

117TH CONGRESS
1ST SESSION

H. R. 4836

To amend chapter 44 of title 18, United States Code, to require the safe storage of firearms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2021

Mr. MCEACHIN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, 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 “Firearm Owners Responsi-
5 bility and Safety Act”.

6 **SEC. 2. SECURE GUN STORAGE OR SAFETY DEVICE.**

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

9 “(4) SECURE GUN STORAGE BY OWNERS.—

10 “(A) OFFENSE.—

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

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

15 “(B) PRIVATE RIGHT OF ACTION.—

16 “(i) IN GENERAL.—An individual who
17 is injured as a result of a violation of sub-
18 paragraph (A) (or, in the case of an indi-
19 vidual who has died as a result of such a
20 violation, a member of the family of, or the
21 estate of, the individual) may bring a civil
22 action against the violator or any other
23 person who, when the violation occurred,
24 was in control of any premises on which
25 the violation occurred if the violator knew

1 or should have known that there was an
2 unsecured firearm on the premises, in a
3 court of competent jurisdiction, for com-
4 pensatory and punitive damages, injunctive
5 and declaratory relief, and such other relief
6 as the court deems appropriate.

7 “(ii) JOINT AND SEVERAL LIABIL-
8 ITY.—In an action described in clause (i),
9 the liability of all defendants shall be joint
10 and several.

11 “(iii) RULE OF INTERPRETATION.—
12 For purposes of any determination of li-
13 ability covered by any contract of insur-
14 ance entered into after the date of the en-
15 actment of this subparagraph, a violation
16 of subparagraph (A) shall not solely be
17 considered an intentional action.

18 “(iv) NO EFFECT ON STATE LAW.—
19 This subparagraph shall not be interpreted
20 to preempt, supplant, or displace any claim
21 brought under State statutory law or com-
22 mon law.”.

1 **SEC. 3. FIREARM SAFE STORAGE PROGRAM.**

2 Title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amended
4 by adding at the end the following:

5 **“PART OO—FIREARM SAFE STORAGE PROGRAM**

6 **“SEC. 3051. FIREARM SAFE STORAGE PROGRAM.**

7 “(a) IN GENERAL.—The Assistant Attorney General
8 shall make grants to an eligible State or Indian Tribe to
9 assist the State or Indian Tribe in carrying out the provi-
10 sions of any State or Tribal law that is functionally iden-
11 tical to section 922(z)(4) of title 18, United States Code.

12 “(b) ELIGIBLE STATE OR INDIAN TRIBE.—

13 “(1) IN GENERAL.—Except as provided in para-
14 graph (2), a State or Indian Tribe shall be eligible
15 to receive grants under this section on and after the
16 date on which the State or Indian Tribe—

17 “(A) enacts legislation functionally iden-
18 tical to section 922(z)(4) of title 18, United
19 States Code; and

20 “(B) the attorney general of the State (or
21 comparable Tribal official) submits a written
22 certification to the Assistant Attorney General
23 stating that the law of the State or Indian
24 Tribe is consistent with the requirements under
25 section 922(z)(4)(D) of such title 18.

26 “(2) FIRST YEAR ELIGIBILITY EXCEPTION.—

1 “(A) IN GENERAL.—A covered State or In-
2 dian Tribe shall be eligible to receive a grant
3 under this section during the 1-year period be-
4 ginning on the date of enactment of this part.

5 “(B) COVERED STATE OR INDIAN TRIBE.—
6 In this paragraph, the term ‘covered State or
7 Indian Tribe’ means a State or Indian Tribe
8 that, before the date of enactment of this part,
9 enacted legislation—

10 “(i) that is functionally identical to
11 section 922(z)(4) of title 18, United States
12 Code; and

13 “(ii) for which the attorney general of
14 the State (or comparable Tribal official)
15 submits a written certification to the As-
16 sistant Attorney General stating that the
17 law of the State or Indian Tribe is con-
18 sistent with the requirements under section
19 922(z)(4)(D) of such title 18.

20 “(c) USE OF FUNDS.—Funds awarded under this
21 section may be used by a State or Indian Tribe to assist
22 law enforcement agencies or the courts of the State or In-
23 dian Tribe in enforcing and otherwise facilitating compli-
24 ance with any State law functionally identical to section
25 922(z)(4), of title 18, United States Code.

1 “(d) APPLICATION.—An eligible State or Indian
2 Tribe desiring a grant under this section shall submit to
3 the Assistant Attorney General an application at such
4 time, in such manner, and containing or accompanied by
5 such information, as the Assistant Attorney General may
6 reasonably require.

7 “(e) INCENTIVES.—For each of fiscal years 2019
8 through 2023, the Attorney General shall give affirmative
9 preference to all Bureau of Justice Assistance discre-
10 tionary grant applications of a State or Indian Tribe that
11 has enacted legislation—

12 “(1) functionally identical to section 922(z)(4)
13 of title 18, United States Code; and

14 “(2) for which the attorney general of the State
15 (or comparable Tribal official) submits a written cer-
16 tification to the Assistant Attorney General stating
17 that the law of the State or Indian Tribe is con-
18 sistent with the requirements under section
19 922(z)(4)(D) of such title 18.”.

20 **SEC. 4. REPEAL OF CERTAIN PROVISIONS OF THE PROTEC-**
21 **TION OF LAWFUL COMMERCE IN ARMS ACT.**

22 Sections 2 through 4 of the Protection of Lawful
23 Commerce in Arms Act (15 U.S.C. 7901–7903) are re-
24 pealed.

1 **SEC. 5. DISCOVERY AND ADMISSIBILITY OF GUN TRACE IN-**
2 **FORMATION IN CIVIL PROCEEDINGS.**

3 The contents of the Firearms Trace System database
4 maintained by the National Trace Center of the Bureau
5 of Alcohol, Tobacco, Firearms and Explosives shall not be
6 immune from legal process, shall be subject to subpoena
7 or other discovery, shall be admissible as evidence, and
8 may be used, relied on, or disclosed in any manner, and
9 testimony or other evidence may be permitted based on
10 the data, on the same basis as other information, in a civil
11 action in any State (including the District of Columbia)
12 or Federal court or in an administrative proceeding.

13 **SEC. 6. REPORT ON IMPLEMENTATION.**

14 Not later than 2 years after the date of enactment
15 of this Act, and annually thereafter, the Attorney General
16 shall submit a report to Congress on the implementation
17 of this Act and the amendments made by this Act, includ-
18 ing a disaggregation of the application of such amend-
19 ments to individuals by sex, race, age, ethnicity, national
20 origin, and English language proficiency.

21 **SEC. 7. SEVERABILITY.**

22 If any provision of this Act, or an amendment made
23 by this Act, or the application of such provision to any
24 person or circumstance, is held to be invalid, the remain-
25 der of this Act, or an amendment made by this Act, or

- 1 the application of such provision to other persons or cir-
- 2 cumstances, shall not be affected.

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