

109TH CONGRESS  
1ST SESSION

# H. R. 1423

To ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to the Congress on the commercial feasibility of personalizing firearms.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Mr. PASCRELL (for himself, Mrs. McCARTHY, Mr. KENNEDY of Rhode Island, Mr. WEINER, Mr. DELAHUNT, Mr. PAYNE, Mrs. MALONEY, Mr. CAPUANO, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To ban the manufacture, sale, delivery, and transfer of handguns that cannot be personalized, and to provide for a report to the Congress on the commercial feasibility of personalizing 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 “Childproof Handgun  
5       Act of 2005”.

1     **SEC. 2. BAN ON MANUFACTURE, SALE, DELIVERY, AND**  
2                   **TRANSFER OF HANDGUNS THAT CANNOT BE**  
3                   **PERSONALIZED.**

4     (a) **IN GENERAL.**—Section 922 of title 18, United  
5     States Code, is amended by adding at the end the fol-  
6     lowing:

7         “(z)(1) It shall be unlawful for a person who is not  
8     a licensed collector to manufacture, sell, deliver, or trans-  
9     fer a handgun that cannot be personalized.

10       “(2) Paragraph (1) shall not apply to any manufac-  
11     ture for, or sale, delivery, or transfer to, an individual act-  
12     ing under the authority of the United States or any de-  
13     partment or agency of the United States, or of any State  
14     or any department, agency, or political subdivision of a  
15     State.”.

16       (b) **PERSONALIZED DEFINED.**—Section 921(a) of  
17     such title is amended by adding at the end the following:

18         “(36) The term ‘personalized’ means, with respect to  
19     a handgun, that integral to the handgun is a device or  
20     feature that—

21             “(A) allows the handgun to be fired only by a  
22     particular individual;

23             “(B) is not capable of being readily deactivated;  
24     and

25             “(C) may allow the handgun to be personalized  
26     to 1 or more additional individuals.”.

(c) PENALTY.—Section 924(a) of such title is amended by adding at the end the following:

3       “(8) Whoever knowingly violates section 922(z) shall  
4 be fined not more than \$500,000, imprisoned not more  
5 than 18 months, or both. The fine otherwise applicable  
6 under section 3571 shall not apply to an offense under  
7 section 922(z).”.

8       (d) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to conduct engaged in after the  
10 5-year period that begins with the date of the enactment  
11 of this Act if the report required by section 3 states that  
12 the technology to personalize firearms (within the meaning  
13 of section 921(a)(36) of title 18, United States Code) will  
14 be commercially feasible by the end of such 5-year period.

## 15 SEC. 3. REPORT TO THE CONGRESS ON TECHNOLOGY TO

## PERSONALIZE FIREARMS.

17 (a) STUDY.—The Comptroller General of the United  
18 States shall conduct a study of the state of the technology  
19 involved in personalizing firearms (within the meaning of  
20 section 921(a)(36) of title 18, United States Code) and  
21 determine whether such technology will be commercially  
22 feasible within 5 years after the date of the enactment  
23 of this Act.

24 (b) REPORT TO THE CONGRESS.—Within 2 years  
25 after the date of the enactment of this Act, the Com-

1 troller General shall submit to the Committee on the Judi-  
2 ciary of the House of Representatives and the Committee  
3 on the Judiciary of the Senate a written report on the  
4 results of the study required by subsection (a).

5 (c) COMMERCIAL FEASIBILITY.—In determining  
6 whether the technology involved in personalizing firearms  
7 is commercially feasible, the Comptroller General shall  
8 consider the following factors:

9 (1) The reliability of the technology utilized in  
10 personalized firearms.

11 (2) The difference between the manufacturer's  
12 suggested retail price for personalized firearms and  
13 the manufacturer's suggested retail price for equiva-  
14 lent firearms that are not personalized.

15 (3) Such other criteria as the Comptroller Gen-  
16 eral deems appropriate.

