

106TH CONGRESS
1ST SESSION

S. 149

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. KOHL (for himself, Mr. CHAFEE, Mrs. FEINSTEIN, Mrs. BOXER, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun.

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. CHILD SAFETY LOCKS.**

7 (a) DEFINITIONS.—Section 921(a) of title 18, United
8 States Code, is amended by adding at the end the follow-
9 ing:

1 “(35) The term ‘locking device’ means a device
2 or locking mechanism—

3 “(A) that—

4 “(i) if installed on a firearm and se-
5 cured by means of a key or a mechanically,
6 electronically, or electromechanically oper-
7 ated combination lock, is designed to pre-
8 vent the firearm from being discharged
9 without first deactivating or removing the
10 device by means of a key or mechanically,
11 electronically, or electromechanically oper-
12 ated combination lock;

13 “(ii) if incorporated into the design of
14 a firearm, is designed to prevent discharge
15 of the firearm by any person who does not
16 have access to the key or other device de-
17 signed to unlock the mechanism and there-
18 by allow discharge of the firearm; or

19 “(iii) is a safe, gun safe, gun case,
20 lock box, or other device that is designed
21 to store a firearm and that is designed to
22 be unlocked only by means of a key, a
23 combination, or other similar means; and

24 “(B) that is approved by a licensed fire-
25 arms manufacturer for use on the handgun

1 with which the device or locking mechanism is
2 sold, delivered, or transferred.”.

3 (b) UNLAWFUL ACTS.—

4 (1) IN GENERAL.—Section 922 of title 18,
5 United States Code, is amended by inserting after
6 subsection (y) the following:

7 “(z) LOCKING DEVICES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), it shall be unlawful for any licensed man-
10 ufacturer, licensed importer, or licensed dealer to
11 sell, deliver, or transfer any handgun to any person
12 other than a licensed manufacturer, licensed im-
13 porter, or licensed dealer, unless the transferee is
14 provided with a locking device for that handgun.

15 “(2) EXCEPTIONS.—Paragraph (1) does not
16 apply to—

17 “(A) the—

18 “(i) manufacture for, transfer to, or
19 possession by, the United States or a State
20 or a department or agency of the United
21 States, or a State or a department, agency,
22 or political subdivision of a State, of a fire-
23 arm; or

24 “(ii) transfer to, or possession by, a
25 law enforcement officer employed by an en-

tity referred to in clause (i) of a firearm for law enforcement purposes (whether on or off duty); or

“(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a firearm for purposes of law enforcement (whether on or off duty).”.

(2) EFFECTIVE DATE.—Section 922(y) of title 18, United States Code, as added by this subsection, shall take effect 180 days after the date of enactment of this Act.

(c) LIABILITY; EVIDENCE.—

(1) LIABILITY.—Nothing in this section shall be construed to—

(A) create a cause of action against any firearms dealer or any other person for any civil liability; or

(B) establish any standard of care.

(2) EVIDENCE.—Notwithstanding any other provision of law, evidence regarding compliance or noncompliance with the amendments made by this section shall not be admissible as evidence in any proceeding of any court, agency, board, or other en-

1 tity, except with respect to an action to enforce this
2 section.

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to bar a governmental
5 action to impose a penalty under section 924(p) of
6 title 18, United States Code, for a failure to comply
7 with section 922(y) of that title.

8 (d) CIVIL PENALTIES.—Section 924 of title 18,
9 United States Code, is amended—

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

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

13 “(p) PENALTIES RELATING TO LOCKING DEVICES.—

14 “(1) IN GENERAL.—

15 “(A) SUSPENSION OR REVOCATION OF LI-
16 CENSE; CIVIL PENALTIES.—With respect to
17 each violation of section 922(y)(1) by a licensee,
18 the Secretary may, after notice and opportunity
19 for hearing—

20 “(i) suspend or revoke any license
21 issued to the licensee under this chapter;
22 or

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

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

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

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