

*Pending*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: 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—108th Cong., 2d Sess.

**S. 1805**

To prohibit  
the importation  
of

**AMENDMENT No.**

**2620**

on-  
or  
ult-

By

*Boxer*

To:

*S. 1805*

Referred

*8*

**Page(s)**

GPO: 2002 83-247(Mac)

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mrs. BOXER

Viz:

- 1 On page 11, after line 19, add the following:
- 2 **SEC. 5. REQUIREMENT OF CHILD HANDGUN SAFETY DE-**
- 3 **VICES.**
- 4 (a) **SHORT TITLE.**—This section may be cited as the
- 5 “Child Safety Device Act of 2004”.

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

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

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

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

23 “(C) is a safe, gun safe, gun case, lock  
24 box, or other device that is designed to store a  
25 firearm and that is designed to be unlocked

1           only by means of a key, a combination, or other  
2           similar means.”.

3           (c) UNLAWFUL ACTS.—

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

7           “(z) LOCKING DEVICES.—

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

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

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

22                 “(B) transfer to, or possession by, a law  
23                 enforcement officer employed by an entity re-  
24                 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 (d) 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 DE-  
18 VICES.—

19 “(1) IN GENERAL.—

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

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

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

5                   “(iii) impose the penalties described in  
6                   clauses (i) and (ii).

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

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

15                  (e) AMENDMENT TO CONSUMER PRODUCT SAFETY  
16                  ACT.—The Consumer Product Safety Act (15 U.S.C.  
17                  2051 et seq.), is amended by adding at the end the fol-  
18                  lowing:

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

20                  “(a) ESTABLISHMENT OF STANDARD.—

21                  “(1) RULEMAKING REQUIRED.—

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

1 Code, not later than 90 days after the date of  
2 enactment of the Child Safety Device Act of  
3 2004 to establish a consumer product safety  
4 standard for locking devices. The Commission  
5 may extend this 90-day period for good cause.

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

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

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

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

1                   “(ii) prevent the discharge of the  
2                   handgun unless the locking device has been  
3                   de-activated or removed.

4                   “(2) INAPPLICABLE PROVISIONS.—

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

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

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

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

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

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

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

7           (f) CONFORMING AMENDMENT.—Section 1 of the  
8           Consumer Product Safety Act is amended by adding at  
9           the end of the table of contents the following:

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

10          (g) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—There are authorized to be  
12           appropriated to the Consumer Product Safety Com-  
13           mission \$2,000,000 for each of the fiscal years 2005  
14           through 2007 to carry out the provisions of section  
15           39 of the Consumer Product Safety Act, as added  
16           by subsection (e).

17           (2) AVAILABILITY OF FUNDS.—Any amounts  
18           appropriated pursuant to paragraph (1) shall remain  
19           available until expended.