

118TH CONGRESS
1ST SESSION

H. R. 3687

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

MAY 25, 2023

Ms. DEAN of Pennsylvania introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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 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 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 “Protect Children
5 Through Safe Gun Ownership Act”.

1 **SEC. 2. LIMITATION ON WRITTEN CONSENT TO PERMIT A**
2 **JUVENILE TO POSSESS A HANDGUN.**

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

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

12 **SEC. 3. SECURE GUN STORAGE OR SAFETY DEVICE.**

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

16 “(4) SECURE GUN STORAGE BY OWNERS.—

17 “(A) OFFENSE.—

18 “(i) IN GENERAL.—It shall be unlaw-
19 ful for a person to keep, leave, or store any
20 unsecured firearm that has moved in, or
21 that has otherwise affected, interstate or
22 foreign commerce, unless the person car-
23 ries the firearm on his or her person or
24 within such close proximity thereto that
25 the person can readily retrieve and use the

1 firearm as if the person carried the firearm
2 on his or her person.

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

7 “(B) PRIVATE RIGHT OF ACTION.—

8 “(i) IN GENERAL.—An individual who
9 is injured as a result of a violation of sub-
10 paragraph (A) (or, in the case of an indi-
11 vidual who has died as a result of such a
12 violation, a member of the family of, or the
13 estate of, the individual) may bring a civil
14 action against the violator or any other
15 person who, when the violation occurred,
16 was in control of any premises on which
17 the violation occurred if the violator or the
18 person in control of the premises knew or
19 should have known that there was an unse-
20 cured firearm on the premises, in a court
21 of competent jurisdiction, for compensatory
22 and punitive damages, injunctive and de-
23 claratory relief, and such other relief as
24 the court deems appropriate.

1 “(ii) JOINT AND SEVERAL LIABIL-
2 ITY.—In an action described in clause (i),
3 the liability of all defendants shall be joint
4 and several.

5 “(iii) RULE OF INTERPRETATION.—
6 For purposes of any determination of li-
7 ability covered by any contract of insur-
8 ance entered into after the date of the en-
9 actment of this subparagraph, a violation
10 of subparagraph (A) shall not solely be
11 considered an intentional action.

12 “(iv) NO EFFECT ON STATE LAW.—
13 This subparagraph shall not be interpreted
14 to preempt, supplant, or displace any claim
15 brought under State statutory law or com-
16 mon law.”.

17 (b) PENALTIES.—Section 924 of such title is amend-
18 ed by adding at the end the following:

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

22 “(1)(A) in the case of a 1st violation, subject
23 the person to a civil money penalty of not more than
24 \$1,000; or

1 “(B) in the case of a 2nd or subsequent viola-
2 tion, subject the person to a civil money penalty of
3 not more than \$5,000; and

4 “(2) in the case of any violation, notify the per-
5 son of the prohibitions set forth in section
6 922(d)(10).”.

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

9 (1) in paragraph (10), by striking “or” at the
10 end;

11 (2) in paragraph (11), by striking the period
12 and inserting “; or”; and

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

14 “(12) has been assessed a civil money penalty
15 for a violation of subsection (z)(4) within the pre-
16 ceding 5 years.”.

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

20 (1) the national instant criminal background
21 check system established under section 103 of the
22 Brady Handgun Violence Prevention Act denies the
23 transfer of a firearm to a person who has been as-
24 sessed a civil money penalty for a violation of section
25 922(z)(4) of title 18, United States Code, in the 5-

1 year period ending with the date of the proposed
2 transfer; and

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

8 **SEC. 4. GRANT PROGRAM FOR SAFE STORAGE EDUCATION.**

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

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

20 (c) AUTHORIZED USES OF FUNDS.—In addition to
21 using a grant received under this section for the purposes
22 described in subsection (a), an eligible local educational
23 agency may use such grant to—

1 (1) provide educational materials on gun safety
2 for parents, including best practices on how to keep
3 guns secure from children;

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

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

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

11 (1) keeping children secure from guns; and

12 (2) the provision, by local educational agencies,
13 of age-appropriate education on gun safety for par-
14 ents.

15 (e) DEFINITIONS.—In this section:

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

22 (2) ESEA TERMS.—The terms “local edu-
23 cational agency” and “parent” have the meanings
24 given such terms in section 8101 of the Elementary

1 and Secondary Education Act of 1965 (20 U.S.C.
2 7801).

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

5 **SEC. 5. REPORT ON IMPLEMENTATION.**

6 Within 2 years after the date of the enactment of this
7 Act, and annually thereafter, the Attorney General shall
8 submit a written report to the Congress on the implemen-
9 tation of this Act and the amendments made by this Act,
10 including a disaggregation of the application of the
11 amendments to individuals by sex, race, age, ethnicity, na-
12 tional origin, and English language proficiency.

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