

108TH CONGRESS
2D SESSION

H. R. 5323

To amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. LEWIS of Kentucky introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage 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 Protection and
5 Home Safety Act of 2004”.

6 **SEC. 2. CREDIT FOR RESIDENTIAL GUN SAFE PURCHASES.**

7 (a) IN GENERAL.—Subpart A of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of

1 1986 (relating to nonrefundable personal credits) is
2 amended by inserting after section 25B the following new
3 section:

4 **“SEC. 25C. PURCHASE OF RESIDENTIAL GUN SAFES.**

5 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
6 dividual, there shall be allowed as a credit against the tax
7 imposed by this chapter for the taxable year an amount
8 equal to 25 percent of the amount paid or incurred by
9 the taxpayer during such taxable year for the purchase
10 of a qualified residential gun safe.

11 “(b) LIMITATIONS.—

12 “(1) MAXIMUM CREDIT.—The credit allowed
13 under subsection (a) with respect to any qualified
14 residential gun safe shall not exceed \$250.

15 “(2) CARRYFORWARD OF UNUSED CREDIT.—If
16 the credit allowable under subsection (a) for any tax-
17 able year exceeds the limitation imposed by section
18 26(a) for such taxable year reduced by the sum of
19 the credits allowable under this subpart (other than
20 this section and section 23), such excess shall be
21 carried to the succeeding taxable year and added to
22 the credit allowable under subsection (a) for such
23 taxable year. No credit may be carried forward
24 under this subsection to any taxable year following
25 the third taxable year after the taxable year in which

1 the purchase or purchases are made. For purposes
2 of the preceding sentence, credits shall be treated as
3 used on a first-in first-out basis.

4 “(c) QUALIFIED RESIDENTIAL GUN SAFE.—For pur-
5 poses of this section, the term ‘qualified residential gun
6 safe’ means a container not intended for the display of
7 firearms which is specifically designed to store or safe-
8 guard firearms from unauthorized access and which meets
9 a performance standard for an adequate security level es-
10 tablished by objective testing.

11 “(d) SPECIAL RULES.—

12 “(1) DENIAL OF DOUBLE BENEFIT.—No deduc-
13 tion shall be allowed under this chapter with respect
14 to any expense which is taken into account in deter-
15 mining the credit under this section.

16 “(2) MARRIED COUPLES MUST FILE JOINT RE-
17 TURN.—If the taxpayer is married at the close of
18 the taxable year, the credit shall be allowed under
19 subsection (a) only if the taxpayer and taxpayer’s
20 spouse file a joint return for the taxable year.

21 “(3) MARITAL STATUS.—Marital status shall be
22 determined in accordance with section 7703.

23 “(e) ELECTION TO HAVE CREDIT NOT APPLY.—A
24 taxpayer may elect to have this section not apply for any
25 taxable year.

1 “(f) REGULATIONS.—The Secretary shall prescribe
2 such regulations as may be necessary to ensure that resi-
3 dential gun safes qualifying for the credit meet design and
4 performance standards sufficient to ensure the provisions
5 of this section are carried out.

6 “(g) STATUTORY CONSTRUCTION; EVIDENCE; USE
7 OF INFORMATION.—

8 “(1) STATUTORY CONSTRUCTION.—Nothing in
9 this section shall be construed—

10 “(A) as creating a cause of action against
11 any firearms dealer or any other person for any
12 civil liability, or

13 “(B) as establishing any standard of care.

14 “(2) EVIDENCE.—Notwithstanding any other
15 provision of law, evidence regarding the use or non-
16 use by a taxpayer of the tax credit under this section
17 shall not be admissible as evidence in any proceeding
18 of any court, agency, board, or other entity for the
19 purposes of establishing liability based on a civil ac-
20 tion brought on any theory for harm caused by a
21 product or by negligence, or for purposes of drawing
22 an inference that the taxpayer owns a firearm.

23 “(3) USE OF INFORMATION.—No database
24 identifying gun owners may be created using infor-

1 mation from tax returns on which the credit under
2 this section is claimed.”.

3 (b) CONFORMING AMENDMENT.—Section 6501(m) of
4 the Internal Revenue Code of 1986 is amended by insert-
5 ing “25C(e),” before “30(d)(4),”.

6 (c) CLERICAL AMENDMENT.—The table of sections
7 for subpart A of part IV of subchapter A of chapter I
8 of the Internal Revenue Code of 1986 is amended by in-
9 serting after the item relating to section 25B the following
10 new item:

 “Sec. 25C. Purchase of residential gun safes.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2003.

○