

107TH CONGRESS
1ST SESSION

H. R. 233

To improve the safety of firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2001

Ms. MILLENDER-MCDONALD 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 2001”.

6 SEC. 2. FINDINGS.

7 The Congress finds that—

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

(2) between 1983 and 1994, 5,523 males ranging in ages from 1 to 19, were killed by the unintentional discharge of a firearm;

4 (3) a Federal study found that ignorance and
5 carelessness are the major causes of firearms acci-
6 dents:

7 (4) 84 percent of firearms accidents involved
8 people who did not follow basic safety rules; and

12. TITLE I—CRIMINAL PROVISIONS

13 SEC. 101. HANDGUN SAFETY.

14 (a) DEFINITION OF LOCKING DEVICE.—Section
15 921(a) of title 18, United States Code, is amended by add-
16 ing at the end the following:

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

18 “(A) a device which, if installed on a firearm
19 and secured by means of a key or a mechanically,
20 electronically, or electromechanically operated com-
21 bination lock, prevents the firearm from being dis-
22 charged without first deactivating or removing the
23 device by means of a key or mechanically, electroni-
24 cally, or electromechanically operated combination
25 lock; or

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

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

9 “(z) LOCKING DEVICES AND WARNINGS.—

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

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

18 “(B) the handgun is accompanied by the
19 following warning, which shall appear in con-
20 spicuous and legible type in capital letters, and
21 which shall be printed on a label affixed to the
22 handgun and on a separate sheet of paper in-
23 cluded in the packaging enclosing the handgun:
24 “‘THE USE OF A LOCKING DEVICE OR
25 SAFETY LOCK IS ONLY ONE ASPECT OF

1 RESPONSIBLE FIREARM STORAGE.
2 HANDGUNS SHOULD BE STORED UN-
3 LOADED AND LOCKED IN A LOCATION
4 THAT IS BOTH SEPARATE FROM THEIR
5 AMMUNITION AND INACCESSIBLE TO
6 CHILDREN.

7 'FAILURE TO PROPERLY LOCK AND
8 STORE YOUR HANDGUN MAY RESULT
9 IN CIVIL OR CRIMINAL LIABILITY
10 UNDER STATE LAW. FEDERAL LAW
11 PROHIBITS THE POSSESSION OF A
12 HANDGUN BY A MINOR IN MOST CIR-
13 CUMSTANCES.'

14 "(2) EXCEPTIONS.—Paragraph (1) shall not
15 apply to the sale, delivery, or transfer of a handgun
16 to—

17 "(A) the United States or a department or
18 agency of the United States, or a State or a de-
19 partment, agency, or political subdivision of a
20 State;

21 "(B) a law enforcement officer (whether on
22 or off-duty) who is employed by an entity re-
23 ferred to in subparagraph (A), for law enforce-
24 ment purposes; or

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

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

8 (1) in subsection (a)(1), by striking “this sub-
9 section, subsection (b) or (c) of this section,” and in-
10 serting “this section”; and

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

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

14 “(1) IN GENERAL.—

15 “(A) SUSPENSION OR REVOCATION OF LI-
16 CENSE; CIVIL PENALTIES.—With respect to
17 each violation of section 922(z)(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) impose a civil penalty on the li-
24 censee in an amount that is not more than
25 \$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 taking
5 of an action under paragraph (1) with respect to
6 conduct of a licensee shall not affect the availability
7 of any other administrative authority with respect to
8 the conduct.”.

9 **TITLE II—REGULATORY
10 PROVISIONS**

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

12 (a) GENERAL AUTHORITY.—The Secretary of the
13 Treasury (in this title referred to as the “Secretary”) shall
14 prescribe such regulations governing the design, manufac-
15 ture, and performance of trigger lock devices, as are nec-
16 essary to reduce or prevent the unintentional discharge of
17 handguns.

18 (b) MINIMUM SAFETY STANDARD.—The regulations
19 required by subsection (a) shall, at a minimum, set forth
20 a minimum safety standard that trigger lock devices must
21 meet in order to be manufactured, sold, transferred, or
22 delivered consistent with this title. In developing the
23 standard, the Secretary shall give appropriate consider-
24 ation to trigger lock devices that are not detachable, but
25 are permanently installed and incorporated into the design

1 of a handgun. The standard shall include provisions to en-
2 sure that any trigger lock device that meets the standard
3 is of adequate quality and construction to prevent children
4 who have not attained 18 years of age from operating a
5 handgun, and to ensure that such a product cannot be
6 removed from a handgun except through the use of a key,
7 combination, or other method of access provided in the
8 design specifications of the manufacturer of the device.

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

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

16 **SEC. 202. ORDERS; INSPECTIONS.**

17 (a) IN GENERAL.—The Secretary may issue an order
18 prohibiting the manufacture, sale, transfer, or delivery of
19 a trigger lock device which the Secretary finds has been
20 designed, or has been or is intended to be manufactured,
21 transferred, or distributed in violation of this title or a
22 regulation prescribed under this title.

23 (b) AUTHORITY TO REQUIRE THE RECALL, REPAIR,
24 OR REPLACEMENT OF, OR THE PROVISION OF RE-
25 FUNDS.—The Secretary may issue an order requiring the

1 manufacturer of, and any dealer in, a trigger lock device
2 which the Secretary finds has been designed, manufac-
3 tured, transferred, or delivered in violation of this title or
4 a regulation prescribed under this title, to—

5 (1) provide notice of the risks associated with
6 the device, and of how to avoid or reduce the risks,
7 to—

8 (A) the public;

11 (C) in the case of a dealer in the device,
12 the manufacturer of the device and the other
13 persons known to the dealer as dealers in the
14 device;

15 (2) bring the device into conformity with the
16 regulations prescribed under this title;

17 (3) repair the device;

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

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

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

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

14 SEC. 203. ENFORCEMENT.

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

18 (b) REVOCATION OF FEDERAL FIREARMS LI-
19 CENSE.—Section 923(e) of title 18, United States Code,
20 is amended by inserting after the 2nd sentence the fol-
21 lowing: “The Secretary may, after notice and opportunity
22 for hearing, revoke any license issued under this section
23 if the holder of the license violates any provision of title
24 II of the Child Safety Lock and Community Protection

1 Act of 1999 or any rule or regulation prescribed under
2 such title.”.

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

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

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

21 **SEC. 205. DEFINITIONS.**

22 In this title:

23 (1) The term “trigger lock device” means any
24 device that is designed, manufactured, or rep-

1 resented in commerce, as a means of preventing the
2 unintentional discharge of a handgun.

3 (2) The terms “licensed importer”, “licensed
4 manufacturer”, “licensed dealer”, “Secretary”, and
5 “handgun” have the meanings given in paragraphs
6 (9), (10), (11), (18), and (29), respectively, of sec-
7 tion 921(a) of title 18, United States Code.

8 **TITLE III—EDUCATION
9 PROVISIONS**

10 **SEC. 301. PORTION OF FIREARMS TAX REVENUE TO BE
11 USED FOR PUBLIC EDUCATION ON SAFE
12 STORAGE OF FIREARMS.**

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

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

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