

113TH CONGRESS
1ST SESSION

H. R. 2005

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 HOUSE OF REPRESENTATIVES

MAY 15, 2013

Mr. TIERNEY (for himself, Mr. CAPUANO, Mr. CUMMINGS, Mr. FARR, Ms. HAHN, Mr. KEATING, Ms. LOFGREN, Mrs. CAROLYN B. MALONEY of New York, Mr. MARKEY, Mr. MCGOVERN, Mr. MORAN, Mrs. NAPOLITANO, Ms. SPEIER, and Ms. TSONGAS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, 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 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Personalized Handgun
3 Safety Act”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds as follows:

6 (1) It is in the interest of the Nation to protect
7 its citizens from handgun violence and accidental
8 firearm deaths.

9 (2) Personalizing handguns would disallow un-
10 authorized users, whether they be children, crimi-
11 nals, or others, from misusing the weapons.

12 (3) Personalizing handguns would allow for au-
13 thorized users to continue to lawfully own and use
14 their handgun more safely.

15 (4) In 2011, according to the Centers for Dis-
16 ease Control (CDC), there were 851 accidental fire-
17 arm deaths.

18 (5) In 2010, according to the CDC, 62 people
19 under the age of 15 were killed accidentally with
20 firearms.

21 (6) Almost 350,000 incidents of firearm theft
22 from private citizens occur annually according to the
23 National Crime Victimization Survey.

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

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

4 **TITLE I—TECHNOLOGY FOR**
5 **PERSONALIZED HANDGUNS**
6 **GRANTS**

7 **SEC. 101. AUTHORIZATION.**

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

12 **SEC. 102. APPLICATIONS.**

13 A qualified entity seeking a grant under this title
14 shall submit to the Director an application at such time,
15 in such manner, and containing such information as the
16 Director may reasonably require.

17 **SEC. 103. USES OF FUNDS.**

18 A qualified entity receiving a grant under this title—

19 (1) shall use not less than 70 percent of such
20 funds to develop technology for personalized hand-
21 guns;

22 (2) may use not more than 20 percent of such
23 funds to develop technology for retrofitted personal-
24 ized handguns; and

1 (3) may use not more than 10 percent of such
2 funds for administrative costs associated with the
3 development of technology funded under this title.

4 **SEC. 104. TERM; RENEWAL.**

5 (a) TERM.—A grant awarded under this title shall
6 be for a term of one year.

7 (b) RENEWAL.—A qualified entity receiving a grant
8 under this title may renew such grant by submitting to
9 the Director an application for renewal at such time, in
10 such manner, and containing such information as the Di-
11 rector may reasonably require.

12 **SEC. 105. REPORTS.**

13 A qualified entity receiving a grant under this title
14 shall submit to the Director such reports, at such time,
15 in such manner, and containing such information as the
16 Director may reasonably require. The Director shall trans-
17 mit to Congress each year a report containing a summary
18 of such information received.

19 **SEC. 106. REGULATIONS.**

20 The Director may promulgate such guidelines, rules,
21 regulations, and procedures as may be necessary to carry
22 out this title.

23 **SEC. 107. DEFINITIONS.**

24 In this title:

1 (1) HANDGUN.—The term “handgun” has the
2 meaning given the term in section 921(a)(29) of title
3 18, United States Code.

4 (2) PERSONALIZED HANDGUN.—The term “per-
5 sonalized handgun” means a handgun that—

6 (A) enables only the authorized users of a
7 handgun to fire such handgun; and

8 (B) was manufactured in such a manner
9 that the firing restriction described in subpara-
10 graph (A)—

11 (i) is incorporated into the design of
12 the handgun, and is not sold as an acces-
13 sory; and

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

16 (3) QUALIFIED ENTITY.—The term “qualified
17 entity” means—

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

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

20 or

21 (C) an institution of higher education (as
22 defined in section 101 of the Higher Education
23 Act of 1965 (20 U.S.C. 2001)).

1 (4) RETROFITTED PERSONALIZED HANDGUN.—

2 The term “retrofitted personalized handgun” means
3 a handgun fitted with a device that—

4 (A) enables only the authorized users of a
5 handgun to fire such handgun; and

6 (B) cannot be readily removed or deacti-
7 vated.

8 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

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

11 **TITLE II—CONSUMER PRODUCT**
12 **SAFETY COMMISSION SAFETY**
13 **STANDARD**

14 **SEC. 201. CONSUMER PRODUCT SAFETY STANDARD.**

15 (a) ESTABLISHMENT OF STANDARD.—Notwith-
16 standing section 3(a)(5)(E) of the Consumer Product
17 Safety Act (15 U.S.C. 2052(a)(5)(E)), the Consumer
18 Product Safety Commission, in consultation with the At-
19 torney General and the Director of the National Institute
20 of Justice, shall promulgate a consumer product safety
21 standard under section 7(a) of such Act (15 U.S.C.
22 2056(a)) for handguns.

23 (b) STANDARD REQUIREMENTS.—The standard es-
24 tablished under subsection (a) shall require that—

1 (1) effective 2 years after the date of the enact-
2 ment of this Act, handguns manufactured in the
3 United States must be personalized handguns; and

4 (2) effective 3 years after the date of the enact-
5 ment of this Act, handguns sold, offered for sale,
6 traded, transferred, shipped, leased, or distributed in
7 the United States must be—

8 (A) personalized handguns, if manufac-
9 tured on or after the effective date in para-
10 graph (1); or

11 (B) retrofitted personalized handguns, if
12 manufactured before the effective date in para-
13 graph (1).

14 (c) EXEMPTIONS.—

15 (1) ANTIQUE FIREARMS.—The standard estab-
16 lished under subsection (a) shall not require retro-
17 fitting or personalization of antique firearms.

18 (2) MILITARY FIREARMS.—The standard estab-
19 lished under subsection (a) shall not apply to a fire-
20 arm that is owned by the Department of Defense.

21 (d) COST OF RETROFITTING.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), the cost of retrofitting a handgun as re-
24 quired under subsection (b) shall be borne by the

1 manufacturer of the handgun if the manufacturer is
2 operational at the time the retrofit is required.

3 (2) REIMBURSEMENT.—Section 524(c) of title
4 28, United States Code, is amended—

5 (A) in subparagraph (H), by striking “;
6 and” and inserting a semicolon;

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

9 (C) by inserting after subparagraph (I) the
10 following:

11 “(J) payments to reimburse manufacturers of
12 handguns for the costs of retrofitting handguns as
13 required by section 201(b)(2)(B) of the Personalized
14 Handgun Safety Act.”.

15 (e) AVAILABILITY OF AN ACTION ON BEHALF OF A
16 STATE.—If an attorney general of a State, or an official
17 or agency of a State, has reason to believe that an interest
18 of the residents of such State has been or is threatened
19 or adversely affected by any person who violates this title,
20 the attorney general, official, or agency may bring a civil
21 action on behalf of the residents of such State against a
22 seller or manufacturer of handguns in an appropriate dis-
23 trict court of the United States to enjoin further violations
24 of this title and for other relief as may be appropriate.

1 **SEC. 202. DEFINITIONS.**

2 In this title:

3 (1) **AUTHORIZED USER.**—The term “authorized
4 user”, with respect to a firearm, means the lawful
5 owner of the firearm and any individual authorized
6 by the owner to use the firearm who is allowed to
7 own, carry, or use a firearm in the State where the
8 firearm is being used.

9 (2) **HANDGUN AND ANTIQUE FIREARM.**—The
10 terms “handgun” and “antique firearm” have the
11 meanings given such terms in section 921 of title 18,
12 United States Code.

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

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

17 (B) was manufactured in such a manner
18 that the firing restriction described in subpara-
19 graph (A)—

20 (i) is incorporated into the design of
21 the handgun; and

22 (ii) cannot be readily removed or de-
23 activated.

24 (4) **RETROFITTED PERSONALIZED HANDGUN.**—
25 The term “retrofitted personalized handgun” means
26 a handgun fitted with a device that—

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

3 (B) attaches to the handgun in a manner
4 such that the device cannot be readily removed
5 or deactivated.

6 **TITLE III—EXEMPTION FROM**
7 **THE PROTECTION OF LAW-**
8 **FUL COMMERCE IN ARMS ACT**

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

11 Section 4 of the Protection of Lawful Commerce in
12 Arms Act (Public Law 109–92) is amended—

13 (1) in paragraph (4), by adding at the end the
14 following: “Notwithstanding the preceding sentence,
15 the term ‘qualified product’ does not include any
16 handgun manufactured after the 2-year period that
17 begins with the date of the enactment of this sen-
18 tence that is not a personalized handgun or a retro-
19 fitted personalized handgun.”; and

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

21 “(10) **AUTHORIZED USER.**—The term ‘author-
22 ized user’, with respect to a handgun, means the
23 lawful owner of the handgun and any individual au-
24 thorized by the owner to use the handgun who is al-

1 lowed to own, carry, or use a handgun in the State
2 where the handgun is being used.

3 “(11) PERSONALIZED HANDGUN.—The term
4 ‘personalized handgun’ means a handgun that—

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

7 “(B) was manufactured in such a manner
8 that the firing restriction described in subpara-
9 graph (A)—

10 “(i) is incorporated into the design of
11 the handgun; and

12 “(ii) cannot be readily removed or de-
13 activated.

14 “(12) RETROFITTED PERSONALIZED HAND-
15 GUN.—The term ‘retrofitted personalized handgun’
16 means a handgun fitted with a device that—

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

19 “(B) attaches to the handgun in a manner
20 such that the device cannot be readily removed
21 or deactivated.

22 “(13) HANDGUN.—The term ‘handgun’ has the
23 meaning given the term in section 921(a)(29) of title
24 18, United States Code.”.

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