109th CONGRESS

1st Session

**H. R. 165**

To improve the safety of firearms.

**IN THE HOUSE OF REPRESENTATIVES**

**January 4, 2005**

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

**A BILL**

To improve the safety of firearms.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE II--REGULATORY PROVISIONS**

**SEC. 201. REGULATION OF TRIGGER LOCK DEVICES.**

(a) General Authority- The Attorney General shall prescribe such regulations governing the design, manufacture, and performance of trigger lock devices, as are necessary to reduce or prevent the unintentional discharge of handguns.

(b) Minimum Safety Standard- The regulations required by subsection (a) shall, at a minimum, set forth a minimum safety standard that trigger lock devices must meet in order to be manufactured, sold, transferred, or delivered consistent with this title. In developing the standard, the Attorney General shall give appropriate consideration to trigger lock devices that are not detachable, but are permanently installed and incorporated into the design of a handgun. The standard shall include provisions to ensure that any trigger lock device that meets the standard is of adequate quality and construction to prevent children who have not attained 18 years of age from operating a handgun, and to ensure that such a product cannot be removed from a handgun except through the use of a key, combination, or other method of access provided in the design specifications of the manufacturer of the device.

(c) Deadline for Issuance of Standard- Within 12 months after the date of the enactment of this title, the Attorney General shall issue in final form the standard required by subsection (b).

(d) Effective Date of Standard- The standard issued under subsection (b) shall take effect 6 months after the date of issuance.

**SEC. 202. ORDERS; INSPECTIONS.**

(a) In General- The Attorney General may issue an order prohibiting the manufacture, sale, transfer, or delivery of a trigger lock device which the Attorney General finds has been designed, or has been or is intended to be manufactured, transferred, or distributed in violation of this title or a regulation prescribed under this title.

(b) Authority to Require the Recall, Repair, or Replacement of, or the Provision of Refunds- The Attorney General may issue an order requiring the manufacturer of, and any dealer in, a trigger lock device which the Attorney General finds has been designed, manufactured, transferred, or delivered in violation of this title or a regulation prescribed under this title, to--

(1) provide notice of the risks associated with the device, and of how to avoid or reduce the risks, to--

(A) the public;

(B) in the case of the manufacturer of the device, each dealer in the device; and

(C) in the case of a dealer in the device, the manufacturer of the device and the other persons known to the dealer as dealers in the device;

(2) bring the device into conformity with the regulations prescribed under this title;

(3) repair the device;

(4) replace the device with a like or equivalent device which is in compliance with such regulations;

(5) refund the purchase price of the device, or, if the device is more than 1 year old, a lesser amount based on the value of the device after reasonable use;

(6) recall the device from the stream of commerce; or

(7) submit to the Attorney General a satisfactory plan for implementation of any action required under this subsection.

(c) Inspections- In order to ascertain compliance with this title and the regulations and orders issued under this title, the Attorney General may, at reasonable times--

(1) enter any place in which trigger lock devices are manufactured, stored, or held, for distribution in commerce, and inspect those areas where the devices are manufactured, stored, or held; and

(2) enter and inspect any conveyance being used to transport for commercial purposes a trigger lock device.

**SEC. 203. ENFORCEMENT.**

(a) Civil Penalties- The Attorney General may assess a civil money penalty not to exceed $10,000 for each violation of this title.

(b) Revocation of Federal Firearms License- Section 923(e) of title 18, United States Code, is amended by inserting after the 2nd sentence the following: `The Attorney General may, after notice and opportunity for hearing, revoke any license issued under this section if the holder of the license violates any provision of title II of the Child Safety Lock Act of 2005 or any rule or regulation prescribed under such title.'.

(c) Criminal Penalties- Any person who has received from the Attorney General a notice that the person has violated a provision of this title or of a regulation prescribed under this title with respect to a trigger lock device, and who subsequently knowingly violates such provision with respect to the device shall be fined under title 18, United States Code, imprisoned not more than 2 years, or both.