

108TH CONGRESS
2D SESSION

S. 2129

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety device in connection with the transfer of a handgun and to provide safety standards for child safety devices.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2004

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

A BILL

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety device in connection with the transfer of a handgun and to provide safety standards for child safety devices.

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 Device
5 Act of 2004”.

1 **SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY DE-**
2 **VICES.**

3 (a) DEFINITIONS.—Section 921(a) of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(36) The term ‘locking device’ means a device
7 or locking mechanism that is approved by a licensed
8 firearms manufacturer for use on the handgun with
9 which the device or locking mechanism is sold, deliv-
10 ered, or transferred and that—

11 “(A) if installed on a firearm and secured
12 by means of a key or a mechanically, electroni-
13 cally, or electromechanically operated combina-
14 tion lock, is designed to prevent the firearm
15 from being discharged without first deactivating
16 or removing the device by means of a key or
17 mechanically, electronically, or electromechani-
18 cally operated combination lock;

19 “(B) if incorporated into the design of a
20 firearm, is designed to prevent discharge of the
21 firearm by any person who does not have access
22 to the key or other device designed to unlock
23 the mechanism and thereby allow discharge of
24 the firearm; or

25 “(C) is a safe, gun safe, gun case, lock
26 box, or other device that is designed to store a

1 firearm and that is designed to be unlocked
2 only by means of a key, a combination, or other
3 similar means.”.

4 (b) UNLAWFUL ACTS.—

5 (1) IN GENERAL.—Section 922 of title 18,
6 United States Code, is amended by adding at the
7 end the following:

8 “(z) LOCKING DEVICES.—

9 “(1) IN GENERAL.—Except as provided under
10 paragraph (2), it shall be unlawful for any licensed
11 importer, licensed manufacturer, or licensed dealer
12 to sell, deliver, or transfer any handgun to any per-
13 son other than a licensed importer, licensed manu-
14 facturer, or licensed dealer, unless the transferee is
15 provided with a locking device for that handgun.

16 “(2) EXCEPTIONS.—Paragraph (1) shall not
17 apply to—

18 “(A) the manufacture for, transfer to, or
19 possession by, the United States, a department
20 or agency of the United States, a State, or a
21 department, agency, or political subdivision of a
22 State, of a firearm;

23 “(B) transfer to, or possession by, a law
24 enforcement officer employed by an entity re-
25 ferred to in subparagraph (A) of a firearm for

1 law enforcement purposes (whether on or off
2 duty); or

3 “(C) the transfer to, or possession by, a
4 rail police officer employed by a rail carrier and
5 certified or commissioned as a police officer
6 under State law of a firearm for purposes of
7 law enforcement (whether on or off duty).”.

8 (2) EFFECTIVE DATE.—Section 922(z) of title
9 18, United States Code, as added by this subsection,
10 shall take effect on the date which is 180 days after
11 the date of enactment of this Act.

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

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

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

17 “(p) PENALTIES RELATING TO LOCKING DEVICES.—

18 “(1) IN GENERAL.—

19 “(A) SUSPENSION OR REVOCATION OF LI-
20 CENSE; CIVIL PENALTIES.—With respect to
21 each violation of section 922(z)(1) by a licensee,
22 the Attorney General shall, after notice and op-
23 portunity for hearing—

24 “(i) suspend or revoke any license
25 issued to the licensee under this chapter;

1 “(ii) subject the licensee to a civil
2 penalty of not more than \$15,000; or

3 “(iii) impose the penalties described in
4 clauses (i) and (ii).

5 “(B) REVIEW.—An action by the Attorney
6 General under this paragraph may be reviewed
7 only as provided under section 923(f).

8 “(2) ADMINISTRATIVE REMEDIES.—The sus-
9 pension or revocation of a license or the imposition
10 of a civil penalty under paragraph (1) does not pre-
11 clude any administrative remedy that is otherwise
12 available to the Attorney General.”.

13 **SEC. 3. AMENDMENT TO CONSUMER PRODUCT SAFETY**
14 **ACT.**

15 (a) IN GENERAL.—The Consumer Product Safety
16 Act (15 U.S.C. 2051 et seq.), is amended by adding at
17 the end the following:

18 **“SEC. 39. CHILD HANDGUN SAFETY DEVICES.**

19 “(a) ESTABLISHMENT OF STANDARD.—

20 “(1) RULEMAKING REQUIRED.—

21 “(A) INITIATION OF RULEMAKING.—Not-
22 withstanding section 3(a)(1)(E), the Commis-
23 sion shall initiate a rulemaking proceeding
24 under section 553 of title 5, United States
25 Code, not later than 90 days after the date of

1 enactment of the Child Safety Device Act of
2 2004 to establish a consumer product safety
3 standard for locking devices. The Commission
4 may extend this 90-day period for good cause.

5 “(B) FINAL RULE.—Notwithstanding any
6 other provision of law, the Commission shall
7 promulgate a final consumer product safety
8 standard under this paragraph not later than
9 12 months after the date on which the Commis-
10 sion initiated the rulemaking proceeding under
11 subparagraph (A). The Commission may extend
12 this 12-month period for good cause.

13 “(C) EFFECTIVE DATE.—The consumer
14 product safety standard promulgated under this
15 paragraph shall take effect on the date which is
16 6 months after the date on which the final
17 standard is promulgated.

18 “(D) STANDARD REQUIREMENTS.—The
19 standard promulgated under this paragraph
20 shall require locking devices that—

21 “(i) are sufficiently difficult for chil-
22 dren to de-activate or remove; and

23 “(ii) prevent the discharge of the
24 handgun unless the locking device has been
25 de-activated or removed.

1 “(2) INAPPLICABLE PROVISIONS.—

2 “(A) PROVISIONS OF THIS ACT.—Sections
3 7, 9, and 30(d) shall not apply to the rule-
4 making proceeding described under paragraph
5 (1). Section 11 shall not apply to any consumer
6 product safety standard promulgated under
7 paragraph (1).

8 “(B) CHAPTER 5 OF TITLE 5.—Chapter 5
9 of title 5, United States Code, except for sec-
10 tion 553 of that title, shall not apply to this
11 section.

12 “(C) CHAPTER 6 OF TITLE 5.—Chapter 6
13 of title 5, United States Code, shall not apply
14 to this section.

15 “(b) ENFORCEMENT.—Notwithstanding subsection
16 (a)(2)(A), the consumer product safety standard promul-
17 gated by the Commission pursuant to subsection (a) shall
18 be enforced under this Act as if it were a consumer prod-
19 uct safety standard described under section 7(a).

20 “(c) DEFINITIONS.—In this section, the following
21 definitions shall apply:

22 “(1) CHILD.—The term ‘child’ means an indi-
23 vidual who has not attained the age of 13 years.

24 “(2) LOCKING DEVICE.—The term ‘locking de-
25 vice’ has the meaning given that term in clauses (i)

1 and (iii) of section 921(a)(36) of title 18, United
2 States Code.”.

3 (b) CONFORMING AMENDMENT.—Section 1 of the
4 Consumer Product Safety Act is amended by adding at
5 the end of the table of contents the following:

“Sec. 39. Child handgun safety devices.”.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated to the Consumer Product Safety Com-
9 mission \$2,000,000 for each of the fiscal years 2005
10 through 2007 to carry out the provisions of section
11 39 of the Consumer Product Safety Act, as added
12 by this section.

13 (2) AVAILABILITY OF FUNDS.—Any amounts
14 appropriated pursuant to paragraph (1) shall remain
15 available until expended.

○