE  
5       UNSUPERVISED ACCESS TO CERTAIN FIREARMS.—

6               (1) PROHIBITION.—It shall be unlawful for any  
7       person to leave a loaded firearm, or an unloaded  
8       firearm and ammunition for the firearm, any of  
9       which has been shipped or transported in interstate  
10      or foreign commerce, in a manner that the person  
11      knows, or reasonably should know, is likely to be ac-  
12      cessible to a juvenile, unless the person has given the

1       juvenile permission to possess the firearm, and the  
2       possession is under the supervision of an adult who  
3       is not prohibited by Federal, State, or local law from  
4       possessing a firearm.

5               (2) AFFIRMATIVE DEFENSE.—It shall be an af-  
6       firmative defense to a prosecution under paragraph  
7       (1) that the firearm was left in a locked, opaque box  
8       or with a trigger locking device installed.

9               (3) ADMINISTRATIVE PENALTY.—The Secretary  
10       of the Treasury shall, after notice and opportunity  
11       for hearing, impose a civil money penalty of not  
12       more than \$1,000 upon any person who violates  
13       paragraph (1).

14               (4) JUDICIAL REVIEW.—The Secretary’s action  
15       under paragraph (3) of this subsection may be re-  
16       viewed only as provided in section 923(f)(3) of title  
17       18, United States Code.

18               (5) DEFINITIONS.—As used in this subsection:

19                       (A) ADULT.—The term “adult” means an  
20       individual who has attained 21 years of age.

21                       (B) FIREARM.—The term “firearm” has  
22       the meaning given such term by section  
23       921(a)(3) of title 18, United States Code.

1 (C) INTERSTATE OR FOREIGN COM-  
2 MERCE.—The term “interstate or foreign com-  
3 merce” has the meaning given such term by  
4 section 921(a)(2) of title 18, United States  
5 Code.

(D) **JUVENILE.**—The term “juvenile” means an individual who has not attained 18 years of age.

9 (E) TRIGGER LOCKING DEVICE.—The term  
10 “trigger locking device” has the meaning given  
11 such term in section 921(a)(34) of title 18,  
12 United States Code.

13 (b) ROLE OF LICENSED FIREARMS DEALERS.—

14 (1) PROHIBITION AGAINST SALE OF FIREARM  
15 WITHOUT OFFERING TRIGGER LOCKS.—

16 (A) PROHIBITION.—Section 922 of title  
17 18, United States Code, is amended by adding  
18 at the end the following:

19       “(y)(1) It shall be unlawful for a licensed dealer to  
20 sell a firearm to any person unless, before the sale, the  
21 dealer—

22               “(A) has offered to sell the purchaser a trigger  
23               locking device;

24               “(B) has explained the operation of any trigger  
25               locking device so offered; and

1           “(C) has had the person indicate in writing that  
2           the person understands that trigger locking devices  
3           are available for purchase.

4           “(2) Paragraph (1) shall not apply to a sale to—

5           “(A) a licensed firearm dealer for resale in the  
6           ordinary course of business; or

7           “(B) an agency of government with law enforce-  
8           ment authority;

9           “(C) the Armed Forces of the United States; or

10           “(D) the National Guard of any State.”.

11           (B) TRIGGER LOCKING DEVICE DE-  
12           FINED.—Section 921(a) of such title is amend-  
13           ed by adding at the end the following:

14           “(34) The term ‘trigger locking device’ means, with  
15           respect to a firearm, a device which, when locked on,  
16           around, or in the firearm, renders the firearm incapable  
17           of being fired.”.

18           (2) NOTICE REQUIREMENTS.—

19           (A) NOTICE TO BE POSTED BY LICENSED  
20           DEALERS.—Section 923 of such title is amend-  
21           ed by adding at the end the following:

22           “(m) Each licensed dealer shall post conspicuously at  
23           the place of business of the licensed dealer a copy of sec-  
24           tion 1(a) of the Act, entitled ‘An Act to prevent children

1 from injuring themselves with firearms.', in block letters  
2 that are not less than 1 inch in height.”.

3 (B) NOTICE TO BE INCLUDED ON THE  
4 FORM REQUIRED TO BE OBTAINED BY LI-  
5 CENSED DEALERS FROM PROSPECTIVE FIRE-  
6 ARMS TRANSFEREES.—Section 926 of such title  
7 is amended by adding at the end the following:

8 “(d) The Secretary shall ensure that a copy of section  
9 1(a) of the Act, entitled ‘An Act to prevent children from  
10 injuring themselves with firearms.', appear on the form  
11 required to be obtained by a licensed dealer from a pro-  
12 spective transferee of a firearm.”.

