

105TH CONGRESS
2D SESSION

S. 1917

To prevent children from injuring themselves and others with firearms.

IN THE SENATE OF THE UNITED STATES

APRIL 2, 1998

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

A BILL

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 “Child Firearm Access
5 Prevention Act”.

6 **SEC. 2. CHILDREN AND FIREARMS SAFETY.**

7 (a) **SECURE GUN STORAGE OR SAFETY DEVICE.**—

8 Section 921(a) of title 18, United States Code, is amended
9 by adding at the end the following:

1 “(34) The term ‘secure gun storage or safety device’
2 means—

3 “(A) a device that, when installed on a firearm,
4 prevents the firearm from being operated without
5 first deactivating or removing the device;

6 “(B) a device incorporated into the design of
7 the firearm that prevents the operation of the fire-
8 arm by anyone not having access to the device; or

9 “(C) a safe, gun safe, gun case, lock box, or
10 other device that is designed to be or can be used
11 to store a firearm and that can be unlocked only by
12 means of a key, a combination, or other similar
13 means.”.

14 (b) PROHIBITION AND PENALTIES.—Section 922 of
15 title 18, United States Code, is amended by adding at the
16 end the following:

17 “(y) PROHIBITION AGAINST GIVING JUVENILES AC-
18 CESS TO CERTAIN FIREARMS.—

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

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

24 “(A) keeps a loaded firearm, or an un-
25 loaded firearm and ammunition for the firearm,

1 any of which has been shipped or transported
2 in interstate or foreign commerce or otherwise
3 substantially affects interstate or foreign com-
4 merce, within any premise that is under the
5 custody or control of that person; and

6 “(B) knows, or reasonably should know,
7 that a juvenile is capable of gaining access to
8 the firearm without the permission of the par-
9 ent or legal guardian of the juvenile;

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

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

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

20 “(B) the person is a peace officer, a mem-
21 ber of the Armed Forces, or a member of the
22 National Guard, and the juvenile obtains the
23 firearm during, or incidental to, the perform-
24 ance of the official duties of the person in that
25 capacity;

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

5 “(D) the person has no reasonable expecta-
 6 tion, based on objective facts and cir-
 7 cumstances, that a juvenile is likely to be
 8 present on the premises on which the firearm is
 9 kept.”.

10 (c) **ROLE OF LICENSED FIREARMS DEALERS.**—Sec-
 11 tion 926 of title 18, United States Code, is amended by
 12 adding at the end the following:

13 “(d) The Secretary shall ensure that a copy of section
 14 922(y) appears on the form required to be obtained by
 15 a licensed dealer from a prospective transferee of a fire-
 16 arm.”.

17 (d) **NO EFFECT ON STATE LAW.**—Nothing in this
 18 section or the amendments made by this section shall be
 19 construed to preempt any provision of the law of any
 20 State, the purpose of which is to prevent children from
 21 injuring themselves or others with firearms.

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