

AMENDMENT TO H.R. 1501
OFFERED BY MR. DAVIS OF VIRGINIA

At the end of the bill, insert the following:

1 **TITLE _____—CHILD HANDGUN**
2 **SAFETY**

3 **SEC. ____1. SHORT TITLE.**

4 This title may be cited as the “Safe Handgun Storage
5 and Child Handgun Safety Act of 1999”.

6 **SEC. ____2. PURPOSES.**

7 The purposes of this title are as follows:

8 (1) To promote the safe storage and use of
9 handguns by consumers.

10 (2) To prevent unauthorized persons from gain-
11 ing access to or use of a handgun, including children
12 who may not be in possession of a handgun, unless
13 it is under one of the circumstances provided for in
14 the Youth Handgun Safety Act.

15 (3) To avoid hindering industry from supplying
16 law abiding citizens firearms for all lawful purposes,
17 including hunting, self-defense, collecting and com-
18 petitive or recreational shooting.

19 **SEC. ____3. FIREARMS SAFETY.**

20 (a) UNLAWFUL ACTS.—

1 (1) MANDATORY TRANSFER OF SECURE GUN
2 STORAGE OR SAFETY DEVICE.—Section 922 of title
3 18, United States Code, is amended by inserting
4 after subsection (y) the following:

5 “(z) SECURE GUN STORAGE OR SAFETY DEVICE.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), it shall be unlawful for any licensed man-
8 ufacturer, licensed importer, or licensed dealer to
9 sell, deliver, or transfer any handgun to any person
10 other than any person licensed under the provisions
11 of this chapter, unless the transferee is provided
12 with a secure gun storage or safety device, as de-
13 scribed in section 921(a)(34), for that handgun.

14 “(2) EXCEPTIONS.—Paragraph (1) does not
15 apply to the—

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

21 “(ii) transfer to, or possession by, a
22 law enforcement officer employed by an en-
23 tity referred to in clause (i) of a handgun
24 for law enforcement purposes (whether on
25 or off duty); or

1 “(B) transfer to, or possession by, a rail
2 police officer employed by a rail carrier and cer-
3 tified or commissioned as a police officer under
4 the laws of a State of a handgun for purposes
5 of law enforcement (whether on or off duty);

6 “(C) transfer to any person of a handgun
7 listed as a curio or relic by the Secretary pursu-
8 ant to section 921(a)(13); or

9 “(D) transfer to any person of a handgun
10 for which a secure gun storage or safety device
11 is temporarily unavailable for the reasons de-
12 scribed in the exceptions stated in section
13 923(e): *Provided*, That the licensed manufac-
14 turer, licensed importer, or licensed dealer de-
15 livers to the transferee within 10 calendar days
16 from the date of the delivery of the handgun to
17 the transferee a secure gun storage or safety
18 device for the handgun.

19 “(3) LIABILITY FOR USE.—(A) Notwithstand-
20 ing any other provision of law, a person who has
21 lawful possession and control of a handgun, and who
22 uses a secure gun storage or safety device with the
23 handgun, shall be entitled to immunity from a civil
24 liability action as described in this paragraph.

1 “(B) PROSPECTIVE ACTIONS.—A qualified civil
2 liability action may not be brought in any Federal
3 or State court. The term ‘qualified civil liability ac-
4 tion’ means a civil action brought by any person
5 against a person described in subparagraph (A) for
6 damages resulting from the criminal or unlawful
7 misuse of the handgun by a third party, where—

8 “(i) the handgun was accessed by another
9 person who did not have the permission or au-
10 thorization of the person having lawful posses-
11 sion and control of the handgun to have access
12 to it; and

13 “(ii) at the time access was gained by the
14 person not so authorized, the handgun had been
15 made inoperable by use of a secure gun storage
16 or safety device.

17 A ‘qualified civil liability action’ shall not include an
18 action brought against the person having lawful pos-
19 session and control of the handgun for negligent en-
20 trustment or negligence per se.”.

21 (b) CIVIL PENALTIES.—Section 924 of title 18,
22 United States Code, is amended—

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

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

1 “(p) PENALTIES RELATING TO SECURE GUN STOR-
2 AGE OR SAFETY DEVICE.—

3 “(1) IN GENERAL.—

4 “(A) SUSPENSION OR REVOCATION OF LI-
5 CENSE; CIVIL PENALTIES.—With respect to
6 each violation of section 922(z)(1) by a licensed
7 manufacturer, licensed importer, or licensed
8 dealer, the Secretary may, after notice and op-
9 portunity for hearing—

10 “(i) suspend for up to six months, or
11 revoke, the license issued to the licensee
12 under this chapter that was used to con-
13 duct the firearms transfer; or

14 “(ii) subject the licensee to a civil
15 penalty in an amount equal to not more
16 than \$2,500.

17 “(B) REVIEW.—An action of the Secretary
18 under this paragraph may be reviewed only as
19 provided in section 923(f).

20 “(2) ADMINISTRATIVE REMEDIES.—The sus-
21 pension or revocation of a license or the imposition
22 of a civil penalty under paragraph (1) does not pre-
23 clude any administrative remedy that is otherwise
24 available to the Secretary.”.

1 (c) MODIFICATION OF DEFINITION OF SECURE GUN
2 STORAGE OR SAFETY DEVICE.—Section 921(a)(34) of
3 title 18, United States Code, is amended—

4 (1) by striking “or” at the end of subparagraph
5 (B);

6 (2) by striking the period at the end of sub-
7 paragraph (C) and inserting “; or”; and

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

9 “(D) a device that is easily removable from a
10 firearm and that, if removed from a firearm, is de-
11 signed to prevent the discharge of the firearm by
12 any person who does not have access to the device.”.

13 (d) LIABILITY; EVIDENCE.—

14 (1) LIABILITY.—Nothing in this title shall
15 be construed to—

16 (A) create a cause of action against any
17 Federal firearms licensee or any other person
18 for any civil liability; or

19 (B) establish any standard of care.

20 (2) EVIDENCE.—Notwithstanding any other
21 provision of law, evidence regarding compliance or
22 noncompliance with the amendments made by this
23 title shall not be admissible as evidence in any pro-
24 ceeding of any court, agency, board, or other entity,
25 except with respect to an action to enforce para-

1 graphs (1) and (2) of section 922(z), or to give ef-
2 fect to paragraph (3) of section 922(z).

3 (3) RULE OF CONSTRUCTION.—Nothing in this
4 subsection shall be construed to bar a governmental
5 action to impose a penalty under section 924(p) of
6 title 18, United States Code, for a failure to comply
7 with section 922(z) of that title.