

106TH CONGRESS
1ST SESSION

S. 936

To prevent children from having access to firearms.

IN THE SENATE OF THE UNITED STATES

MAY 3, 1999

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

A BILL

To prevent children from having access to 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 “Children’s Firearm Ac-
5 cess Prevention Act”.

6 **SEC. 2. CHILDREN AND FIREARMS SAFETY.**

7 (a) DEFINITION.—Section 921(a)(34)(A) of title 18,
8 United States Code, is amended by inserting “or remov-
9 ing” after “deactivating”.

1 (b) PROHIBITION.—Section 922 of title 18, United
2 States Code, is amended by inserting after subsection (y)
3 the following:

4 “(z) PROHIBITION AGAINST GIVING JUVENILES AC-
5 CESS TO CERTAIN FIREARMS.—

6 “(1) DEFINITION OF JUVENILE.—In this sub-
7 section, the term ‘juvenile’ means an individual who
8 has not attained the age of 18 years.

9 “(2) PROHIBITION.—Except as provided in
10 paragraph (3), it shall be unlawful for any person to
11 keep a loaded firearm, or an unloaded firearm and
12 ammunition for the firearm, any of which has been
13 shipped or transported in interstate or foreign com-
14 merce or otherwise substantially affects interstate or
15 foreign commerce, within any premise that is under
16 the custody or control of that person if that person
17 knows, or reasonably should know, that a juvenile is
18 capable of gaining access to the firearm without the
19 permission of the parent or legal guardian of the ju-
20 venile.

21 “(3) EXCEPTIONS.—Paragraph (2) does not
22 apply if—

23 “(A) the person uses a secure gun storage
24 or safety device for the firearm;

1 “(B) the person is a peace officer, a mem-
 2 ber of the Armed Forces, or a member of the
 3 National Guard, and the juvenile obtains the
 4 firearm during, or incidental to, the perform-
 5 ance of the official duties of the person in that
 6 capacity;

7 “(C) the juvenile obtains, or obtains and
 8 discharges, the firearm in a lawful act of self-
 9 defense or defense of one or more other per-
 10 sons;

11 “(D) the person has no reasonable expecta-
 12 tion, based on objective facts and cir-
 13 cumstances, that a juvenile is likely to be
 14 present on the premises on which the firearm is
 15 kept; or

16 “(E) the juvenile obtains the firearm as a
 17 result of an unlawful entry by any person.”.

18 (c) PENALTIES.—Section 924(a) of title 18, United
 19 States Code, is amended by adding at the end the fol-
 20 lowing:

21 “(7) Whoever violates section 922(z), if a juvenile (as
 22 defined in section 922(z)) obtains access to the firearm
 23 and thereby causes death or bodily injury to the juvenile
 24 or to any other person, or exhibits the firearm either in
 25 a public place, or in violation of section 922(q)—

1 “(A) shall be fined not more than \$10,000, im-
2 prisoned not more than 1 year, or both; or

3 “(B) if such violation is reckless, shall be fined
4 in accordance with this title, imprisoned not more
5 than 5 years, or both.”.

6 (d) **ROLE OF LICENSED FIREARMS DEALERS.**—Sec-
7 tion 926 of title 18, United States Code, is amended by
8 adding at the end the following:

9 “(d) **CONTENTS OF FORM.**—The Secretary shall en-
10 sure that a copy of section 922(z) appears on the form
11 required to be obtained by a licensed dealer from a pro-
12 spective transferee of a firearm.”.

13 (e) **NO EFFECT ON STATE LAW.**—Nothing in this
14 section or the amendments made by this section shall be
15 construed to preempt any provision of the law of any
16 State, the purpose of which is to prevent juveniles from
17 injuring themselves or others with firearms.

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