

109TH CONGRESS
1ST SESSION

H. R. 246

To prevent children's access to firearms.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2005

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 2005”.

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 of title
23 18, United States Code, is amended by adding at the end
24 the following:

1 “(z) It shall be unlawful for any licensed importer,
2 licensed manufacturer, or licensed dealer to sell, transfer,
3 or deliver any firearm to any person (other than a licensed
4 importer, licensed manufacturer, or licensed dealer) unless
5 the transferee is provided with a secure gun storage or
6 safety device.”.

7 (b) PENALTIES.—Section 924 of such title is amend-
8 ed—

9 (1) in subsection (a)(1) by inserting “, or (p)”
10 before “of this section”; and

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

12 “(p) The Attorney General may, after notice and op-
13 portunity for hearing, suspend or revoke any license issued
14 under this chapter or may subject the licensee to a civil
15 penalty of not more than \$10,000 if the holder of such
16 license has knowingly violated section 922(z) of this chap-
17 ter. The actions of the Attorney General under this sub-
18 section may be reviewed only as provided in section
19 923(f).”.

20 (c) REPEAL OF INCONSISTENT PROVISIONS.—

21 (1) Section 923(d)(1) of such title is amend-
22 ed—

23 (A) in subparagraph (E) by adding at the
24 end “and”;

1 (B) in subparagraph (F) by striking
2 “; and” and inserting a period; and
3 (C) by striking subparagraph (G).

4 (2) Section 923(e) of such title is amended by
5 striking “or fails to have secure gun storage or safe-
6 ty devices available at any place in which firearms
7 are sold under the license to persons who are not li-
8 censees (except that in any case in which a secure
9 gun storage or safety device is temporarily unavail-
10 able because of theft, casualty loss, consumer sales,
11 backorders from a manufacturer, or any other simi-
12 lar reason beyond the control of the licensee, shall
13 not be considered to be in violation of the require-
14 ment to make available such a device)”.

15 (3) Section 119 of the Departments of Com-
16 merce, Justice, and State, the Judiciary, and Re-
17 lated Agencies Appropriations Act, 1999 (as con-
18 tained in section 101(b) of division A of the Omni-
19 bus Consolidated and Emergency Supplemental Ap-
20 propriations Act, 1999; Public Law 105–277) is
21 amended by striking subsection (d).

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall be effective 180 days after the date of
24 the enactment of this Act.

1 **SEC. 5. RESPONSIBILITY OF ADULTS FOR DEATH AND IN-**
2 **JURY CAUSED BY CHILD ACCESS TO FIRE-**
3 **ARMS.**

4 Section 922 of title 18, United States Code, is further
5 amended by adding at the end the following:

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

8 “(2) Except as provided in paragraph (3), any person
9 who—

10 “(A) keeps a loaded firearm, or an unloaded
11 firearm and ammunition for the firearm, any one of
12 which has been shipped or transported in interstate
13 or foreign commerce, within any premises that is
14 under the custody or control of that person; and

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

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

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

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

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

5 “(A) at the time the child obtained access, the
6 firearm was secured with a secure gun storage or
7 safety device;

8 “(B) the person is a peace officer, a member of
9 the Armed Forces, or a member of the National
10 Guard, and the child obtains the firearm during, or
11 incidental to, the performance of the official duties
12 of the person in that capacity;

13 “(C) the child uses the firearm in a lawful act
14 of self-defense or defense of 1 or more other persons;
15 or

16 “(D) the person has no reasonable expectation,
17 based on objective facts and circumstances, that a
18 child is likely to be present on the premises on which
19 the firearm is kept.”.

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

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

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

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

7 “(3) In this subsection:

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

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

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

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

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

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

22 (b) APPLICATION.—

23 (1) IN GENERAL.—Any unit of local govern-
24 ment that desires to receive a grant award under
25 this section shall submit an application to the Attor-

1 ney General at such time, in such manner and con-
2 taining such information as the Attorney General
3 may reasonably require.

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

6 (A) funds received under this section shall
7 be used only to provide funds to law enforce-
8 ment agencies to provide gun safety classes;
9 and

10 (B) gun safety classes will be offered at
11 times convenient to parents, including evenings
12 and weekends.

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

15 **SEC. 8. EDUCATION: NATIONWIDE FIREARMS SAFETY PRO-**
16 **GRAMS.**

17 It is the sense of Congress that—

18 (1) each school district should provide or par-
19 ticipate in a firearms safety program for students in
20 grades kindergarten through 12 and should consult
21 with a certified firearms instructor before estab-
22 lishing the curriculum for the program; and

23 (2) participation by students in a firearms safe-
24 ty program should not be mandatory if the district

- 1 receives written notice from a parent of the student
- 2 to exempt the student from the program.

