

107TH CONGRESS  
1ST SESSION

# H. R. 70

To prevent children's access to firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2001

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred to the Committee on the Judiciary

# A BILL

To prevent children's 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 “Child Gun Safety and  
5 Gun Access Prevention Act of 2001”.

## 6 SEC. 2. INCREASING YOUTH GUN SAFETY BY RAISING THE

10 Section 922(x) of title 18, United States Code, is  
11 amended—

12 (1) in paragraph (1)—

(A) by striking “juvenile” and inserting “person who is less than 21 years of age”;

3 (B) by striking “or” at the end of subparagraph-  
4 graph (A);

5 (C) by striking the period at the end of  
6 subparagraph (B) and inserting a semicolon;  
7 and

8 (D) by adding at the end the following:

10               “(D) a large capacity ammunition feeding de-  
11               vice.”;

12 (2) in paragraph (2)—

13 (A) by striking “a juvenile” and inserting  
14 “less than 21 years of age”;

15 (B) by striking “or” at the end of subparagraph-  
16 graph (A);

17 (C) by striking the period at the end of  
18 subparagraph (B) and inserting a semicolon;  
19

20 (D) by inserting at the end the following:

22                             “(D) a large capacity ammunition feeding  
23                             device”;

24 (3) in paragraph (3)(A), by inserting “tem-  
25 porary” before “possession”.

7 (6) by striking subparagraph (D) of paragraph  
8 (3) and inserting the following:

9           “(D) the possession of a handgun or ammuni-  
10           tion by a person who is less than 21 years of age  
11           taken in defense of that person or other persons  
12           against an intruder into the residence of that person  
13           or a residence in which that person is an invited  
14           guest; or”;

17                   “(E) a temporary transfer of a handgun or am-  
18                   munition to a person who is at least 18 years of age  
19                   and less than 21 years of age, or the temporary use  
20                   or possession of a handgun or ammunition by a per-  
21                   son who is at least 18 years of age and less than 21  
22                   years of age, if the handgun and ammunition are  
23                   possessed and used by the person—

ties at the residence of the person (or on property used for ranching or farming at which the person, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun; and

“(ii) in accordance with State and local law.”; and

(8) by amending paragraph (4) to strike “juvenile” wherever it appears and insert “person who is less than 21 years of age”.

**13 SEC. 3. ENHANCED PENALTY FOR YOUTH POSSESSION OF**  
**14                   HANDGUNS AND SEMIAUTOMATIC ASSAULT**  
**15                   WEAPONS AND FOR THE TRANSFER OF SUCH**  
**16                   WEAPONS TO YOUTH.**

Section 924(a)(6) of title 18, United States Code, is amended to read as follows:

“(6)(A) A juvenile who violates section 922(x) shall be fined under this title, imprisoned not more than one year, or both, and for a second or subsequent violation, or for a first violation committed after an adjudication of delinquency or after a State or Federal conviction for an act that, if committed by an adult, would be a serious violent felony (as defined in section 3559(c) of this title),

1 shall be fined under this title, imprisoned not more than  
2 five years, or both.

3       “(B) A person other than a juvenile who knowingly  
4 violates section 922(x)—

5                   “(i) shall be fined under this title, imprisoned  
6                   not more than five years, or both; and

7               “(ii) if the person sold, delivered, or otherwise  
8               transferred a handgun, ammunition, semiautomatic  
9               assault weapon, or large capacity ammunition feed-  
10              ing device to a person who is less than 21 years of  
11              age knowing or having reasonable cause to know  
12              that such person intended to carry or otherwise pos-  
13              sess or discharge or otherwise use the handgun, am-  
14              munition, semiautomatic assault weapon, or large  
15              capacity ammunition feeding device in the commis-  
16              sion of a crime of violence, shall be fined under this  
17              title, imprisoned for not more than 10 years, or  
18              both.”.

19 SEC. 4. GUN STORAGE AND SAFETY DEVICES FOR ALL  
20 FIREARMS.

21 (a) SECURE GUN STORAGE OR SAFETY DEVICES BY  
22 FEDERAL FIREARMS LICENSEES.—Section 922 of title  
23 18, United States Code, is amended by adding at the end  
24 the following:

1       “(z) It shall be unlawful for any licensed importer,  
2 licensed manufacturer, or licensed dealer to sell, transfer,  
3 or deliver any firearm to any person (other than a licensed  
4 importer, licensed manufacturer, or licensed dealer) unless  
5 the transferee is provided with a secure gun storage or  
6 safety device.”.

7       (b) PENALTIES.—Section 924 of such title is  
8 amended—

9           (1) in subsection (a)(1) by inserting “, or (p)”  
10       before “of this section”; and

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

12           “(p) The Secretary may, after notice and opportunity  
13 for hearing, suspend or revoke any license issued under  
14 this chapter or may subject the licensee to a civil penalty  
15 of not more than \$10,000 if the holder of such license  
16 has knowingly violated section 922(z) of this chapter. The  
17 Secretary’s actions under this subsection may be reviewed  
18 only as provided in section 923(f).”.

19       (c) REPEAL OF INCONSISTENT PROVISIONS.—

20           (1) Section 923(d)(1) of such title is  
21 amended—

22               (A) in subparagraph (E) by adding at the  
23 end “and”;

24               (B) in subparagraph (F) by striking “;  
25 and” and inserting a period; and

1 (C) by striking subparagraph (G).

2 (2) Section 923(e) of such title is amended by  
3 striking “or fails to have secure gun storage or safe-  
4 ty devices available at any place in which firearms  
5 are sold under the license to persons who are not li-  
6 censees (except that in any case in which a secure  
7 gun storage or safety device is temporarily unavail-  
8 able because of theft, casualty loss, consumer sales,  
9 backorders from a manufacturer, or any other simi-  
10 lar reason beyond the control of the licensee, shall  
11 not be considered to be in violation of the require-  
12 ment to make available such a device)”.

13 (3) Section 119 of the Departments of Com-  
14 merce, Justice, and State, the Judiciary, and Re-  
15 lated Agencies Appropriations Act, 1999 (as con-  
16 tained in section 101(b) of division A of the Omni-  
17 bus Consolidated and Emergency Supplemental Ap-  
18 propriations Act, 1999; Public Law 105–277) is  
19 amended by striking subsection (d).

20 (d) EFFECTIVE DATE.—The amendments made by  
21 this section shall be effective 180 days after the date of  
22 enactment of this Act.

1 **SEC. 5. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**2 **JURY CAUSED BY CHILD ACCESS TO FIRE-**3 **ARMS.**

4 Section 922 of title 18, United States Code, is further

5 amended by adding at the end the following:

6 “(aa)(1) In this subsection, the term ‘child’ means

7 an individual who has not attained the age of 18 years.

8 “(2) Except as provided in paragraph (3), any person

9 who—

10 “(A) keeps a loaded firearm, or an unloaded  
11 firearm and ammunition for the firearm, any one of  
12 which has been shipped or transported in interstate  
13 or foreign commerce, within any premises that is  
14 under the custody or control of that person; and15 “(B) knows, or recklessly disregards the risk,  
16 that a child is capable of gaining access to the fire-  
17 arm; and18 “(C)(i) knows, or recklessly disregards the risk,  
19 that a child will use the firearm to cause death or  
20 serious bodily injury (as defined in section 1365 of  
21 this title) to the child or any other person; or22 “(ii) knows, or recklessly disregards the risk,  
23 that possession of the firearm by the child is unlaw-  
24 ful under Federal or State law,

1 if the child uses the firearm to cause death or serious bod-  
2 ily injury to the child or any other person, shall be impris-  
3 oned not more than 3 years, fined under this title, or both.

4 “(3) Paragraph (2) shall not apply if—

5           “(A) at the time the child obtained access, the  
6           firearm was secured with a secure gun storage or  
7           safety device;

8           “(B) the person is a peace officer, a member of  
9           the Armed Forces, or a member of the National  
10           Guard, and the child obtains the firearm during, or  
11           incidental to, the performance of the official duties  
12           of the person in that capacity;

13           “(C) the child uses the firearm in a lawful act  
14           of self-defense or defense of 1 or more other persons;  
15           or

16           “(D) the person has no reasonable expectation,  
17           based on objective facts and circumstances, that a  
18           child is likely to be present on the premises on which  
19           the firearm is kept.”.

20 **SEC. 6. REQUIREMENT THAT CHILD BE ACCOMPANIED BY**  
21 **AN ADULT DURING A GUN SHOW.**

22           (a) PROHIBITIONS.—Section 922 of title 18, United  
23           States Code, is further amended by adding at the end the  
24           following:

1       “(bb)(1) The parent or legal guardian of a child shall  
2 ensure that, while the child is attending a gun show, the  
3 child is accompanied by an adult.

4       “(2) It shall be unlawful for a person to conduct a  
5 gun show to which there is admitted a child who is not  
6 accompanied by an adult.

7       “(3) In this subsection:

8           “(A) The term ‘child’ means an individual who  
9 has not attained 18 years of age.

10          “(B) The term ‘adult’ means an individual who  
11 has attained 18 years of age.”.

12          (b) PENALTIES.—Section 924(a) of such title is  
13 amended by adding at the end the following:

14          “(7) Whoever violates section 922(bb) in a State shall  
15 be punished in accordance with the laws of the State that  
16 apply to persons convicted of child abandonment.”.

17 **SEC. 7. GRANTS FOR GUN SAFETY EDUCATION PROGRAMS.**

18          (a) PROGRAM AUTHORITY.—The Attorney General is  
19 authorized to provide grants to units of local government  
20 to enable law enforcement agencies to develop and sponsor  
21 gun safety classes for parents and their children.

22          (b) APPLICATION.—

23            (1) IN GENERAL.—Any unit of local govern-  
24            ment that desires to receive a grant award under  
25            this section shall submit an application to the Attor-

1       ney General at such time, in such manner and con-  
2       taining such information as the Attorney General  
3       may reasonably require.

4                   (2) CONTENTS.—Each application referred to  
5       in paragraph (1) shall include an assurance that—

6                       (A) funds received under this section shall  
7       be used only to provide funds to law enforce-  
8       ment agencies to provide gun safety classes;  
9       and

10                      (B) gun safety classes will be offered at  
11       times convenient to parents, including evenings  
12       and weekends.

13                   (c) REGULATIONS.—The Attorney General shall issue  
14       any regulations necessary to carry out this section.

15       **SEC. 8. EDUCATION: NATIONWIDE FIREARMS SAFETY PRO-**

16                   **GRAMS.**

17       It is the sense of Congress that—

18                   (1) each school district should provide or par-  
19       ticipate in a firearms safety program for students in  
20       grades kindergarten through 12 and should consult  
21       with a certified firearms instructor before estab-  
22       lishing the curriculum for the program; and

23                   (2) participation by students in a firearms safe-  
24       ty program should not be mandatory if the district

- 1 receives written notice from a parent of the student
- 2 to exempt the student from the program.

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