

106TH CONGRESS
1ST SESSION

H. R. 1512

To improve the safety of firearms.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1999

Ms. MILLENDER-MCDONALD (for herself, Mr. MARKEY, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Ms. CARSON, Mr. HASTINGS of Florida, Mr. DIXON, Mrs. MINK of Hawaii, Mrs. CLAYTON, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Ms. LOFGREN, Ms. NORTON, Mr. CONYERS, Mrs. MEEK of Florida, Mr. RUSH, Mr. OWENS, Mr. CLYBURN, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. UNDERWOOD, Mr. PAYNE, Mr. CUMMINGS, and Mr. WEINER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the safety 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 “Child Safety Lock Act
5 of 1999”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) according to statistics from the Centers for
2 Disease Control, more than 5,000 innocent children
3 have lost their lives due to unintentional deaths re-
4 lated to firearms;

5 (2) between 1983 and 1994, 5,523 males rang-
6 ing in ages from 1 to 19, were killed by the uninten-
7 tional discharge of a firearm;

8 (3) a Federal study found that ignorance and
9 carelessness are the major causes of firearms acci-
10 dents;

11 (4) 84 percent of firearms accidents involved
12 people who did not follow basic safety rules; and

13 (5) to help reduce the number of firearms acci-
14 dents, it is critical to practice and enforce firearms
15 safety rules.

16 **TITLE I—CRIMINAL PROVISIONS**

17 **SEC. 101. HANDGUN SAFETY.**

18 (a) DEFINITION OF LOCKING DEVICE.—Section
19 921(a) of title 18, United States Code, is amended by add-
20 ing at the end the following:

21 “(35) The term ‘locking device’ means—

22 “(A) a device which, if installed on a firearm
23 and secured by means of a key or a mechanically,
24 electronically, or electromechanically operated com-
25 bination lock, prevents the firearm from being dis-

1 charged without first deactivating or removing the
2 device by means of a key or mechanically, electroni-
3 cally, or electromechanically operated combination
4 lock; or

5 “(B) a locking mechanism incorporated into the
6 design of a firearm which prevents discharge of the
7 firearm by any person who does not have access to
8 the key or other device designed to unlock the mech-
9 anism and thereby allow discharge of the firearm.”.

10 (b) UNLAWFUL ACTS.—Section 922 of title 18,
11 United States Code, is amended by inserting after sub-
12 section (y) the following:

13 “(z) LOCKING DEVICES AND WARNINGS.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), beginning 90 days after the date of the
16 enactment of this subsection, it shall be unlawful for
17 any licensed manufacturer, licensed importer, or li-
18 censed dealer to sell, deliver, or transfer a handgun
19 to any person, unless—

20 “(A) the transferee is provided with a lock-
21 ing device for that handgun; and

22 “(B) the handgun is accompanied by the
23 following warning, which shall appear in con-
24 spicuous and legible type in capital letters, and
25 which shall be printed on a label affixed to the

1 handgun and on a separate sheet of paper in-
2 cluded in the packaging enclosing the handgun:
3 “‘THE USE OF A LOCKING DEVICE OR
4 SAFETY LOCK IS ONLY ONE ASPECT OF
5 RESPONSIBLE FIREARM STORAGE.
6 HANDGUNS SHOULD BE STORED UN-
7 LOADED AND LOCKED IN A LOCATION
8 THAT IS BOTH SEPARATE FROM THEIR
9 AMMUNITION AND INACCESSIBLE TO
10 CHILDREN.

11 ‘FAILURE TO PROPERLY LOCK AND
12 STORE YOUR HANDGUN MAY RESULT
13 IN CIVIL OR CRIMINAL LIABILITY
14 UNDER STATE LAW. FEDERAL LAW
15 PROHIBITS THE POSSESSION OF A
16 HANDGUN BY A MINOR IN MOST CIR-
17 CUMSTANCES.’.

18 “(2) EXCEPTIONS.—Paragraph (1) shall not
19 apply to the sale, delivery, or transfer of a handgun
20 to—

21 “(A) the United States or a department or
22 agency of the United States, or a State or a de-
23 partment, agency, or political subdivision of a
24 State;

1 “(B) a law enforcement officer (whether on
2 or off-duty) who is employed by an entity re-
3 ferred to in subparagraph (A), for law enforce-
4 ment purposes; or

5 “(C) a rail police officer (whether on or
6 off-duty) who is employed by a rail carrier and
7 is certified or commissioned as a police officer
8 under the laws of a State, for law enforcement
9 purposes.”.

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

12 (1) in subsection (a)(1), by striking “this sub-
13 section, subsection (b) or (c) of this section,” and in-
14 serting “this section”; and

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

16 “(p) PENALTIES RELATING TO LOCKING DEVICES
17 AND WARNINGS.—

18 “(1) IN GENERAL.—

19 “(A) SUSPENSION OR REVOCATION OF LI-
20 CENSE; CIVIL PENALTIES.—With respect to
21 each violation of section 922(z)(1) by a licensee,
22 the Secretary may, after notice and opportunity
23 for hearing—

1 “(i) suspend or revoke any license
 2 issued to the licensee under this chapter;
 3 or

4 “(ii) impose a civil penalty on the li-
 5 censee in an amount that is not more than
 6 \$10,000.

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

10 “(2) ADMINISTRATIVE REMEDIES.—The taking
 11 of an action under paragraph (1) with respect to
 12 conduct of a licensee shall not affect the availability
 13 of any other administrative authority with respect to
 14 the conduct.”.

15 **TITLE II—REGULATORY** 16 **PROVISIONS**

17 **SEC. 201. REGULATION OF TRIGGER LOCK DEVICES.**

18 (a) GENERAL AUTHORITY.—The Secretary of the
 19 Treasury (in this title referred to as the “Secretary”) shall
 20 prescribe such regulations governing the design, manufac-
 21 ture, and performance of trigger lock devices, as are nec-
 22 essary to reduce or prevent the unintentional discharge of
 23 handguns.

24 (b) MINIMUM SAFETY STANDARD.—The regulations
 25 required by subsection (a) shall, at a minimum, set forth

1 a minimum safety standard that trigger lock devices must
2 meet in order to be manufactured, sold, transferred, or
3 delivered consistent with this title. In developing the
4 standard, the Secretary shall give appropriate consider-
5 ation to trigger lock devices that are not detachable, but
6 are permanently installed and incorporated into the design
7 of a handgun. The standard shall include provisions to en-
8 sure that any trigger lock device that meets the standard
9 is of adequate quality and construction to prevent children
10 who have not attained 18 years of age from operating a
11 handgun, and to ensure that such a product cannot be
12 removed from a handgun except through the use of a key,
13 combination, or other method of access provided in the
14 design specifications of the manufacturer of the device.

15 (c) DEADLINE FOR ISSUANCE OF STANDARD.—With-
16 in 12 months after the date of the enactment of this title,
17 the Secretary shall issue in final form the standard re-
18 quired by subsection (b).

19 (d) EFFECTIVE DATE OF STANDARD.—The standard
20 issued under subsection (b) shall take effect 6 months
21 after the date of issuance.

22 **SEC. 202. ORDERS; INSPECTIONS.**

23 (a) IN GENERAL.—The Secretary may issue an order
24 prohibiting the manufacture, sale, transfer, or delivery of
25 a trigger lock device which the Secretary finds has been

1 designed, or has been or is intended to be manufactured,
2 transferred, or distributed in violation of this title or a
3 regulation prescribed under this title.

4 (b) AUTHORITY TO REQUIRE THE RECALL, REPAIR,
5 OR REPLACEMENT OF, OR THE PROVISION OF RE-
6 FUNDS.—The Secretary may issue an order requiring the
7 manufacturer of, and any dealer in, a trigger lock device
8 which the Secretary finds has been designed, manufac-
9 tured, transferred, or delivered in violation of this title or
10 a regulation prescribed under this title, to—

11 (1) provide notice of the risks associated with
12 the device, and of how to avoid or reduce the risks,
13 to—

14 (A) the public;

15 (B) in the case of the manufacturer of the
16 device, each dealer in the device; and

17 (C) in the case of a dealer in the device,
18 the manufacturer of the device and the other
19 persons known to the dealer as dealers in the
20 device;

21 (2) bring the device into conformity with the
22 regulations prescribed under this title;

23 (3) repair the device;

24 (4) replace the device with a like or equivalent
25 device which is in compliance with such regulations;

1 (5) refund the purchase price of the device, or,
2 if the device is more than 1 year old, a lesser
3 amount based on the value of the device after rea-
4 sonable use;

5 (6) recall the device from the stream of com-
6 merce; or

7 (7) submit to the Secretary a satisfactory plan
8 for implementation of any action required under this
9 subsection.

10 (c) INSPECTIONS.—In order to ascertain compliance
11 with this title and the regulations and orders issued under
12 this title, the Secretary may, at reasonable times—

13 (1) enter any place in which trigger lock devices
14 are manufactured, stored, or held, for distribution in
15 commerce, and inspect those areas where the devices
16 are manufactured, stored, or held; and

17 (2) enter and inspect any conveyance being
18 used to transport for commercial purposes a trigger
19 lock device.

20 **SEC. 203. ENFORCEMENT.**

21 (a) CIVIL PENALTIES.—The Secretary may assess a
22 civil money penalty not to exceed \$10,000 for each viola-
23 tion of this title.

24 (b) REVOCATION OF FEDERAL FIREARMS LI-
25 CENSE.—Section 923(e) of title 18, United States Code,

1 is amended by inserting after the 2nd sentence the fol-
2 lowing: “The Secretary may, after notice and opportunity
3 for hearing, revoke any license issued under this section
4 if the holder of the license violates any provision of title
5 II of the Child Safety Lock and Community Protection
6 Act of 1999 or any rule or regulation prescribed under
7 such title.”.

8 (c) CRIMINAL PENALTIES.—Any person who has re-
9 ceived from the Secretary a notice that the person has vio-
10 lated a provision of this title or of a regulation prescribed
11 under this title with respect to a trigger lock device, and
12 who subsequently knowingly violates such provision with
13 respect to the device shall be fined under title 18, United
14 States Code, imprisoned not more than 2 years, or both.

15 **SEC. 204. NO EFFECT ON STATE LAW.**

16 This title does not annul, alter, impair, or affect, or
17 exempt any person subject to the provisions of this title
18 from complying with, any provision of the law of any State
19 or any political subdivision thereof, except to the extent
20 that such provisions of State law are inconsistent with any
21 provision of this title, and then only to the extent of the
22 inconsistency. A provision of State law is not inconsistent
23 with this title if such provision affords greater protection
24 in respect of trigger lock devices than is afforded by this
25 title.

1 **SEC. 205. DEFINITIONS.**

2 In this title:

3 (1) The term “trigger lock device” means any
4 device that is designed, manufactured, or rep-
5 resented in commerce, as a means of preventing the
6 unintentional discharge of a handgun.

7 (2) The terms “licensed importer”, “licensed
8 manufacturer”, “licensed dealer”, “Secretary”, and
9 “handgun” have the meanings given in paragraphs
10 (9), (10), (11), (18), and (29), respectively, of sec-
11 tion 921(a) of title 18, United States Code.

12 **TITLE III—EDUCATION**
13 **PROVISIONS**

14 **SEC. 301. PORTION OF FIREARMS TAX REVENUE TO BE**
15 **USED FOR PUBLIC EDUCATION ON SAFE**
16 **STORAGE OF FIREARMS.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law, an amount equal to 2 percent of the net reve-
19 nues received in the Treasury from the tax imposed by
20 section 4181 of the Internal Revenue Code of 1986 (relat-
21 ing to firearms) for each of the first 5 fiscal years begin-
22 ning after the date of the enactment of this Act shall be
23 available, as provided in appropriation Acts, to the Sec-
24 retary of the Treasury to carry out public education pro-
25 grams on the safe storage and use of firearms. Amounts
26 otherwise transferred or made available for any other pur-

1 pose by reason of such tax shall be reduced by the
2 amounts made available to such Secretary under the pre-
3 ceding sentence.

4 (b) NET REVENUES.—For purposes of subsection
5 (a), the term “net revenues” means, with respect to the
6 tax imposed by such section 4181, the amount estimated
7 by the Secretary of the Treasury based on the excess of—
8 (1) the taxes received in the Treasury under
9 such section, over
10 (2) the decrease in the tax imposed by chapter
11 1 of such Code resulting from such tax.

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