To amend chapter 44 of title 18, United States Code to require adequate supervision before a juvenile can possess a firearm, to require the safe storage of firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Levin of Michigan introduced the following bill; which was referred to the Committee on ________________

A BILL

To amend chapter 44 of title 18, United States Code to require adequate supervision before a juvenile can possess a firearm, to require the safe storage of firearms, and for other purposes.

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

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Protect Children Through Safe Gun Ownership Act”.

(Original Signature of Member)
SEC. 2. LIMITATION ON WRITTEN CONSENT TO PERMIT A

JUVENILE TO POSSESS A HANDGUN.

Section 922(x) of title 18, United States Code, is
amended by adding at the end the following:

“(7) It shall be unlawful for any parent or guardian
to provide written consent under paragraph (3) unless the
parent or guardian has actual knowledge that the posses-
sion or use of the handgun by the juvenile will be in the
presence and under the active supervision of the transferor
or another adult who is not prohibited by Federal, State,
or local law from possessing a firearm.”.

SEC. 3. SECURE GUN STORAGE OR SAFETY DEVICE.

(a) IN GENERAL.—Section 922(z) of title 18, United
States Code, is amended by adding at the end the fol-
lowing:

“(4) SECURE GUN STORAGE BY OWNERS.—

“(A) OFFENSE.—

“(i) IN GENERAL.—It shall be unlaw-
ful for a person to keep, leave, or store any
unsecured firearm that has moved in, or
that has otherwise affected, interstate or
foreign commerce, unless the person car-
rries the firearm on his or her person or
within such close proximity thereto that
the person can readily retrieve and use the
firearm as if the person carried the firearm
on his or her person.

“(ii) Unsecured firearm.—In
clause (i), the term ‘unsecured firearm’
means a firearm that is not secured by a
secure gun storage or safety device.

“(B) Private right of action.—

“(i) In general.—An individual who
is injured as a result of a violation of sub-
paragraph (A) (or, in the case of an indi-
vidual who has died as a result of such a
violation, a member of the family of, or the
estate of, the individual) may bring a civil
action against the violator or any other
person who, when the violation occurred,
was in control of any premises on which
the violation occurred if the violator or the
person in control of the premises knew or
should have known that there was an unse-
cured firearm on the premises, in a court
of competent jurisdiction, for compensatory
and punitive damages, injunctive and de-
claratory relief, and such other relief as
the court deems appropriate.
“(ii) JOINT AND SEVERAL LIABILITY.—In an action described in clause (i), the liability of all defendants shall be joint and several.

“(iii) RULE OF INTERPRETATION.—For purposes of any determination of liability covered by any contract of insurance entered into after the date of the enactment of this subparagraph, a violation of subparagraph (A) shall not solely be considered an intentional action.

“(iv) NO EFFECT ON STATE LAW.—This subparagraph shall not be interpreted to preempt, supplant, or displace any claim brought under State statutory law or common law.”.

(b) PENALTIES.—Section 924 of such title is amended by adding at the end the following:

“(q) With respect to a violation of section 922(z), the Attorney General shall, after notice and opportunity for a hearing—

“(1)(A) in the case of a 1st violation, subject the person to a civil money penalty of not more than $1,000; or
“(B) in the case of a 2nd or subsequent violation, subject the person to a civil money penalty of not more than $5,000; and

“(2) in the case of any violation, notify the person of the prohibitions set forth in section 922(d)(10).”.

(c) PROHIBITION.—Section 922(d) of such title is amended in the 1st sentence—

(1) in paragraph (8)(B)(ii), by striking “or” at the end;

(2) in paragraph (9), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(10) has been assessed a civil money penalty for a violation of subsection (z)(4) within the preceding 5 years.”.

(d) REGULATIONS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall promulgate such rules as are necessary to ensure that—

(1) the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act denies the transfer of a firearm to a person who has been assessed a civil money penalty for a violation of section 922(z)(4) of title 18, United States Code, in the 5-
year period ending with the date of the proposed
transfer; and

(2) each person licensed under chapter 44 of
such title provides notice of the penalties for vio-
lating such section 922(z)(4) to any person not li-
censed under such chapter who seeks to acquire a
firearm from the licensee.

SEC. 4. GRANT PROGRAM FOR SAFE STORAGE EDUCATION.

(a) IN GENERAL.—From the amounts made available
to carry out this Act, the Secretary of Education shall
award grants, on a competitive basis, to eligible local edu-
cational agencies to provide parents with educational ma-
terials on gun safety and the importance and necessity of
secure gun storage.

(b) APPLICATION.—To be eligible to receive a grant
under this section, an eligible local educational agency
shall submit to the Secretary an application at such time,
in such manner, and containing such information as the
Secretary may require.

(c) AUTHORIZED USES OF FUNDS.—In addition to
using a grant received under this section for the purposes
described in subsection (a), an eligible local educational
agency may use such grant to—
(1) provide educational materials on gun safety for parents, including best practices on how to keep guns secure from children;

(2) conduct information sessions on gun safety that are publicly accessible; or

(3) hire or assign an individual to monitor the activities carried out under the grant.

(d) GUIDANCE.—Not later than 180 days before the first grant is awarded under this section, the Secretary shall issue guidance on best practices on—

(1) keeping children secure from guns; and

(2) the provision, by local educational agencies, of age-appropriate education on gun safety for parents.

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that is located in a State with a secure gun storage law similar to paragraph (4) of section 922(z) of title 18, United States Code, as added by section 3.

(2) ESEA TERMS.—The terms “local educational agency” and “parent” have the meanings given such terms in section 8101 of the Elementary

(3) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 5. REPORT ON IMPLEMENTATION.

Within 2 years after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a written report to the Congress on the implementation of this Act and the amendments made by this Act, including a disaggregation of the application of the amendments to individuals by sex, race, age, ethnicity, national origin, and English language proficiency.