

107TH CONGRESS  
1ST SESSION

# S. 436

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks.

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2001

Mr. KOHL (for himself, Mr. CHAFEE, Mrs. BOXER, Mr. DURBIN, Mr. SCHUMER, Mr. REED, Mr. KERRY, and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend chapter 44 of title 18, United States Code, to require the provision of a child safety lock in connection with the transfer of a handgun and provide safety standards for child safety locks.

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 2001”.

1 **SEC. 2. REQUIREMENT OF CHILD HANDGUN SAFETY**  
2 **LOCKS.**

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

6 “(35) The term ‘locking device’ means a device  
7 or locking mechanism—

8 “(A) that—

9 “(i) if installed on a firearm and se-  
10 cured by means of a key or a mechanically,  
11 electronically, or electromechanically oper-  
12 ated combination lock, is designed to pre-  
13 vent the firearm from being discharged  
14 without first deactivating or removing the  
15 device by means of a key or mechanically,  
16 electronically, or electromechanically oper-  
17 ated combination lock;

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

24 “(iii) is a safe, gun safe, gun case,  
25 lock box, or other device that is designed  
26 to store a firearm and that is designed to

1           be unlocked only by means of a key, a  
2           combination, or other similar means; and

3           “(B) that is approved by a licensed fire-  
4           arms manufacturer for use on the handgun  
5           with which the device or locking mechanism is  
6           sold, delivered, or transferred.”.

7           (b) UNLAWFUL ACTS.—

8           (1) IN GENERAL.—Section 922 of title 18,  
9           United States Code, is amended by inserting after  
10          subsection (y) the following:

11          “(z) LOCKING DEVICES.—

12                 “(1) IN GENERAL.—Except as provided in para-  
13                 graph (2), it shall be unlawful for any licensed man-  
14                 ufacturer, licensed importer, or licensed dealer to  
15                 sell, deliver, or transfer any handgun to any person  
16                 other than a licensed manufacturer, licensed im-  
17                 porter, or licensed dealer, unless the transferee is  
18                 provided with a locking device for that handgun.

19                 “(2) EXCEPTIONS.—Paragraph (1) does not  
20                 apply to—

21                         “(A) the—

22                                 “(i) manufacture for, transfer to, or  
23                                 possession by, the United States or a State  
24                                 or a department or agency of the United  
25                                 States, or a State or a department, agency,

1 or political subdivision of a State, of a fire-  
2 arm; or

3 “(ii) transfer to, or possession by, a  
4 law enforcement officer employed by an en-  
5 tity referred to in clause (i) of a firearm  
6 for law enforcement purposes (whether on  
7 or off duty); or

8 “(B) the transfer to, or possession by, a  
9 rail police officer employed by a rail carrier and  
10 certified or commissioned as a police officer  
11 under the laws of a State of a firearm for pur-  
12 poses of law enforcement (whether on or off  
13 duty).”.

14 (2) EFFECTIVE DATE.—Section 922(y) of title  
15 18, United States Code, as added by this subsection,  
16 shall take effect 180 days after the date of enact-  
17 ment of this Act.

18 (c) LIABILITY; EVIDENCE.—

19 (1) LIABILITY.—Nothing in this section shall be  
20 construed to—

21 (A) create a cause of action against any  
22 firearms dealer or any other person for any civil  
23 liability; or

24 (B) establish any standard of care.

1           (2) EVIDENCE.—Notwithstanding any other  
2 provision of law, evidence regarding compliance or  
3 noncompliance with the amendments made by this  
4 section shall not be admissible as evidence in any  
5 proceeding of any court, agency, board, or other en-  
6 tity, except with respect to an action to enforce this  
7 section.

8           (3) RULE OF CONSTRUCTION.—Nothing in this  
9 subsection shall be construed to bar a governmental  
10 action to impose a penalty under section 924(p) of  
11 title 18, United States Code, for a failure to comply  
12 with section 922(y) of that title.

13          (d) CIVIL PENALTIES.—Section 924 of title 18,  
14 United States Code, is amended—

15           (1) in subsection (a)(1), by striking “or (f)”  
16 and inserting “(f), or (p)”; and

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

18          “(p) PENALTIES RELATING TO LOCKING DEVICES.—

19           “(1) IN GENERAL.—

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

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

4           “(ii) subject the licensee to a civil  
5           penalty in an amount equal to not more  
6           than \$10,000.

7           “(B) REVIEW.—An action of the Secretary  
8           under this paragraph may be reviewed only as  
9           provided in 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 Secretary.”.

15 **SEC. 3. AMENDMENT OF CONSUMER PRODUCT SAFETY**  
16 **ACT.**

17          (a) IN GENERAL.—The Consumer Product Safety  
18 Act (15 U.S.C. 2051 et seq.) is amended by adding at  
19 the end thereof the following:

20 **“SEC. 38. CHILD HANDGUN SAFETY LOCKS.**

21          “(a) ESTABLISHMENT OF STANDARD.—

22                  “(1) IN GENERAL.—

23                          “(A) RULEMAKING REQUIRED.—Notwith-  
24 standing section 3(a)(1)(E) of this Act, the  
25 Commission shall initiate a rulemaking pro-

1 ceeding under section 553 of title 5, United  
2 States Code, within 90 days after the date of  
3 enactment of the Child Safety Lock Act of  
4 2001 to establish a consumer product safety  
5 standard for locking devices. The Commission  
6 may extend the 90-day period for good cause.  
7 Notwithstanding any other provision of law, in-  
8 cluding chapter 5 of title 5, United States  
9 Code, the Commission shall promulgate a final  
10 consumer product safety standard under this  
11 paragraph within 12 months after the date on  
12 which it initiated the rulemaking. The Commis-  
13 sion may extend that 12-month period for good  
14 cause. The consumer product safety standard  
15 promulgated under this paragraph shall take ef-  
16 fect 6 months after the date on which the final  
17 standard is promulgated.

18 “(B) STANDARD REQUIREMENTS.—The  
19 standard promulgated under subparagraph (A)  
20 shall require locking devices that—

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

23 “(ii) prevent the discharge of the  
24 handgun unless the locking device has been  
25 de-activated or removed.

1           “(2) CERTAIN PROVISIONS NOT TO APPLY.—

2                   “(A) PROVISIONS OF THIS ACT.—Sections  
3           7, 9, and 30(d) of this Act do not apply to the  
4           rulemaking proceeding under paragraph (1).  
5           Section 11 of this Act does not apply to any  
6           consumer product safety standard promulgated  
7           under paragraph (1).

8                   “(B) CHAPTER 5 OF TITLE 5.—Except for  
9           section 553, chapter 5 of title 5, United States  
10          Code, does not apply to this section.

11                   “(C) CHAPTER 6 OF TITLE 5.—Chapter 6  
12          of title 5, United States Code, does not apply  
13          to this section.

14                   “(D) NATIONAL ENVIRONMENTAL POLICY  
15          ACT.—The National Environmental Policy Act  
16          of 1969 (42 U.S.C. 4321) does not apply to  
17          this section.

18          “(b) NO EFFECT ON STATE LAW.—Notwithstanding  
19          section 26 of this Act, this section does not annul, alter,  
20          impair, affect, or exempt any person subject to the provi-  
21          sions of this section from complying with any provision  
22          of the law of any State or any political subdivision thereof,  
23          except to the extent that such provisions of State law are  
24          inconsistent with any provision of this section, and then  
25          only to the extent of the inconsistency. A provision of

1 State law is not inconsistent with this section if such pro-  
 2 vision affords greater protection to children in respect of  
 3 handguns than is afforded by this section.

4 “(c) ENFORCEMENT.—Notwithstanding subsection  
 5 (a)(2)(A), the consumer product safety standard promul-  
 6 gated by the Commission under subsection (a) shall be en-  
 7 forced under this Act as if it were a consumer product  
 8 safety standard described in section 7(a).

9 “(d) DEFINITIONS.—In this section:

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

12 “(2) LOCKING DEVICE.—The term ‘locking de-  
 13 vice’ has the meaning given that term in clauses (i)  
 14 and (iii) of section 921(a)(35)(A) of title 18, United  
 15 States Code.”.

16 (b) CONFORMING AMENDMENT.—Section 1 of the  
 17 Consumer Product Safety Act is amended by adding at  
 18 the end of the table of contents the following:

“Sec. 38. Child handgun safety locks.”.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
 20 are authorized to be appropriated to the Consumer Prod-  
 21 uct Safety Commission \$2,000,000 to carry out the provi-  
 22 sions of section 38 of the Consumer Product Safety Act,  
 23 such sums to remain available until expended.

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