

113TH CONGRESS
2D SESSION

S. _____

To provide for the development and use of technology for personalized handguns, to require that, within 3 years, all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for the development and use of technology for personalized handguns, to require that, within 3 years, all handguns manufactured or sold in, or imported into, the United States incorporate such technology, and for other purposes.

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 “Handgun Trigger
5 Safety Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) It is in the interest of the United States to
2 protect its citizens from handgun violence and acci-
3 dental firearm deaths.

4 (2) Personalizing handguns would prevent un-
5 authorized users, whether children, criminals, or oth-
6 ers, from misusing the weapons.

7 (3) Personalizing handguns would allow author-
8 ized users to continue to lawfully own and use their
9 handguns more safely.

10 (4) In 2011, according to the Centers for Dis-
11 ease Control, there were 851 accidental firearm
12 deaths.

13 (5) In 2010, according to the Centers for Dis-
14 ease Control, 62 people under the age of 15 were
15 killed accidentally with firearms.

16 (6) According to the National Crime Victimization
17 Survey, almost 350,000 incidents of firearm
18 theft from private citizens occur each year.

19 (7) According to the Federal Bureau of Inves-
20 tigation, 45 law enforcement officers were killed with
21 their own firearm between 2002 and 2011.

22 (8) According to the Federal Bureau of Inves-
23 tigation, almost half of all murders in the United
24 States in 2011 were committed with handguns.

1 **TITLE I—TECHNOLOGY FOR**
2 **PERSONALIZED HANDGUNS**
3 **GRANTS**

4 **SEC. 101. DEFINITIONS.**

5 In this title:

6 (1) **HANDGUN.**—The term “handgun” has the
7 meaning given the term in section 921(a)(29) of title
8 18, United States Code.

9 (2) **PERSONALIZED HANDGUN.**—The term “per-
10 sonalized handgun” means a handgun that—

11 (A) enables only an authorized user of the
12 handgun to fire the handgun; and

13 (B) was manufactured in such a manner
14 that the firing restriction described in subpara-
15 graph (A)—

16 (i) is incorporated into the design of
17 the handgun;

18 (ii) is not sold as an accessory; and

19 (iii) cannot be readily removed or de-
20 activated.

21 (3) **QUALIFIED ENTITY.**—The term “qualified
22 entity” means—

23 (A) a State or unit of local government;

24 (B) a nonprofit or for-profit organization;

25 or

1 (C) an institution of higher education (as
2 defined in section 101 of the Higher Education
3 Act of 1965 (20 U.S.C. 1001)).

4 (4) RETROFITTED PERSONALIZED HANDGUN.—
5 The term “retrofitted personalized handgun” means
6 a handgun fitted with a device that—

7 (A) enables only an authorized user of the
8 handgun to fire the handgun; and

9 (B) cannot be readily removed or deacti-
10 vated.

11 **SEC. 102. AUTHORIZATION.**

12 The Attorney General, acting through the Director
13 of the National Institute of Justice (referred to in this
14 title as the “Director”), shall make grants to qualified en-
15 tities to develop technology for personalized handguns.

16 **SEC. 103. APPLICATIONS.**

17 A qualified entity seeking a grant under this title
18 shall submit to the Director an application at such time,
19 in such manner, and containing such information as the
20 Director may reasonably require.

21 **SEC. 104. USES OF FUNDS.**

22 A qualified entity that receives a grant under this
23 title—

1 (1) shall use not less than 70 percent of the
2 amount of the grant to develop technology for per-
3 sonalized handguns;

4 (2) may use not more than 20 percent of the
5 amount of the grant to develop technology for retro-
6 fitted personalized handguns; and

7 (3) may use not more than 10 percent of the
8 amount of the grant for administrative costs associ-
9 ated with the development of technology funded
10 under this title.

11 **SEC. 105. TERM; RENEWAL.**

12 (a) **TERM.**—A grant awarded under this title shall
13 be for a term of 1 year.

14 (b) **RENEWAL.**—A qualified entity receiving a grant
15 under this title may renew the grant by submitting to the
16 Director an application for renewal at such time, in such
17 manner, and containing such information as the Director
18 may reasonably require.

19 **SEC. 106. REPORTS.**

20 (a) **REPORTS TO DIRECTOR.**—A qualified entity re-
21 ceiving a grant under this title shall submit to the Director
22 such reports, at such time, in such manner, and con-
23 taining such information as the Director may reasonably
24 require.

1 (b) REPORTS TO CONGRESS.—Each year, the Direc-
2 tor shall submit to Congress a report that contains a sum-
3 mary of the information submitted to the Director under
4 subsection (a) during the previous year.

5 **SEC. 107. REGULATIONS.**

6 The Director may promulgate such guidelines, rules,
7 regulations, and procedures as may be necessary to carry
8 out this title.

9 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to carry out
11 this title \$2,000,000 for each of fiscal years 2015 and
12 2016.

13 **TITLE II—CONSUMER PRODUCT**
14 **SAFETY COMMISSION SAFETY**
15 **STANDARD**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) ANTIQUE FIREARM; FIREARM; HANDGUN.—

19 The terms “antique firearm”, “firearm”, and “hand-
20 gun” have the meaning given those terms in section
21 921 of title 18, United States Code.

22 (2) AUTHORIZED USER.—The term “authorized
23 user”, with respect to a firearm, means—

24 (A) the lawful owner of the firearm; and

25 (B) any individual who is—

1 (i) authorized by the lawful owner of
2 the firearm to use the firearm; and

3 (ii) authorized, under the law of the
4 State where the firearm is being used, to
5 own, carry, or use a firearm in the State.

6 (3) PERSONALIZED HANDGUN.—The term “per-
7 sonalized handgun” means a handgun that—

8 (A) enables only an authorized user of a
9 handgun to fire the handgun; and

10 (B) is manufactured in such a manner
11 that the firing restriction described in subpara-
12 graph (A)—

13 (i) is incorporated into the design of
14 the handgun; and

15 (ii) cannot be readily removed or de-
16 activated.

17 (4) RETROFITTED PERSONALIZED HANDGUN.—
18 The term “retrofitted personalized handgun” means
19 a handgun fitted with a device that—

20 (A) enables only an authorized user of a
21 handgun to fire the handgun; and

22 (B) attaches to the handgun in a manner
23 such that the device cannot be readily removed
24 or deactivated.

1 **SEC. 202. CONSUMER PRODUCT SAFETY STANDARD.**

2 (a) ESTABLISHMENT OF STANDARD.—Notwith-
3 standing section 3(a)(5)(E) of the Consumer Product
4 Safety Act (15 U.S.C. 2052(a)(5)(E)), the Consumer
5 Product Safety Commission, in consultation with the At-
6 torney General and the Director of the National Institute
7 of Justice, shall promulgate a consumer product safety
8 standard under section 7(a) of such Act (15 U.S.C.
9 2056(a)) for handguns.

10 (b) STANDARD REQUIREMENTS.—The standard pro-
11 mulgated under subsection (a) shall require that—

12 (1) on and after the date that is 2 years after
13 the date of enactment of this Act, a handgun manu-
14 factured in the United States shall be a personalized
15 handgun; and

16 (2) on and after the date that is 3 years after
17 the date of enactment of this Act, a handgun sold,
18 offered for sale, traded, transferred, shipped, leased,
19 or distributed in the United States shall be—

20 (A) a personalized handgun, if manufac-
21 tured on or after the effective date described in
22 paragraph (1); or

23 (B) a retrofitted personalized handgun, if
24 manufactured before the effective date de-
25 scribed in paragraph (1).

26 (c) EXEMPTIONS.—

1 (1) ANTIQUE FIREARMS.—The standard pro-
2 mulgated under subsection (a) shall not require the
3 retrofitting or personalization of an antique firearm.

4 (2) MILITARY FIREARMS.—The standard pro-
5 mulgated under subsection (a) shall not apply to a
6 firearm that is owned by the Department of De-
7 fense.

8 (d) COST OF RETROFITTING.—

9 (1) IN GENERAL.—Except to the extent that
10 the Attorney General determines to reimburse a
11 manufacturer using amounts from the Department
12 of Justice Assets Forfeiture Fund, as authorized
13 under the amendment made by paragraph (2), the
14 cost of retrofitting a handgun to comply with the re-
15 quirement under subsection (b)(2)(B) shall be borne
16 by the manufacturer of the handgun if the manufac-
17 turer is operational at the time the retrofit is re-
18 quired.

19 (2) REIMBURSEMENT FROM DEPARTMENT OF
20 JUSTICE ASSETS FORFEITURE FUND.—Section
21 524(c) of title 28, United States Code, is amended—

22 (A) in subparagraph (H), by striking
23 “and” at the end;

24 (B) in subparagraph (I), by striking the
25 period at the end and inserting “; and”; and

1 (C) by inserting after subparagraph (I) the
2 following:

3 “(J) payments to reimburse manufacturers of
4 handguns for the costs of retrofitting handguns to
5 comply with the requirement under section
6 202(d)(1) of the Handgun Trigger Safety Act of
7 2014.”.

8 (e) AVAILABILITY OF AN ACTION ON BEHALF OF A
9 STATE.—If an attorney general, other official, or agency
10 of a State has reason to believe that an interest of the
11 residents of the State has been or is threatened or ad-
12 versely affected by a seller or manufacturer of handguns
13 who violates this title, including a consumer product safety
14 standard promulgated under this title, the attorney gen-
15 eral, official, or agency may bring a civil action on behalf
16 of the residents of the State against the seller or manufac-
17 turer in an appropriate district court of the United States
18 to enjoin any further such violation and for other relief
19 as may be appropriate.

1 **TITLE III—EXEMPTION FROM**
2 **THE PROTECTION OF LAW-**
3 **FUL COMMERCE IN ARMS ACT**

4 **SEC. 301. EXEMPTIONS FROM THE PROTECTION OF LAW-**
5 **FUL COMMERCE IN ARMS ACT.**

6 Section 4 of the Protection of Lawful Commerce in
7 Arms Act (15 U.S.C. 7903) is amended—

8 (1) in paragraph (4)—

9 (A) by striking “The term ‘qualified prod-
10 uct’ means” and inserting the following: “The
11 term ‘qualified product’—

12 “(i) except as provided in clause (ii),
13 means”;

14 (B) by striking the period at the end and
15 inserting “; and”; and

16 (C) by adding at the end the following:

17 “(ii) does not include a handgun
18 that—

19 “(I) is manufactured on or after
20 the date that is 2 years after the date
21 of enactment of the Handgun Trigger
22 Safety Act of 2014; and

23 “(II) is not a—

24 “(aa) personalized handgun;

25 or

1 “(bb) retrofitted personal-
2 ized handgun.”; and

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

4 “(10) AUTHORIZED USER.—The term ‘author-
5 ized user’, with respect to a handgun, means—

6 “(A) the lawful owner of the firearm; and

7 “(B) any individual who is—

8 “(i) authorized by the lawful owner of
9 the firearm to use the firearm; and

10 “(ii) authorized, under the law of the
11 State where the firearm is being used, to
12 own, carry, or use a firearm in the State.

13 “(11) HANDGUN.—The term ‘handgun’ has the
14 meaning given the term in section 921(a)(29) of title
15 18, United States Code.

16 “(12) PERSONALIZED HANDGUN.—The term
17 ‘personalized handgun’ means a handgun that—

18 “(A) enables only an authorized user of the
19 handgun to fire the handgun; and

20 “(B) is manufactured in such a manner
21 that the firing restriction described in subpara-
22 graph (A)—

23 “(i) is incorporated into the design of
24 the handgun; and

1 “(ii) cannot be readily removed or de-
2 activated.

3 “(13) RETROFITTED PERSONALIZED HAND-
4 GUN.—The term ‘retrofitted personalized handgun’
5 means a handgun fitted with a device that—

6 “(A) enables only an authorized user of the
7 handgun to fire the handgun; and

8 “(B) attaches to the handgun in a manner
9 such that the device cannot be readily removed
10 or deactivated.”.