

114TH CONGRESS
1ST SESSION

S. _____

To provide for the development and use of technology for personalized handguns, to require that 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 (for himself and Ms. WARREN) 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 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 2015”.

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) **AUTHORIZED USER.**—The term “authorized
7 user”, with respect to a firearm, means—

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

9 (B) any individual who is—

10 (i) authorized by the lawful owner of
11 the firearm to use the firearm; and

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

15 (2) **HANDGUN.**—The term “handgun” has the
16 meaning given the term in section 921(a)(29) of title
17 18, United States Code.

18 (3) **PERSONALIZED HANDGUN.**—The term “per-
19 sonalized handgun” means a handgun that—

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

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

- 1 (i) is incorporated into the design of
2 the handgun;
3 (ii) is not sold as an accessory; and
4 (iii) cannot be readily removed or de-
5 activated.

6 (4) QUALIFIED ENTITY.—The term “qualified
7 entity” means—

- 8 (A) a State or unit of local government;
9 (B) a nonprofit or for-profit organization;
10 or
11 (C) an institution of higher education (as
12 defined in section 101 of the Higher Education
13 Act of 1965 (20 U.S.C. 1001)).

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

- 17 (A) enables only an authorized user of the
18 handgun to fire the handgun; and
19 (B) cannot be readily removed or deacti-
20 vated.

21 **SEC. 102. AUTHORIZATION.**

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

1 **SEC. 103. APPLICATIONS.**

2 A qualified entity seeking a grant under this title
3 shall submit to the Director an application at such time,
4 in such manner, and containing such information as the
5 Director may reasonably require.

6 **SEC. 104. USES OF FUNDS.**

7 A qualified entity that receives a grant under this
8 title—

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

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

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

19 **SEC. 105. TERM; RENEWAL.**

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

22 (b) **RENEWAL.**—A qualified entity receiving a grant
23 under this title may renew the grant by submitting to the
24 Director an application for renewal at such time, in such
25 manner, and containing such information as the Director
26 may reasonably require.

1 **SEC. 106. REPORTS.**

2 (a) REPORTS TO DIRECTOR.—A qualified entity re-
3 ceiving a grant under this title shall submit to the Director
4 such reports, at such time, in such manner, and con-
5 taining such information as the Director may reasonably
6 require.

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

11 **SEC. 107. REGULATIONS.**

12 The Director may promulgate such guidelines, rules,
13 regulations, and procedures as may be necessary to carry
14 out this title.

15 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

16 There is authorized to be appropriated to carry out
17 this title \$2,000,000 for each of fiscal years 2016 and
18 2017.

19 **TITLE II—CONSUMER PRODUCT**
20 **SAFETY COMMISSION SAFETY**
21 **STANDARD**

22 **SEC. 201. DEFINITIONS.**

23 In this title:

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

25 The terms “antique firearm”, “firearm”, and “hand-

1 gun” have the meaning given those terms in section
2 921 of title 18, United States Code.

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

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

6 (B) any individual who is—

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

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

12 (3) COMMISSION.—The term “Commission”
13 means the Consumer Product Safety Commission.

14 (4) CONSUMER PRODUCT SAFETY RULE.—The
15 term “consumer product safety rule” has the mean-
16 ing given the term in section 3(a) of the Consumer
17 Product Safety Act (15 U.S.C. 2052(a)).

18 (5) MANUFACTURED AND MANUFACTURER.—
19 The terms “manufactured” and “manufacturer”
20 have the meaning given those terms in section 3(a)
21 of the Consumer Product Safety Act (15 U.S.C.
22 2052(a)).

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

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

3 (B) is manufactured in such a manner
4 that the firing restriction described in subpara-
5 graph (A)—

6 (i) is incorporated into the design of
7 the handgun;

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

9 (iii) cannot be readily removed or de-
10 activated.

11 (7) RETROFITTED PERSONALIZED HANDGUN.—

12 The term “retrofitted personalized handgun” means
13 a handgun fitted with a device that—

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

16 (B) cannot be readily removed or deacti-
17 vated.

18 (8) STATE AND UNITED STATES.—The terms
19 “State” and “United States” have the meaning
20 given those terms in section 3(a) of the Consumer
21 Product Safety Act (15 U.S.C. 2052(a)).

22 (9) TO DISTRIBUTE IN COMMERCE AND DIS-
23 TRIBUTION IN COMMERCE.—The terms “to dis-
24 tribute in commerce” and “distribution in com-
25 merce” have the meaning given those terms in sec-

1 tion 3(a) of the Consumer Product Safety Act (15
2 U.S.C. 2052(a)).

3 **SEC. 202. PROHIBITION ON MANUFACTURING AND DIS-**
4 **TRIBUTION OF HANDGUNS THAT ARE NOT**
5 **PERSONALIZED HANDGUNS.**

6 (a) PROHIBITION.—

7 (1) MANUFACTURING.—Beginning on the date
8 that is 5 years after the date of enactment of this
9 Act, no person may manufacture in the United
10 States a handgun that is not a personalized hand-
11 gun.

12 (2) DISTRIBUTION IN COMMERCE.—Beginning
13 on the date that is 10 years after the date of enact-
14 ment of this Act, no person may distribute in com-
15 merce any handgun that is not a personalized hand-
16 gun or a retrofitted personalized handgun.

17 (3) EXEMPTIONS FOR ANTIQUE FIREARMS AND
18 MILITARY FIREARMS.—Paragraphs (1) and (2) shall
19 not apply to—

20 (A) an antique firearm;

21 (B) the manufacture of a firearm that is
22 sold to the Department of Defense; or

23 (C) the sale or distribution of a firearm to
24 the Department of Defense.

1 (b) ENFORCEMENT BY CONSUMER PRODUCT SAFETY
2 COMMISSION.—

3 (1) TREATMENT OF VIOLATION.—Notwith-
4 standing section 3(a)(5)(E) of the Consumer Prod-
5 uct Safety Act (15 U.S.C. 2052(a)(5)(E)), a viola-
6 tion of subsection (a) or any rule promulgated by
7 the Commission pursuant to paragraph (4) shall be
8 treated as a violation of section 19(a)(1) of the Con-
9 sumer Product Safety Act (15 U.S.C. 2068(a)(1)).

10 (2) TREATMENT AS CONSUMER PRODUCT SAFE-
11 TY STANDARDS.—Notwithstanding section
12 3(a)(5)(E) of the Consumer Product Safety Act (15
13 U.S.C. 2052(a)(5)(E)), subsection (a) and any rule
14 promulgated pursuant to paragraph (4) shall be con-
15 sidered consumer product safety rules.

16 (3) POWERS OF COMMISSION.—

17 (A) IN GENERAL.—The Commission shall
18 enforce this section in the same manner, by the
19 same means, and with the same jurisdiction,
20 powers, and duties as though all applicable
21 terms and provisions of the Consumer Product
22 Safety Act (15 U.S.C. 2051 et seq.) were incor-
23 porated into and made a part of this section.

24 (B) PRIVILEGES AND IMMUNITIES.—Any
25 person who violates this section shall be subject

1 to the penalties and entitled to the privileges
2 and immunities provided in the Consumer
3 Product Safety Act (15 U.S.C. 2051 et seq.).

4 (4) REGULATIONS.—The Commission, in con-
5 sultation with the Attorney General and the Director
6 of the National Institute of Justice, may promulgate
7 such rules as the Commission considers appropriate
8 to carry out this section.

9 (c) ENFORCEMENT BY STATES.—

10 (1) IN GENERAL.—In any case in which the at-
11 torney general of a State has reason to believe that
12 an interest of the residents of the State has been or
13 is threatened or adversely affected by the engage-
14 ment of any person in a practice that violates sub-
15 section (a), the attorney general of the State may,
16 as *parens patriae*, bring a civil action on behalf of
17 the residents of the State in an appropriate district
18 court of the United States—

19 (A) to enjoin further violation of such sub-
20 section by such person;

21 (B) to compel compliance with such sub-
22 section;

23 (C) to obtain damages, restitution, or other
24 compensation on behalf of such residents; or

1 (D) to such civil penalties and other relief
2 as the court considers appropriate.

3 (2) RIGHTS OF CONSUMER PRODUCT SAFETY
4 COMMISSION.—

5 (A) NOTICE TO CONSUMER PRODUCT
6 SAFETY COMMISSION.—

7 (i) IN GENERAL.—Except as provided
8 in clause (iii), the attorney general of a
9 State shall notify the Commission in writ-
10 ing that the attorney general intends to
11 bring a civil action under paragraph (1)
12 not later than 10 days before initiating the
13 civil action.

14 (ii) CONTENTS.—The notification re-
15 quired by clause (i) with respect to a civil
16 action shall include a copy of the complaint
17 to be filed to initiate the civil action.

18 (iii) EXCEPTION.—If it is not feasible
19 for the attorney general of a State to pro-
20 vide the notification required by clause (i)
21 before initiating a civil action under para-
22 graph (1), the attorney general shall notify
23 the Commission immediately upon insti-
24 tuting the civil action.

1 (B) INTERVENTION BY CONSUMER PROD-
2 UCT SAFETY COMMISSION.—The Commission
3 may—

4 (i) intervene in any civil action
5 brought by the attorney general of a State
6 under paragraph (1); and

7 (ii) upon intervening—

8 (I) be heard on all matters aris-
9 ing in the civil action; and

10 (II) file petitions for appeal of a
11 decision in the civil action.

12 (3) INVESTIGATORY POWERS.—Nothing in this
13 subsection may be construed to prevent the attorney
14 general of a State from exercising the powers con-
15 ferred on the attorney general by the laws of the
16 State to conduct investigations, to administer oaths
17 or affirmations, or to compel the attendance of wit-
18 nesses or the production of documentary or other
19 evidence.

20 (4) PREEMPTIVE ACTION BY CONSUMER PROD-
21 UCT SAFETY COMMISSION.—If the Commission insti-
22 tutes a civil action or an administrative action with
23 respect to a violation of subsection (b), the attorney
24 general of a State may not, during the pendency of
25 such action, bring a civil action under paragraph (1)

1 against any defendant named in the complaint of the
2 Commission for the violation with respect to which
3 the Commission instituted such action.

4 (5) VENUE; SERVICE OF PROCESS.—

5 (A) VENUE.—Any action brought under
6 paragraph (1) may be brought in—

7 (i) the district court of the United
8 States that meets applicable requirements
9 relating to venue under section 1391 of
10 title 28, United States Code; or

11 (ii) another court of competent juris-
12 diction.

13 (B) SERVICE OF PROCESS.—In an action
14 brought under paragraph (1), process may be
15 served in any district in which the defendant—

16 (i) is an inhabitant; or

17 (ii) may be found.

18 (6) ACTIONS BY OTHER STATE OFFICIALS.—

19 (A) IN GENERAL.—In addition to civil ac-
20 tions brought by attorneys general under para-
21 graph (1), any other officer of a State who is
22 authorized by the State to do so may bring a
23 civil action under paragraph (1), subject to the
24 same requirements and limitations that apply

1 under this subsection to civil actions brought by
2 attorneys general.

3 (B) SAVINGS PROVISION.—Nothing in this
4 subsection may be construed to prohibit an au-
5 thorized official of a State from initiating or
6 continuing any proceeding in a court of the
7 State for a violation of any civil or criminal law
8 of the State.

9 (d) COST OF RETROFITTING.—

10 (1) COST BORNE BY MANUFACTURERS.—Upon
11 the request of the owner of a handgun that was
12 manufactured in the United States and that is not
13 a personalized handgun or retrofitted personalized
14 handgun, the manufacturer of the handgun—

15 (A) shall—

16 (i) retrofit the handgun so that the
17 handgun is a retrofitted personalized hand-
18 gun; and

19 (ii) return the handgun to the owner
20 within a reasonable period of time; and

21 (B) may not request compensation for the
22 retrofit from the owner.

23 (2) RULEMAKING.—Not later than 1 year after
24 the date of enactment of this Act, the Commission,
25 in consultation with the Attorney General and the

1 Director of the National Institute of Justice, shall
2 by regulation establish the maximum period of time
3 within which a manufacturer that receives a request
4 from the owner of a handgun under paragraph (1)
5 shall retrofit and return the handgun to the owner.

6 (3) REIMBURSEMENT FROM DEPARTMENT OF
7 JUSTICE ASSETS FORFEITURE FUND.—Section
8 524(c)(1) of title 28, United States Code, is amend-
9 ed—

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

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

14 (C) by inserting after subparagraph (I) the
15 following:

16 “(J) payments to reimburse manufacturers of
17 handguns for the costs of retrofitting handguns to
18 comply with the requirement under section
19 202(d)(1) of the Handgun Trigger Safety Act of
20 2015.”.

21 (e) RELATION TO STATE LAW.—This section shall
22 not be construed as superseding, altering, or affecting any
23 provision of law of a State, except to the extent that such
24 provision of law is inconsistent with the provisions of this
25 section, and then only to the extent of the inconsistency.

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 5 years after the date
21 of enactment of the Handgun Trigger
22 Safety Act of 2015; and

23 “(II) is not a—

24 “(aa) personalized handgun;

25 or

1 “(iii) 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) cannot be readily removed or deacti-
9 vated.”.