

109TH CONGRESS
1ST SESSION

H. R. 165

To improve the safety of firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve the safety 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 Safety Lock Act
5 of 2005”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) according to statistics from the Centers for
9 Disease Control, more than 5,000 innocent children
10 have lost their lives due to unintentional deaths re-
11 lated to firearms;

1 (2) between 1983 and 1994, 5,523 males rang-
2 ing in ages from 1 to 19, were killed by the uninten-
3 tional discharge of a firearm;

4 (3) a Federal study found that ignorance and
5 carelessness are the major causes of firearms acci-
6 dents;

7 (4) 84 percent of firearms accidents involved
8 people who did not follow basic safety rules; and

9 (5) to help reduce the number of firearms acci-
10 dents, it is critical to practice and enforce firearms
11 safety rules.

12 **TITLE I—CRIMINAL PROVISIONS**

13 **SEC. 101. HANDGUN SAFETY.**

14 (a) DEFINITION OF LOCKING DEVICE.—Section
15 921(a) of title 18, United States Code, is amended by add-
16 ing at the end the following:

17 “(36) The term ‘locking device’ means—

18 “(A) a device which, if installed on a firearm
19 and secured by means of a key or a mechanically,
20 electronically, or electromechanically operated com-
21 bination lock, prevents the firearm from being dis-
22 charged without first deactivating or removing the
23 device by means of a key or mechanically, electroni-
24 cally, or electromechanically operated combination
25 lock; or

1 “(B) a locking mechanism incorporated into the
2 design of a firearm which prevents discharge of the
3 firearm by any person who does not have access to
4 the key or other device designed to unlock the mech-
5 anism and thereby allow discharge of the firearm.”.

6 (b) UNLAWFUL ACTS.—Section 922 of such title is
7 amended by inserting after subsection (y) the following:

8 “(z) LOCKING DEVICES AND WARNINGS.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), beginning 90 days after the date of the
11 enactment of this subsection, it shall be unlawful for
12 any licensed manufacturer, licensed importer, or li-
13 censed dealer to sell, deliver, or transfer a handgun
14 to any person, unless—

15 “(A) the transferee is provided with a lock-
16 ing device for that handgun; and

17 “(B) the handgun is accompanied by the
18 following warning, which shall appear in con-
19 spicuous and legible type in capital letters, and
20 which shall be printed on a label affixed to the
21 handgun and on a separate sheet of paper in-
22 cluded in the packaging enclosing the handgun:

23 ‘THE USE OF A LOCKING DEVICE
24 OR SAFETY LOCK IS ONLY ONE ASPECT
25 OF RESPONSIBLE FIREARM STORAGE.

1 HANDGUNS SHOULD BE STORED UN-
2 LOADED AND LOCKED IN A LOCATION
3 THAT IS BOTH SEPARATE FROM THEIR
4 AMMUNITION AND INACCESSIBLE TO
5 CHILDREN.

6 ‘FAILURE TO PROPERLY LOCK AND
7 STORE YOUR HANDGUN MAY RESULT
8 IN CIVIL OR CRIMINAL LIABILITY
9 UNDER STATE LAW. FEDERAL LAW
10 PROHIBITS THE POSSESSION OF A
11 HANDGUN BY A MINOR IN MOST CIR-
12 CUMSTANCES.’

13 “(2) EXCEPTIONS.—Paragraph (1) shall not
14 apply to the sale, delivery, or transfer of a handgun
15 to—

16 “(A) the United States or a department or
17 agency of the United States, or a State or a de-
18 partment, agency, or political subdivision of a
19 State;

20 “(B) a law enforcement officer (whether on
21 or off-duty) who is employed by an entity re-
22 ferred to in subparagraph (A), for law enforce-
23 ment purposes; or

24 “(C) a rail police officer (whether on or
25 off-duty) who is employed by a rail carrier and

1 is certified or commissioned as a police officer
2 under the laws of a State, for law enforcement
3 purposes.”.

4 (c) CIVIL PENALTIES.—Section 924 of such title is
5 amended—

6 (1) in subsection (a)(1), by striking “this sub-
7 section, subsection (b), (c), or (f) of this section,”
8 and inserting “this section”; and

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

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

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) impose a civil penalty on the li-
22 censee in an amount that is not more than
23 \$10,000.

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

4 “(2) ADMINISTRATIVE REMEDIES.—The taking
5 of an action under paragraph (1) with respect to
6 conduct of a licensee shall not affect the availability
7 of any other administrative authority with respect to
8 the conduct.”.

9 **TITLE II—REGULATORY** 10 **PROVISIONS**

11 **SEC. 201. REGULATION OF TRIGGER LOCK DEVICES.**

12 (a) GENERAL AUTHORITY.—The Attorney General
13 shall prescribe such regulations governing the design,
14 manufacture, and performance of trigger lock devices, as
15 are necessary to reduce or prevent the unintentional dis-
16 charge of handguns.

17 (b) MINIMUM SAFETY STANDARD.—The regulations
18 required by subsection (a) shall, at a minimum, set forth
19 a minimum safety standard that trigger lock devices must
20 meet in order to be manufactured, sold, transferred, or
21 delivered consistent with this title. In developing the
22 standard, the Attorney General shall give appropriate con-
23 sideration to trigger lock devices that are not detachable,
24 but are permanently installed and incorporated into the
25 design of a handgun. The standard shall include provisions

1 to ensure that any trigger lock device that meets the
2 standard is of adequate quality and construction to pre-
3 vent children who have not attained 18 years of age from
4 operating a handgun, and to ensure that such a product
5 cannot be removed from a handgun except through the
6 use of a key, combination, or other method of access pro-
7 vided in the design specifications of the manufacturer of
8 the device.

9 (c) DEADLINE FOR ISSUANCE OF STANDARD.—With-
10 in 12 months after the date of the enactment of this title,
11 the Attorney General shall issue in final form the standard
12 required by subsection (b).

13 (d) EFFECTIVE DATE OF STANDARD.—The standard
14 issued under subsection (b) shall take effect 6 months
15 after the date of issuance.

16 **SEC. 202. ORDERS; INSPECTIONS.**

17 (a) IN GENERAL.—The Attorney General may issue
18 an order prohibiting the manufacture, sale, transfer, or
19 delivery of a trigger lock device which the Attorney Gen-
20 eral finds has been designed, or has been or is intended
21 to be manufactured, transferred, or distributed in violation
22 of this title or a regulation prescribed under this title.

23 (b) AUTHORITY TO REQUIRE THE RECALL, REPAIR,
24 OR REPLACEMENT OF, OR THE PROVISION OF RE-
25 FUNDS.—The Attorney General may issue an order re-

1 quiring the manufacturer of, and any dealer in, a trigger
2 lock device which the Attorney General finds has been de-
3 signed, manufactured, transferred, or delivered in viola-
4 tion of this title or a regulation prescribed under this title,
5 to—

6 (1) provide notice of the risks associated with
7 the device, and of how to avoid or reduce the risks,
8 to—

9 (A) the public;

10 (B) in the case of the manufacturer of the
11 device, each dealer in the device; and

12 (C) in the case of a dealer in the device,
13 the manufacturer of the device and the other
14 persons known to the dealer as dealers in the
15 device;

16 (2) bring the device into conformity with the
17 regulations prescribed under this title;

18 (3) repair the device;

19 (4) replace the device with a like or equivalent
20 device which is in compliance with such regulations;

21 (5) refund the purchase price of the device, or,
22 if the device is more than 1 year old, a lesser
23 amount based on the value of the device after rea-
24 sonable use;

1 (6) recall the device from the stream of com-
2 merce; or

3 (7) submit to the Attorney General a satisfac-
4 tory plan for implementation of any action required
5 under this subsection.

6 (c) INSPECTIONS.—In order to ascertain compliance
7 with this title and the regulations and orders issued under
8 this title, the Attorney General may, at reasonable times—

9 (1) enter any place in which trigger lock devices
10 are manufactured, stored, or held, for distribution in
11 commerce, and inspect those areas where the devices
12 are manufactured, stored, or held; and

13 (2) enter and inspect any conveyance being
14 used to transport for commercial purposes a trigger
15 lock device.

16 **SEC. 203. ENFORCEMENT.**

17 (a) CIVIL PENALTIES.—The Attorney General may
18 assess a civil money penalty not to exceed \$10,000 for
19 each violation of this title.

20 (b) REVOCATION OF FEDERAL FIREARMS LI-
21 CENSE.—Section 923(e) of title 18, United States Code,
22 is amended by inserting after the 2nd sentence the fol-
23 lowing: “The Attorney General may, after notice and op-
24 portunity for hearing, revoke any license issued under this
25 section if the holder of the license violates any provision

1 of title II of the Child Safety Lock Act of 2005 or any
2 rule or regulation prescribed under such title.”.

3 (c) **CRIMINAL PENALTIES.**—Any person who has re-
4 ceived from the Attorney General a notice that the person
5 has violated a provision of this title or of a regulation pre-
6 scribed under this title with respect to a trigger lock de-
7 vice, and who subsequently knowingly violates such provi-
8 sion with respect to the device shall be fined under title
9 18, United States Code, imprisoned not more than 2
10 years, or both.

11 **SEC. 204. NO EFFECT ON STATE LAW.**

12 This title does not annul, alter, impair, or affect, or
13 exempt any person subject to the provisions of this title
14 from complying with, any provision of the law of any State
15 or any political subdivision thereof, except to the extent
16 that such provisions of State law are inconsistent with any
17 provision of this title, and then only to the extent of the
18 inconsistency. A provision of State law is not inconsistent
19 with this title if such provision affords greater protection
20 in respect of trigger lock devices than is afforded by this
21 title.

22 **SEC. 205. DEFINITIONS.**

23 In this title:

24 (1) The term “trigger lock device” means any
25 device that is designed, manufactured, or rep-

1 resented in commerce, as a means of preventing the
2 unintentional discharge of a handgun.

3 (2) The terms “licensed importer”, “licensed
4 manufacturer”, “licensed dealer”, “Attorney Gen-
5 eral”, and “handgun” have the meanings given in
6 paragraphs (9), (10), (11), (18), and (29), respec-
7 tively, of section 921(a) of title 18, United States
8 Code.

9 **TITLE III—EDUCATION**
10 **PROVISIONS**

11 **SEC. 301. PORTION OF FIREARMS TAX REVENUE TO BE**
12 **USED FOR PUBLIC EDUCATION ON SAFE**
13 **STORAGE OF FIREARMS.**

14 (a) **IN GENERAL.**—Notwithstanding any other provi-
15 sion of law, an amount equal to 2 percent of the net reve-
16 nues received in the Treasury from the tax imposed by
17 section 4181 of the Internal Revenue Code of 1986 (relat-
18 ing to firearms) for each of the first 5 fiscal years begin-
19 ning after the date of the enactment of this Act shall be
20 available, as provided in appropriation Acts, to the Sec-
21 retary of the Treasury to carry out public education pro-
22 grams on the safe storage and use of firearms. Amounts
23 otherwise transferred or made available for any other pur-
24 pose by reason of such tax shall be reduced by the

1 amounts made available to such Secretary under the pre-
2 ceding sentence.

3 (b) NET REVENUES.—For purposes of subsection
4 (a), the term “net revenues” means, with respect to the
5 tax imposed by such section 4181, the amount estimated
6 by the Secretary of the Treasury based on the excess of—
7 (1) the taxes received in the Treasury under
8 such section, over
9 (2) the decrease in the tax imposed by chapter
10 1 of such Code resulting from such tax.

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