

107TH CONGRESS
1ST SESSION

H. R. 1397

To allow States to develop or expand instant gun checking capabilities, to allow a tax credit for the purchase of safe storage devices for firearms, to promote the fitting of handguns with child safety locks, and to prevent children from injuring themselves and others with firearms.

IN THE HOUSE OF REPRESENTATIVES

APRIL 4, 2001

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To allow States to develop or expand instant gun checking capabilities, to allow a tax credit for the purchase of safe storage devices for firearms, to promote the fitting of handguns with child safety locks, and to prevent children from injuring themselves and others with 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 “Youth Violence Preven-
5 tion Act of 2001”.

1 **TITLE I—EXPANSION OF IN-**
2 **STANT GUN CHECK CAPABILI-**
3 **TIES**

4 **SEC. 101. EXPANSION OF BYRNE PURPOSES.**

5 Section 501(b) of the Omnibus Crime Control and
6 Safe Streets Act of 1968 (42 U.S.C. 3751(b)) is
7 amended—

8 (1) by redesignating paragraphs (16) through
9 the second paragraph (27) as paragraphs (17)
10 through (30), respectively; and

11 (2) by inserting after paragraph (15) the fol-
12 lowing:

13 “(16) developing or expanding a State instant
14 criminal background check system that includes al-
15 lowing only limited access of the system, regarding
16 the eligibility status of a proposed firearm purchaser
17 (after receiving the purchaser’s express authoriza-
18 tion), to a person who sells a firearm and is not a
19 licensed dealer;”.

20 **SEC. 102. IMPROVEMENT OF CRIMINAL JUSTICE RECORDS.**

21 Section 509 of Omnibus Crime Control and Safe
22 Streets Act of 1968 (42 U.S.C. 3759) is amended by—

23 (1) in subsection (a), by striking “5 percent”
24 and inserting “6 percent”; and

25 (2) in subsection (b)—

1 (A) in paragraph (3), by striking “and”
2 after the semicolon;

3 (B) in the first paragraph (4), by striking
4 the period and inserting “; and”;

5 (C) by redesignating the second paragraph
6 (4) that ends with “1993.” as paragraph (6);
7 and

8 (D) by inserting after the first paragraph
9 (4) the following:

10 “(5) developing or expanding a State instant
11 criminal background check system that includes al-
12 lowing only limited access of the system, regarding
13 the eligibility status of a proposed firearm purchaser
14 (after receiving the purchaser’s express authoriza-
15 tion), to a person who sells a firearm and is not a
16 licensed dealer; and”.

17 **TITLE II—NONREFUNDABLE**
18 **CREDIT FOR PURCHASE OF**
19 **SAFE STORAGE DEVICES FOR**
20 **FIREARMS**

21 **SEC. 201. NONREFUNDABLE CREDIT FOR PURCHASE OF**
22 **SAFE STORAGE DEVICES FOR FIREARMS.**

23 (a) IN GENERAL.—Subpart A of part IV of sub-
24 chapter A of chapter 1 of the Internal Revenue Code of
25 1986 (relating to nonrefundable personal credits) is

1 amended by inserting after section 25A the following new
2 section:

3 **“SEC. 25B. PURCHASE OF SAFE STORAGE DEVICES FOR**
4 **FIREARMS.**

5 “(a) ALLOWANCE OF CREDIT.—There shall be al-
6 lowed as a credit against the tax imposed by this chapter
7 for a taxable year an amount equal to the qualified firearm
8 safe storage device expenses for the taxable year.

9 “(b) LIFETIME DOLLAR LIMITATION.—The aggre-
10 gate amount of expenses paid by an individual which may
11 be treated as qualified firearm safe storage device ex-
12 penses for any taxable year shall not exceed the excess
13 (if any) of—

14 “(1) \$250, over

15 “(2) the aggregate amounts treated as qualified
16 firearm safe storage device expenses with respect to
17 such individual for all prior taxable years.

18 “(c) QUALIFIED FIREARM SAFE STORAGE DEVICE
19 EXPENSE.—For purposes of this section—

20 “(1) IN GENERAL.—The term ‘qualified firearm
21 safe storage device expense’ means amounts paid for
22 a trigger lock, secure locked cabinet, or other safety
23 device used solely for the storage of a firearm.

1 “(2) FIREARM.—The term ‘firearm’ has the
2 meaning given such term by section 921(a)(3) of
3 title 18, United States Code.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for subpart A of part IV of subchapter A of chapter 1
6 of such Code is amended by inserting after the item relat-
7 ing to section 25A the following new item:

 “Sec. 25B. Purchase of safe storage devices for firearms.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply to taxable years beginning after
10 December 31, 2000.

11 **TITLE III—HANDGUN CHILD** 12 **SAFETY LOCKS**

13 **SEC. 301. PROHIBITION AGAINST MANUFACTURE OF A** 14 **HANDGUN WITHOUT CHILD SAFETY LOCKS.**

15 (a) PROHIBITION AGAINST MANUFACTURE OF
16 HANDGUN WITHOUT CHILD SAFETY LOCK ATTACHED.—

17 (1) PROHIBITION.—It shall be unlawful for any
18 person, in or affecting commerce, to manufacture a
19 handgun in the United States, unless a child safety
20 lock which meets the requirement of subsection (b)
21 is attached to, or is an integral part of, the firearm.

22 (2) PENALTIES.—The Secretary shall impose a
23 civil fine of \$5,000 on any person who violates para-
24 graph (1).

1 (b) CHILD SAFETY LOCK REQUIREMENTS.—A lock
2 meets the requirements of this subsection if the lock, while
3 activated or attached to the firearm, prevents the firearm
4 from being discharged.

5 (c) JUDICIAL REVIEW.—Not later than 60 days after
6 an individual receives notice from the Secretary of a deci-
7 sion to impose a fine on the individual under this section,
8 the individual may bring an action against the Secretary
9 in any United States district court for de novo review of
10 the decision.

11 (d) INAPPLICABILITY TO GOVERNMENTAL ENTI-
12 TIES.—Subsection (a) shall not apply to conduct of, or au-
13 thorized by, the United States or any department or agen-
14 cy thereof, or any State or any department, agency, or
15 political subdivision thereof.

16 (e) DEFINITIONS.—As used in this section, the terms
17 “State”, “handgun”, and “Secretary” shall have the
18 meanings given such terms in section 921(a) of title 18,
19 United States Code.

20 **TITLE IV—CHILD FIREARM**
21 **ACCESS PREVENTION**

22 **SEC. 401. CHILDREN AND FIREARMS SAFETY.**

23 (a) PROHIBITION AND PENALTIES.—Section 922 of
24 title 18, United States Code, is amended by inserting after
25 subsection (y) the following:

1 “(z) PROHIBITION AGAINST GIVING JUVENILES AC-
2 CESS TO CERTAIN FIREARMS.—

3 “(1) DEFINITION OF JUVENILE.—In this sub-
4 section, the term ‘juvenile’ means an individual who
5 has not attained the age of 18 years.

6 “(2) PROHIBITION.—Except as provided in
7 paragraph (3), any person that—

8 “(A) keeps a loaded firearm, or an un-
9 loaded firearm and ammunition for the firearm,
10 any of which has been shipped or transported
11 in interstate or foreign commerce or otherwise
12 substantially affects interstate or foreign com-
13 merce, within any premise that is under the
14 custody or control of that person; and

15 “(B) knows, or reasonably should know,
16 that a juvenile is capable of gaining access to
17 the firearm without the permission of the par-
18 ent or legal guardian of the juvenile,

19 shall, if a juvenile obtains access to the firearm and
20 thereby causes death or bodily injury to the juvenile
21 or to any other person, or exhibits the firearm either
22 in a public place, or in violation of subsection (q),
23 be imprisoned not more than 1 year, fined not more
24 than \$10,000, or both.

1 “(3) EXCEPTIONS.—Paragraph (2) does not
2 apply if—

3 “(A) the person uses a secure gun storage
4 or safety device for the firearm;

5 “(B) the person is a peace officer, a mem-
6 ber of the Armed Forces, or a member of the
7 National Guard, and the juvenile obtains the
8 firearm during, or incidental to, the perform-
9 ance of the official duties of the person in that
10 capacity;

11 “(C) the juvenile obtains, or obtains and
12 discharges, the firearm in a lawful act of self-
13 defense or defense of 1 or more other persons;

14 “(D) the person has no reasonable expecta-
15 tion, based on objective facts and cir-
16 cumstances, that a juvenile is likely to be
17 present on the premises on which the firearm is
18 kept; or

19 “(E) the juvenile obtains the firearm as a
20 result of unlawful entry by the juvenile.”.

21 (b) ROLE OF LICENSED FIREARMS DEALERS.—Sec-
22 tion 926 of title 18, United States Code, is amended by
23 adding at the end the following:

24 “(d) The Secretary shall ensure that a copy of section
25 922(z) appears on the form required to be obtained by

1 a licensed dealer from a prospective transferee of a fire-
2 arm.”.

3 (c) NO EFFECT ON STATE LAW.—Nothing in this
4 section or the amendments made by this section shall be
5 construed to preempt any provision of the law of any
6 State, the purpose of which is to prevent children from
7 injuring themselves or others with firearms.

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