

108TH CONGRESS
1ST SESSION

S. 866

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

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2003

Mr. KOHL (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. CORZINE, Mrs. FEINSTEIN, Mr. REED, and Mr. LAUTENBERG) 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 lock in connection with the transfer of a handgun and provide safety standards for child safety locks.

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 2003”.

1 **SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY**
2 **LOCKS.**

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
18 electromechanically 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 inserting 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 manufacturer, licensed importer, or licensed dealer
12 to sell, deliver, or transfer any handgun to any per-
13 son other than a licensed manufacturer, licensed im-
14 porter, 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 or a State or
20 a department or agency of the United States, or
21 a State or a department, agency, or political
22 subdivision of a 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 180 days after the date of enact-
11 ment of this Act.

12 (c) LIABILITY; EVIDENCE.—

13 (1) LIABILITY.—Nothing in this section shall be
14 construed to—

15 (A) create a cause of action against any
16 firearms dealer or any other person for any civil
17 liability; or

18 (B) establish any standard of care.

19 (2) EVIDENCE.—Notwithstanding any other
20 provision of law, evidence regarding compliance or
21 noncompliance with the amendments made by this
22 section shall not be admissible as evidence in any
23 proceeding of any court, agency, board, or other en-
24 tity, except with respect to an action to enforce this
25 section.

1 (3) RULE OF CONSTRUCTION.—Nothing in this
2 subsection shall be construed to bar a governmental
3 action to impose a penalty under section 924(p) of
4 title 18, United States Code, for a failure to comply
5 with section 922(z) of that title.

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

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

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

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

12 “(1) IN GENERAL.—

13 “(A) SUSPENSION OR REVOCATION OF LI-
14 CENSE; CIVIL PENALTIES.—With respect to
15 each violation of section 922(z)(1) by a licensee,
16 the Attorney General may, after notice and op-
17 portunity for hearing—

18 “(i) suspend or revoke any license
19 issued to the licensee under this chapter;
20 or

21 “(ii) subject the licensee to a civil
22 penalty in an amount equal to not more
23 than \$10,000.

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

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

9 **SEC. 3. AMENDMENT TO CONSUMER PRODUCT SAFETY**
10 **ACT.**

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

14 **“SEC. 39. CHILD HANDGUN SAFETY LOCKS.**

15 “(a) ESTABLISHMENT OF STANDARD.—

16 “(1) RULEMAKING REQUIRED.—

17 “(A) INITIATION OF RULEMAKING.—Not-
18 withstanding section 3(a)(1)(E), the Commis-
19 sion shall initiate a rulemaking proceeding
20 under section 553 of title 5, United States
21 Code, not later than 90 days after the date of
22 enactment of the Child Safety Lock Act of
23 2003 to establish a consumer product safety
24 standard for locking devices. The Commission
25 may extend the 90-day period for good cause.

1 “(B) FINAL RULE.—Notwithstanding any
2 other provision of law, including chapter 5 of
3 title 5, United States Code, the Commission
4 shall promulgate a final consumer product safe-
5 ty standard under this paragraph not later than
6 12 months after the date on which it initiated
7 the rulemaking. The Commission may extend
8 that 12-month period for good cause.

9 “(C) EFFECTIVE DATE.—The consumer
10 product safety standard promulgated under this
11 paragraph shall take effect 6 months after the
12 date on which the final standard is promul-
13 gated.

14 “(D) STANDARD REQUIREMENTS.—The
15 standard promulgated under this paragraph
16 shall require locking devices that—

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

19 “(ii) prevent the discharge of the
20 handgun unless the locking device has been
21 de-activated or removed.

22 “(2) INAPPLICABLE PROVISIONS.—

23 “(A) PROVISIONS OF THIS ACT.—Sections
24 7, 9, and 30(d) shall not apply to the rule-
25 making proceeding described under paragraph

1 (1). Section 11 shall not apply to any consumer
2 product safety standard promulgated under
3 paragraph (1).

4 “(B) CHAPTER 5 OF TITLE 5.—Except for
5 section 553, chapter 5 of title 5, United States
6 Code, shall not apply to this section.

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

10 “(D) NATIONAL ENVIRONMENTAL POLICY
11 ACT.—The National Environmental Policy Act
12 of 1969 (42 U.S.C. 4321) shall not apply to
13 this section.

14 “(b) NO EFFECT ON STATE LAW.—

15 “(1) IN GENERAL.—Notwithstanding section
16 26, this section shall not annul, alter, impair, affect,
17 or exempt any person subject to the provisions of
18 this section from complying with any provision of
19 law of any State or any political subdivision thereof,
20 except to the extent that such provisions of State
21 law are inconsistent with any provision of this sec-
22 tion, and then only to the extent of such inconsis-
23 tency.

24 “(2) CLARIFICATION.—A provision of State law
25 is not inconsistent with this section if such provision

1 affords greater protection to children from handguns
2 than is afforded by this section.

3 “(c) ENFORCEMENT.—Notwithstanding subsection
4 (a)(2)(A), the consumer product safety standard promul-
5 gated by the Commission pursuant to subsection (a) shall
6 be enforced under this Act as if it were a consumer prod-
7 uct safety standard described under section 7(a).

8 “(d) DEFINITIONS.—In this section, the following
9 definitions shall apply:

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

12 “(2) LOCKING DEVICE.—The term ‘locking de-
13 vice’ has the meaning given that term in clauses (i)
14 and (iii) of section 921(a)(36) of title 18, United
15 States Code.”.

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

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

19 (c) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to the Consumer Product Safety Com-
22 mission \$2,000,000 to carry out the provisions of
23 section 39 of the Consumer Product Safety Act, as
24 added by this Act.

1 (2) AVAILABILITY.—Any amounts appropriated
2 pursuant to paragraph (1) shall remain available
3 until expended.

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