

106TH CONGRESS
1ST SESSION

S. 319

To provide for childproof handguns, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1999

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for childproof handguns, 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 “Childproof Handgun
5 Act of 1999”.

6 **SEC. 2. HANDGUN SAFETY.**

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

10 “(35)(A) The term ‘childproof’ means, with re-
11 spect to a firearm that is a handgun, a handgun

1 that incorporates within its design and as part of its
2 original manufacture technology that—

3 “(i) automatically limits the operational
4 use of the handgun;

5 “(ii) is not capable of being readily deacti-
6 vated; and

7 “(iii) ensures that the handgun may only
8 be fired by an authorized or recognized user.

9 “(B) The technology referred to in subpara-
10 graph (A) includes—

11 “(i) radio tagging;

12 “(ii) touch memory;

13 “(iii) remote control;

14 “(iv) fingerprint;

15 “(v) magnetic encoding; and

16 “(vi) other automatic user identification
17 systems that utilize biometrics, mechanical, or
18 electronic systems.

19 “(36) The term ‘locking device’ means—

20 “(A) a device that, if installed on a firearm
21 and secured by means of a key or a mechani-
22 cally, electronically, or electromechanically oper-
23 ated combination lock, prevents the firearm
24 from being discharged without first deactivating
25 or removing the device by means of a key or

1 mechanically, electronically, or
 2 electromechanically operated combination lock;
 3 or

4 “(B) a locking mechanism incorporated
 5 into the design of a firearm that prevents dis-
 6 charge of the firearm by any person who does
 7 not have access to the key or other device de-
 8 signed to unlock the mechanism and thereby
 9 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) CHILDPROOF HANDGUNS.—

14 “(1) IN GENERAL.—Except as provided in para-
 15 graph (2), beginning 3 years after the date of enact-
 16 ment of the Childproof Handgun Act of 1999, it
 17 shall be unlawful for any licensed manufacturer, li-
 18 censed importer, or licensed dealer to sell, deliver, or
 19 transfer any handgun to any person other than a li-
 20 censed manufacturer, licensed importer, or licensed
 21 dealer, unless the handgun is childproof.

22 “(2) EXCEPTIONS.—Paragraph (1) does not
 23 apply to—

24 “(A) the—

1 “(i) manufacture for, transfer to, or
 2 possession by, the United States or a State
 3 or a department or agency of the United
 4 States, or a State or a department, agency,
 5 or political subdivision of a State, of a
 6 handgun; or

7 “(ii) transfer to, or possession by, a
 8 law enforcement officer employed by an en-
 9 tity referred to in clause (i) of a handgun
 10 for law enforcement purposes (whether on
 11 or off-duty); or

12 “(B) the transfer to, or possession by, a
 13 rail police officer employed by a rail carrier and
 14 certified or commissioned as a police officer
 15 under the laws of a State, of a handgun for
 16 purposes of law enforcement (whether on or off-
 17 duty).”.

18 “(aa) LOCKING DEVICES AND WARNINGS.—

19 “(1) IN GENERAL.—Except as provided in para-
 20 graph (2), beginning 90 days after the date of enact-
 21 ment of the Childproof Handgun Act of 1999, it
 22 shall be unlawful for any licensed manufacturer, li-
 23 censed importer, or licensed dealer to sell, deliver, or
 24 transfer any handgun—

1 “(A) to any person other than a licensed
2 manufacturer, licensed importer, or licensed
3 dealer, unless the transferee is provided with a
4 locking device for that handgun; or

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

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

20 ‘FAILURE TO PROPERLY LOCK AND
21 STORE YOUR FIREARM MAY RESULT IN
22 CIVIL OR CRIMINAL LIABILITY UNDER
23 STATE LAW. IN ADDITION, FEDERAL
24 LAW PROHIBITS THE POSSESSION OF A

1 HANDGUN BY A MINOR IN MOST CIR-
 2 CUMSTANCES.’

3 “(2) EXCEPTIONS.—Paragraph (1) does not
 4 apply to—

5 “(A) the—

6 “(i) manufacture for, transfer to, or
 7 possession by, the United States or a State
 8 or a department or agency of the United
 9 States, or a State or a department, agency,
 10 or political subdivision of a State, of a
 11 handgun; or

12 “(ii) transfer to, or possession by, a
 13 law enforcement officer employed by an en-
 14 tity referred to in clause (i) of a handgun
 15 for law enforcement purposes (whether on
 16 or off-duty); or

17 “(B) the transfer to, or possession by, a
 18 rail police officer employed by a rail carrier and
 19 certified or commissioned as a police officer
 20 under the laws of a State, of a handgun for
 21 purposes of law enforcement (whether on or off-
 22 duty).”.

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

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

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

4 “(p) PENALTIES RELATING TO FAILURE TO PRO-
 5 VIDE FOR CHILDPROOF HANDGUNS OR LOCKING DEVICES
 6 AND WARNINGS.—

7 “(1) IN GENERAL.—

8 “(A) SUSPENSION OR REVOCATION OF LI-
 9 CENSE; CIVIL PENALTIES.—With respect to
 10 each violation of subparagraph (A) or (B) of
 11 section 922(z)(1) or subparagraph (A) or (B) of
 12 section 922(aa)(1) by a licensee, the Secretary
 13 may, after notice and opportunity for hearing—

14 “(i) suspend or revoke any license
 15 issued to the licensee under this chapter;
 16 or

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

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

23 “(2) ADMINISTRATIVE REMEDIES.—The sus-
 24 pension or revocation of a license or the imposition
 25 of a civil penalty under paragraph (1) does not pre-

1 clude any administrative remedy that is otherwise
2 available to the Secretary.”.

3 **SEC. 3. GRANTS TO IMPROVE GUN SAFETY.**

4 (a) IN GENERAL.—

5 (1) GRANTS.—Subject to the availability of ap-
6 propriations, the Attorney General, acting through
7 the Director of the National Institute of Justice (re-
8 ferred to in this section as the “Director”), shall
9 make grants under this section for the purpose spec-
10 ified in paragraph (2) to applicants that submit an
11 application that meets requirements that the Attor-
12 ney General, acting through the Director, shall es-
13 tablish.

14 (2) PURPOSE.—The purpose of a grant under
15 this section shall be to reduce violence caused by
16 firearms through the improvement of firearm safety
17 technology, weapon detection technology, or other
18 technology.

19 (3) CONSULTATION.—In making grants under
20 this section, the Attorney General, acting through
21 the Director, shall consult with appropriate employ-
22 ees of the National Institute of Justice with exper-
23 tise in firearms and weapons technology.

24 (b) PERIOD OF GRANT.—A grant under this section
25 shall be for a period of not to exceed 3 years.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Department of
3 Justice to carry out this section \$10,000,000 for each of
4 fiscal years 2000 through 2002.

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