

111TH CONGRESS
1ST SESSION

H. R. 257

To prevent children's access to firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Ms. JACKSON-LEE of Texas introduced the following bill; which was referred
to the Committee on the Judiciary

A BILL

To prevent children's access to 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 Gun Safety and
5 Gun Access Prevention Act of 2009”.

6 **SEC. 2. INCREASING YOUTH GUN SAFETY BY RAISING THE**
7 **AGE OF HANDGUN ELIGIBILITY AND PROHIB-**
8 **ITING YOUTH FROM POSSESSING SEMIAUTO-**
9 **MATIC ASSAULT WEAPONS.**

10 Section 922(x) of title 18, United States Code, is
11 amended—

12 (1) in paragraph (1)—

1 (A) by striking “juvenile” and inserting
2 “person who is less than 21 years of age”;

3 (B) by striking “or” at the end of subpara-
4 graph (A);

5 (C) by striking the period at the end of
6 subparagraph (B) and inserting a semicolon;
7 and

8 (D) by adding at the end the following:

9 “(C) a semiautomatic assault weapon; or

10 “(D) a large capacity ammunition feeding de-
11 vice.”;

12 (2) in paragraph (2)—

13 (A) by striking “a juvenile” and inserting
14 “less than 21 years of age”;

15 (B) by striking “or” at the end of subpara-
16 graph (A);

17 (C) by striking the period at the end of
18 subparagraph (B) and inserting a semicolon;
19 and

20 (D) by inserting at the end the following:

21 “(C) a semiautomatic assault weapon; or

22 “(D) a large capacity ammunition feeding
23 device.”;

24 (3) in paragraph (3)(A), by inserting “tem-
25 porary” before “possession”;

1 (4) in paragraph (3)(B), by striking “juvenile”
2 and inserting “person who is less than 21 years of
3 age”;

4 (5) in paragraph (3)(C), by striking “juvenile;
5 or” and inserting “person who is less than 21 years
6 of age;”;

7 (6) by striking subparagraph (D) of paragraph
8 (3) and inserting the following:

9 “(D) the possession of a handgun or ammuni-
10 tion by a person who is less than 21 years of age
11 taken in defense of that person or other persons
12 against an intruder into the residence of that person
13 or a residence in which that person is an invited
14 guest; or”;

15 (7) by adding at the end of paragraph (3) the
16 following:

17 “(E) a temporary transfer of a handgun or am-
18 munition to a person who is at least 18 years of age
19 and less than 21 years of age, or the temporary use
20 or possession of a handgun or ammunition by a per-
21 son who is at least 18 years of age and less than 21
22 years of age, if the handgun and ammunition are
23 possessed and used by the person—

24 “(i) in the course of employment, in the
25 course of ranching or farming related to activi-

1 ties at the residence of the person (or on prop-
 2 erty used for ranching or farming at which the
 3 person, with the permission of the property
 4 owner or lessee, is performing activities related
 5 to the operation of the farm or ranch), target
 6 practice, hunting, or a course of instruction in
 7 the safe and lawful use of a handgun; and

8 “(ii) in accordance with State and local
 9 law.”; and

10 (8) in paragraph (4), by striking “juvenile”
 11 each place it appears and inserting “person who is
 12 less than 21 years of age”.

13 **SEC. 3. ENHANCED PENALTY FOR YOUTH POSSESSION OF**
 14 **HANDGUNS AND SEMIAUTOMATIC ASSAULT**
 15 **WEAPONS AND FOR THE TRANSFER OF SUCH**
 16 **WEAPONS TO YOUTH.**

17 Section 924(a)(6) of title 18, United States Code, is
 18 amended to read as follows:

19 “(6)(A) A juvenile who violates section 922(x) shall
 20 be fined under this title, imprisoned not more than one
 21 year, or both, and for a second or subsequent violation,
 22 or for a first violation committed after an adjudication of
 23 delinquency or after a State or Federal conviction for an
 24 act that, if committed by an adult, would be a serious vio-
 25 lent felony (as defined in section 3559(c) of this title),

1 shall be fined under this title, imprisoned not more than
2 5 years, or both.

3 “(B) A person other than a juvenile who knowingly
4 violates section 922(x)—

5 “(i) shall be fined under this title, imprisoned
6 not more than five years, or both; and

7 “(ii) if the person sold, delivered, or otherwise
8 transferred a handgun, ammunition, semiautomatic
9 assault weapon, or large capacity ammunition feed-
10 ing device to a person who is less than 21 years of
11 age knowing or having reasonable cause to know
12 that such person intended to carry or otherwise pos-
13 sess or discharge or otherwise use the handgun, am-
14 munition, semiautomatic assault weapon, or large
15 capacity ammunition feeding device in the commis-
16 sion of a crime of violence, shall be fined under this
17 title, imprisoned for not more than 10 years, or
18 both.”.

19 **SEC. 4. GUN STORAGE AND SAFETY DEVICES FOR ALL**
20 **FIREARMS.**

21 (a) SECURE GUN STORAGE OR SAFETY DEVICES BY
22 FEDERAL FIREARMS LICENSEES.—Section 922(z) of title
23 18, United States Code, is amended to read as follows:

24 “(z) It shall be unlawful for any licensed importer,
25 licensed manufacturer, or licensed dealer to sell, transfer,

1 or deliver any firearm to any person (other than a licensed
 2 importer, licensed manufacturer, or licensed dealer) unless
 3 the transferee is provided with a secure gun storage or
 4 safety device.”.

5 (b) PENALTIES.—Section 924(p) of such title is
 6 amended to read as follows:

7 “(p) The Attorney General may, after notice and op-
 8 portunity for hearing, suspend or revoke any license issued
 9 under this chapter or may subject the licensee to a civil
 10 penalty of not more than \$10,000 if the holder of such
 11 license has knowingly violated section 922(z). The actions
 12 of the Attorney General under this subsection may be re-
 13 viewed only as provided in section 923(f).”.

14 (c) EFFECTIVE DATE.—The amendments made by
 15 this section shall be effective 180 days after the date of
 16 the enactment of this Act.

17 **SEC. 5. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**
 18 **JURY CAUSED BY CHILD ACCESS TO FIRE-**
 19 **ARMS.**

20 Section 922 of title 18, United States Code, is
 21 amended by adding at the end the following:

22 “(aa)(1) In this subsection, the term ‘child’ means
 23 an individual who has not attained the age of 18 years.

24 “(2) Except as provided in paragraph (3), any person
 25 who—

1 “(A) keeps a loaded firearm, or an unloaded
2 firearm and ammunition for the firearm, any one of
3 which has been shipped or transported in interstate
4 or foreign commerce, within any premises that is
5 under the custody or control of that person;

6 “(B) knows, or recklessly disregards the risk,
7 that a child is capable of gaining access to the fire-
8 arm; and

9 “(C)(i) knows, or recklessly disregards the risk,
10 that a child will use the firearm to cause death or
11 serious bodily injury (as defined in section 1365 of
12 this title) to the child or any other person; or

13 “(ii) knows, or recklessly disregards the risk,
14 that possession of the firearm by the child is unlaw-
15 ful under Federal or State law,

16 if the child uses the firearm to cause death or serious bod-
17 ily injury to the child or any other person, shall be impris-
18 oned not more than 3 years, fined under this title, or both.

19 “(3) Paragraph (2) shall not apply if—

20 “(A) at the time the child obtained access, the
21 firearm was secured with a secure gun storage or
22 safety device;

23 “(B) the person is a peace officer, a member of
24 the Armed Forces, or a member of the National
25 Guard, and the child obtains the firearm during, or

1 incidental to, the performance of the official duties
2 of the person in that capacity;

3 “(C) the child uses the firearm in a lawful act
4 of self-defense or defense of 1 or more other persons;
5 or

6 “(D) the person has no reasonable expectation,
7 based on objective facts and circumstances, that a
8 child is likely to be present on the premises on which
9 the firearm is kept.”.

10 **SEC. 6. REQUIREMENT THAT CHILD BE ACCOMPANIED BY**
11 **AN ADULT DURING A GUN SHOW.**

12 (a) PROHIBITIONS.—Section 922 of title 18, United
13 States Code, is further amended by adding at the end the
14 following:

15 “(bb)(1) The parent or legal guardian of a child shall
16 ensure that, while the child is attending a gun show, the
17 child is accompanied by an adult.

18 “(2) It shall be unlawful for a person to conduct a
19 gun show to which there is admitted a child who is not
20 accompanied by an adult.

21 “(3) In this subsection:

22 “(A) The term ‘child’ means an individual who
23 has not attained 18 years of age.

24 “(B) The term ‘adult’ means an individual who
25 has attained 18 years of age.”.

1 (b) PENALTIES.—Section 924(a) of such title is
2 amended by adding at the end the following:

3 “(8) Whoever violates section 922(bb) in a State shall
4 be punished in accordance with the laws of the State that
5 apply to persons convicted of child abandonment.”.

6 **SEC. 7. GRANTS FOR GUN SAFETY EDUCATION PROGRAMS.**

7 (a) PROGRAM AUTHORITY.—The Attorney General is
8 authorized to provide grants to units of local government
9 to enable law enforcement agencies to develop and sponsor
10 gun safety classes for parents and their children.

11 (b) APPLICATION.—

12 (1) IN GENERAL.—Any unit of local govern-
13 ment that desires to receive a grant award under
14 this section shall submit an application to the Attor-
15 ney General at such time, in such manner and con-
16 taining such information as the Attorney General
17 may reasonably require.

18 (2) CONTENTS.—Each application referred to
19 in paragraph (1) shall include an assurance that—

20 (A) funds received under this section shall
21 be used only to provide funds to law enforce-
22 ment agencies to provide gun safety classes;
23 and

1 (B) gun safety classes will be offered at
2 times convenient to parents, including evenings
3 and weekends.

4 (c) REGULATIONS.—The Attorney General shall issue
5 any regulations necessary to carry out this section.

6 **SEC. 8. EDUCATION: NATIONWIDE FIREARMS SAFETY PRO-**
7 **GRAMS.**

8 It is the sense of Congress that—

9 (1) each school district should provide or par-
10 ticipate in a firearms safety program for students in
11 grades kindergarten through 12 and should consult
12 with a certified firearms instructor before estab-
13 lishing the curriculum for the program; and

14 (2) participation by students in a firearms safe-
15 ty program should not be mandatory if the district
16 receives written notice from a parent of the student
17 to exempt the student from the program.

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