

105TH CONGRESS
1ST SESSION

H. R. 2673

To ensure the safety of children in regard to firearms.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1997

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

A BILL

To ensure the safety of children in regard 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 “Trigger Lock Act of
5 1997”.

6 **SEC. 2. CHILD SAFETY LOCKS FOR FIREARMS.**

7 (a) CIVIL PROHIBITIONS.—

8 (1) PROHIBITION AGAINST TRANSFER OF FIRE-
9 ARM WITHOUT LOCKING DEVICE ATTACHED.—

10 (A) PROHIBITION.—Effective 12 months
11 after the date of the enactment of this Act, it
12 shall be unlawful for any person, in or affecting

1 commerce, to transfer a firearm in the United
2 States, unless a locking device is attached to, or
3 is an integral part of, the firearm.

4 (B) PENALTIES.—

5 (i) PRIVATE TRANSFERS.—The Sec-
6 retary shall impose a civil fine of \$5,000
7 on any person, other than a licensed dealer
8 or licensed manufacturer, who violates sub-
9 paragraph (A).

10 (ii) TRANSFERS BY FEDERALLY LI-
11 CENSED FIREARMS DEALERS.—The Sec-
12 retary shall impose a civil fine of \$10,000
13 on any licensed dealer who violates sub-
14 paragraph (A), and shall suspend or re-
15 voke any license issued under chapter 44
16 of title 18, United States Code, to the
17 dealer.

18 (iii) TRANSFERS BY FEDERALLY LI-
19 CENSED FIREARMS MANUFACTURERS.—
20 The Secretary shall impose a civil fine of
21 \$25,000 on any licensed manufacturer who
22 violates subparagraph (A), and shall sus-
23 pend or revoke any license issued under
24 chapter 44 of title 18, United States Code,
25 to the manufacturer.

1 (2) PROHIBITION AGAINST MANUFACTURE OF
2 HANDGUN WITHOUT LOCKING DEVICE ATTACHED.—

3 (A) PROHIBITION.—Effective 18 months
4 after the date of the enactment of this Act, it
5 shall be unlawful for any person, in or affecting
6 commerce, to manufacture a handgun in the
7 United States, unless a locking device that
8 meets the minimum quality standards pre-
9 scribed under subsection (e) is attached to, or
10 is an integral part of, the firearm.

11 (B) PENALTIES.—The Secretary shall im-
12 pose a civil fine of \$25,000 on any person who
13 violates subparagraph (A), and shall suspend or
14 revoke any license issued under chapter 44 of
15 title 18, United States Code, to the manufac-
16 turer.

17 (3) PROHIBITION AGAINST TRANSFER OF FIRE-
18 ARM BY LICENSEE WITHOUT NOTICE AND WARN-
19 ING.—

20 (A) PROHIBITION.—Effective 60 days after
21 the date of the enactment of this Act, it shall
22 be unlawful for any licensed importer, licensed
23 manufacturer, or licensed dealer to transfer a
24 handgun that is not accompanied by the follow-
25 ing, which shall be printed in 3/4-inch type:

1 “THE USE OF A LOCKING BOX OR LOCKING
2 DEVICE PLACED ON THE TRIGGER GUARD OF A
3 FIREARM IS ONLY ONE ASPECT OF RESPON-
4 SIBLE FIREARM STORAGE. FIREARMS AND
5 THEIR AMMUNITION SHOULD BE STORED AND
6 SECURED IN A LOCATION THAT IS INACCES-
7 SIBLE TO CHILDREN.

8 “IF MISUSED, HANDGUNS CAN RESULT IN
9 UNINTENTIONAL INJURY OR LOSS OF LIFE.
10 TRIGGER LOCKS LOWER THE RISK OF UNIN-
11 TENTIONAL DISCHARGE, HOWEVER TRIGGER
12 LOCKS DO NOT TOTALLY ELIMINATE THE RISK.

13 “FAILURE TO PROPERLY LOCK AND STORE
14 YOUR FIREARM MAY RESULT IN CIVIL OR CRIMI-
15 NAL LIABILITY UNDER STATE LAW. FEDERAL
16 LAW PROHIBITS THE POSSESSION OF A HAND-
17 GUN BY A MINOR IN MOST CIRCUMSTANCES.”.

18 (B) PENALTIES.—

19 (i) TRANSFERS BY FEDERALLY LI-
20 CENSED FIREARMS DEALERS OR IMPORT-
21 ERS.—The Secretary shall impose a civil
22 fine of \$10,000 on any licensed dealer or
23 licensed importer who violates subpara-
24 graph (A), and shall suspend or revoke any
25 license issued under chapter 44 of title 18,

1 United States Code, to the dealer or im-
2 porter.

3 (ii) TRANSFERS BY FEDERALLY LI-
4 CENSED FIREARMS MANUFACTURERS.—

5 The Secretary shall impose a civil fine of
6 \$5,000 on any licensed manufacturer who
7 violates subparagraph (A), and shall sus-
8 pend or revoke any license issued under
9 chapter 44 of title 18, United States Code,
10 to the manufacturer.

11 (4) INAPPLICABILITY TO GOVERNMENTAL ENTI-
12 TIES.—Paragraphs (1), (2), and (3) shall not apply
13 to conduct of, or authorized by, the United States or
14 any department or agency thereof, or any State or
15 any department, agency, or political subdivision
16 thereof.

17 (5) JUDICIAL REVIEW.—Not later than 60 days
18 after an individual receives notice from the Secretary
19 of a decision to impose a fine on, or suspend or re-
20 voke a license of, the individual under this sub-
21 section, the individual may bring an action against
22 the Secretary in any United States district court for
23 de novo review of the decision.

1 (b) CRIMINAL PROHIBITION AGAINST ADULT LEAV-
2 ING FIREARM AND AMMUNITION WITH AN UNSUPER-
3 VISED MINOR.—

4 (1) PROHIBITION.—Section 922 of title 18,
5 United States Code, is amended by inserting after
6 subsection (x) the following:

7 “(y)(1) It shall be unlawful for an adult to leave a
8 loaded firearm, or an unloaded firearm and ammunition
9 for the firearm, with a minor, unless the possession of the
10 firearm by the minor is supervised by an adult who is not
11 prohibited by Federal, State, or local law from possessing
12 a firearm.

13 “(2) As used in paragraph (1):

14 “(A) The term ‘adult’ means an individual who
15 has attained 18 years of age.

16 “(B) The term ‘minor’ means an individual who
17 has not attained 18 years of age.”.

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

20 “(7) Whoever knowingly violates section 922(y) shall,
21 notwithstanding section 3571, be fined not more than
22 \$10,000, imprisoned not more than 1 year, or both.”.

23 (c) STUDIES.—

24 (1) STANDARDS FOR LOCKING DEVICES.—

1 (A) IN GENERAL.—The National Institute
2 of Justice and the Consumer Product Safety
3 Commission shall each conduct a study to de-
4 termine the feasibility of developing minimum
5 quality standards for locking devices.

6 (B) REPORT.—Not later than 90 days
7 after the date of the enactment of this Act, the
8 National Institute of Justice and the Consumer
9 Product Safety Commission shall each submit
10 to the Attorney General and the Secretary of
11 the Treasury a report that includes the results
12 of the study required of the entity by subpara-
13 graph (A) and any recommendations for legisla-
14 tive or regulatory action.

15 (2) RESULTS OF THIS SECTION.—

16 (A) IN GENERAL.—The Director of the
17 Centers for Disease Control shall conduct a
18 study on the results of this section.

19 (B) REPORT.—Not later than 18 months
20 after the date of the enactment of this Act, the
21 Director of the Centers for Disease Control and
22 Prevention shall submit to the Attorney General
23 and the Secretary of the Treasury a report that
24 contains the findings of the study required by
25 subparagraph (A).

1 (d) EDUCATIONAL PROGRAMS.—For public service
2 announcements and counter advertisements designed to
3 educate the public on the proper storage of firearms, not
4 more than \$1,000,000 are authorized to be appropriated
5 for fiscal year 1998 to each of the Attorney General and
6 the Secretary of Health and Human Services, who shall
7 coordinate their expenditure of the sums appropriated
8 pursuant to this subsection, and the sums are authorized
9 to remain available until expended.

10 (e) REGULATIONS GOVERNING MANUFACTURE OF
11 LOCKING DEVICES.—Within 6 months after the date of
12 the enactment of this Act, the Secretary shall issue final
13 regulations which prescribe minimum quality standards
14 for locking devices.

15 (f) DEFINITIONS.—As used in this section:

16 (1) LOCKING DEVICE.—The term “locking de-
17 vice” means a device that—

18 (A) when installed and secured (with a
19 key, electronic code, or electro-mechanically op-
20 erated combination lock) on the trigger guard
21 of a firearm, and while activated, prevents the
22 firearm from being discharged; or

23 (B) is incorporated into the design of, and
24 is an integral part of, a handgun, and while ac-

1 tivated, prevents the handgun from being dis-
2 charged.

3 (2) OTHER TERMS.—The terms “State”, “fire-
4 arm”, “handgun”, “dealer”, “licensed dealer”,
5 “manufacturer”, “licensed manufacturer”, “im-
6 porter”, “licensed importer”, and “Secretary” shall
7 have the meanings given such terms in section
8 921(a) of title 18, United States Code.

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