

115TH CONGRESS  
1ST SESSION

# S. 1915

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.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2017

Mr. MARKEY (for himself, Ms. WARREN, and Mr. VAN HOLLEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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 2017”.

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) From 2011 to 2015, according to the Cen-  
11 ters for Disease Control, an average of 544 Ameri-  
12 cans died in firearm accidents each year.

13          (5) According to research from Everytown for  
14 Gun Safety, an unintentional shooting involving a  
15 child happens every 34 hours in the United States.

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, 24 law enforcement officers were killed with  
21 their own weapon between 2006 and 2015.

22          (8) According to the Federal Bureau of Inves-  
23 tigation, almost half of all murders in the United  
24 States in 2015 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) **DIRECTOR.**—The term “Director” means  
16 the Director of the National Institute of Justice.

17 (3) **HANDGUN.**—The term “handgun” has the  
18 meaning given the term in section 921 of title 18,  
19 United States Code.

20 (4) **PERSONALIZED HANDGUN.**—The term “per-  
21 sonalized handgun” means a handgun that—

22 (A) enables only an authorized user of the  
23 handgun to fire the handgun; and

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

4 (i) is incorporated into the design of  
5 the handgun;

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

7 (iii) cannot be readily removed or de-  
8 activated.

9 (5) QUALIFIED ENTITY.—The term “qualified  
10 entity” means—

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

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

13 or

14 (C) an institution of higher education (as  
15 defined in section 101 of the Higher Education  
16 Act of 1965 (20 U.S.C. 1001)).

17 (6) 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 the  
21 handgun to fire the handgun; and

22 (B) cannot be readily removed or deacti-  
23 vated.

1 **SEC. 102. AUTHORIZATION.**

2 The Attorney General, acting through the Director,  
3 shall make grants to qualified entities to develop tech-  
4 nology for personalized handguns.

5 **SEC. 103. APPLICATIONS.**

6 A qualified entity seeking a grant under this title  
7 shall submit to the Director an application at such time,  
8 in such manner, and containing such information as the  
9 Director may reasonably require.

10 **SEC. 104. USES OF FUNDS.**

11 A qualified entity that receives a grant under this  
12 title—

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

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

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

23 **SEC. 105. TERM; RENEWAL.**

24 (a) TERM.—A grant awarded under this title shall  
25 be for a term of 1 year.

1 (b) RENEWAL.—A qualified entity receiving a grant  
2 under this title may renew the grant by submitting to the  
3 Director an application for renewal at such time, in such  
4 manner, and containing such information as the Director  
5 may reasonably require.

6 **SEC. 106. REPORTS.**

7 (a) REPORTS TO DIRECTOR.—A qualified entity re-  
8 ceiving a grant under this title shall submit to the Director  
9 such reports, at such time, in such manner, and con-  
10 taining such information as the Director may reasonably  
11 require.

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

16 **SEC. 107. REGULATIONS.**

17 The Director may promulgate such guidelines, rules,  
18 regulations, and procedures as may be necessary to carry  
19 out this title.

20 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated to carry out  
22 this title \$2,000,000 for each of the first 2 fiscal years  
23 beginning after the date of the enactment of this Act.

1 **TITLE II—CONSUMER PRODUCT**  
2 **SAFETY COMMISSION SAFETY**  
3 **STANDARD**

4 **SEC. 201. DEFINITIONS.**

5 In this title:

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

7 The terms “antique firearm”, “firearm”, and “hand-  
8 gun” have the meaning given those terms in section  
9 921 of title 18, United States Code.

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

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

13 (B) any individual who is—

14 (i) authorized by the lawful owner of  
15 the firearm to use the firearm; and

16 (ii) authorized, under the law of the  
17 State where the firearm is being used, to  
18 own, carry, or use a firearm in the State.

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

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

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

6           (6) 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;

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

16                           (iii) cannot be readily removed or de-  
17                           activated.

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

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

23                   (B) cannot be readily removed or deacti-  
24                   vated.



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

5           (9) TO DISTRIBUTE IN COMMERCE AND DIS-  
6           TRIBUTION IN COMMERCE.—The terms “to dis-  
7           tribute in commerce” and “distribution in com-  
8           merce” have the meaning given those terms in sec-  
9           tion 3(a) of the Consumer Product Safety Act (15  
10          U.S.C. 2052(a)).

11 **SEC. 202. PROHIBITION ON MANUFACTURING AND DIS-**  
12                                   **TRIBUTION OF HANDGUNS THAT ARE NOT**  
13                                   **PERSONALIZED HANDGUNS.**

14          (a) PROHIBITION.—

15           (1) MANUFACTURING.—Beginning on the date  
16           that is 5 years after the date of enactment of this  
17           Act, no person may manufacture in the United  
18           States a handgun that is not a personalized hand-  
19           gun.

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

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

4                   (A) an antique firearm;

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

7                   (C) the sale or distribution of a firearm to  
8           the Department of Defense.

9           (b) ENFORCEMENT BY CONSUMER PRODUCT SAFETY  
10          COMMISSION.—

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

18           (2) TREATMENT AS CONSUMER PRODUCT SAFE-  
19          TY           STANDARDS.—Notwithstanding           section  
20          3(a)(5)(E) of the Consumer Product Safety Act (15  
21          U.S.C. 2052(a)(5)(E)), subsection (a) and any rule  
22          promulgated pursuant to paragraph (4) shall be con-  
23          sidered consumer product safety rules.

24           (3) POWERS OF COMMISSION.—

1 (A) IN GENERAL.—The Commission shall  
2 enforce this section in the same manner, by the  
3 same means, and with the same jurisdiction,  
4 powers, and duties as though all applicable  
5 terms and provisions of the Consumer Product  
6 Safety Act (15 U.S.C. 2051 et seq.) were incor-  
7 porated into and made a part of this section.

8 (B) PRIVILEGES AND IMMUNITIES.—Any  
9 person who violates this section shall be subject  
10 to the penalties and entitled to the privileges  
11 and immunities provided in the Consumer  
12 Product Safety Act (15 U.S.C. 2051 et seq.).

13 (4) REGULATIONS.—The Commission, in con-  
14 sultation with the Attorney General and the Director  
15 of the National Institute of Justice, may promulgate  
16 such rules as the Commission considers appropriate  
17 to carry out this section.

18 (c) ENFORCEMENT BY STATES.—

19 (1) IN GENERAL.—In any case in which the at-  
20 torney general of a State has reason to believe that  
21 an interest of the residents of the State has been or  
22 is threatened or adversely affected by the engage-  
23 ment of any person in a practice that violates sub-  
24 section (a), the attorney general of the State may,  
25 as *parens patriae*, bring a civil action on behalf of

1 the residents of the State in an appropriate district  
2 court of the United States—

3 (A) to enjoin further violation of such sub-  
4 section by such person;

5 (B) to compel compliance with such sub-  
6 section;

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

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

11 (2) RIGHTS OF CONSUMER PRODUCT SAFETY  
12 COMMISSION.—

13 (A) NOTICE TO CONSUMER PRODUCT  
14 SAFETY COMMISSION.—

15 (i) IN GENERAL.—Except as provided  
16 in clause (iii), the attorney general of a  
17 State shall notify the Commission in writ-  
18 ing that the attorney general intends to  
19 bring a civil action under paragraph (1)  
20 not later than 10 days before initiating the  
21 civil action.

22 (ii) CONTENTS.—The notification re-  
23 quired by clause (i) with respect to a civil  
24 action shall include a copy of the complaint  
25 to be filed to initiate the civil action.

1 (iii) EXCEPTION.—If it is not feasible  
2 for the attorney general of a State to pro-  
3 vide the notification required by clause (i)  
4 before initiating a civil action under para-  
5 graph (1), the attorney general shall notify  
6 the Commission immediately upon insti-  
7 tuting the civil action.

8 (B) INTERVENTION BY CONSUMER PROD-  
9 UCT SAFETY COMMISSION.—The Commission  
10 may—

11 (i) intervene in any civil action  
12 brought by the attorney general of a State  
13 under paragraph (1); and

14 (ii) upon intervening—

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

17 (II) file petitions for appeal of a  
18 decision in the civil action.

19 (3) INVESTIGATORY POWERS.—Nothing in this  
20 subsection may be construed to prevent the attorney  
21 general of a State from exercising the powers con-  
22 ferred on the attorney general by the laws of the  
23 State to conduct investigations, to administer oaths  
24 or affirmations, or to compel the attendance of wit-

1 nesses or the production of documentary or other  
2 evidence.

3 (4) PREEMPTIVE ACTION BY CONSUMER PROD-  
4 UCT SAFETY COMMISSION.—If the Commission insti-  
5 tutes a civil action or an administrative action with  
6 respect to a violation of subsection (b), the attorney  
7 general of a State may not, during the pendency of  
8 such action, bring a civil action under paragraph (1)  
9 against any defendant named in the complaint of the  
10 Commission for the violation with respect to which  
11 the Commission instituted such action.

12 (5) VENUE; SERVICE OF PROCESS.—

13 (A) VENUE.—Any action brought under  
14 paragraph (1) may be brought in—

15 (i) the district court of the United  
16 States that meets applicable requirements  
17 relating to venue under section 1391 of  
18 title 28, United States Code; or

19 (ii) another court of competent juris-  
20 diction.

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

24 (i) is an inhabitant; or

25 (ii) may be found.

1 (6) ACTIONS BY OTHER STATE OFFICIALS.—

2 (A) IN GENERAL.—In addition to civil ac-  
3 tions brought by attorneys general under para-  
4 graph (1), any other officer of a State who is  
5 authorized by the State to do so may bring a  
6 civil action under paragraph (1), subject to the  
7 same requirements and limitations that apply  
8 under this subsection to civil actions brought by  
9 attorneys general.

10 (B) SAVINGS PROVISION.—Nothing in this  
11 subsection may be construed to prohibit an au-  
12 thorized official of a State from initiating or  
13 continuing any proceeding in a court of the  
14 State for a violation of any civil or criminal law  
15 of the State.

16 (d) COST OF RETROFITTING.—

17 (1) COST BORNE BY MANUFACTURERS.—Upon  
18 the request of the owner of a handgun that was  
19 manufactured in the United States and that is not  
20 a personalized handgun or retrofitted personalized  
21 handgun, the manufacturer of the handgun—

22 (A) shall—

23 (i) retrofit the handgun so that the  
24 handgun is a retrofitted personalized hand-  
25 gun; and

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

3 (B) may not request compensation for the  
4 retrofit from the owner.

5 (2) RULEMAKING.—Not later than 1 year after  
6 the date of enactment of this Act, the Commission,  
7 in consultation with the Attorney General and the  
8 Director of the National Institute of Justice, shall  
9 by regulation establish the maximum period of time  
10 within which a manufacturer that receives a request  
11 from the owner of a handgun under paragraph (1)  
12 shall retrofit and return the handgun to the owner.

13 (3) REIMBURSEMENT FROM DEPARTMENT OF  
14 JUSTICE ASSETS FORFEITURE FUND.—Section  
15 524(c)(1) of title 28, United States Code, is amend-  
16 ed—

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

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

21 (C) by inserting after subparagraph (I) the  
22 following:

23 “(J) payments to reimburse manufacturers of  
24 handguns for the costs of retrofitting handguns to  
25 comply with the requirement under section



1 202(d)(1) of the Handgun Trigger Safety Act of  
2 2017.”.

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

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

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

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

15 (1) in paragraph (4)—

16 (A) by striking “The term ‘qualified prod-  
17 uct’ means” and inserting the following: “The  
18 term ‘qualified product’—

19 “(i) except as provided in clause (ii),  
20 means”;

21 (B) by striking the period at the end and  
22 inserting “; and”; and

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

24 “(ii) does not include a handgun  
25 that—

1                   “(I) is manufactured on or after  
2                   the date that is 5 years after the date  
3                   of enactment of the Handgun Trigger  
4                   Safety Act of 2017; and

5                   “(II) is not a—

6                                 “(aa) personalized handgun;

7                                 or

8                                 “(bb) retrofitted personal-  
9                                 ized handgun.”; and

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

11                   “(10) AUTHORIZED USER.—The term ‘author-  
12                   ized user’, with respect to a firearm, means—

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

14                                 “(B) any individual who is—

15   “(i) authorized by the lawful owner of  
16   the firearm to use the firearm; and

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

20                   “(11) HANDGUN.—The term ‘handgun’ has the  
21                   meaning given the term in section 921 of title 18,  
22                   United States Code.

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

1           “(A) enables only an authorized user of the  
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           “(13) RETROFITTED PERSONALIZED HAND-  
12 GUN.—The term ‘retrofitted personalized handgun’  
13 means a handgun fitted with a device that—

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

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

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