

118TH CONGRESS  
1ST SESSION

# S. 246

To amend title 18, United States Code, to require federally licensed firearms importers, manufacturers, and dealers to meet certain requirements with respect to securing their firearms inventory, business records, and business premises.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 2, 2023

Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. MARKEY, Ms. WARREN, Mr. CASEY, Ms. DUCKWORTH, Mrs. GILLIBRAND, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to require federally licensed firearms importers, manufacturers, and dealers to meet certain requirements with respect to securing their firearms inventory, business records, and business premises.

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 “Safety Enhancements  
5 for Communities Using Reasonable and Effective Firearm  
6 Storage Act” or the “SECURE Firearm Storage Act”.

1 **SEC. 2. SECURITY REQUIREMENTS FOR FEDERALLY LI-**  
 2 **CENSED FIREARMS IMPORTERS, MANUFAC-**  
 3 **TURERS, AND DEALERS.**

4 (a) IN GENERAL.—Section 923 of title 18, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing:

7 “(m) SECURITY REQUIREMENTS.—

8 “(1) RELATION TO PROVISION GOVERNING GUN  
 9 SHOWS.—This subsection shall apply to a licensed  
 10 importer, licensed manufacturer, or licensed dealer  
 11 except as provided in subsection (j).

12 “(2) FIREARM STORAGE.—

13 “(A) IN GENERAL.—A person who is a li-  
 14 censed importer, licensed manufacturer, or li-  
 15 censed dealer shall keep and store each firearm  
 16 in the business inventory of the licensee at the  
 17 premises covered by the license.

18 “(B) MEANS OF STORAGE.—When the  
 19 premises covered by the license are not open for  
 20 business, the licensee shall, with respect to each  
 21 firearm in the business inventory of the li-  
 22 censee—

23 “(i) secure the firearm with a hard-  
 24 ened steel rod  $\frac{1}{4}$  inch thick through the  
 25 space between the trigger guard, and the  
 26 frame or receiver, of the firearm, with—

1                   “(I) the steel rod secured by a  
2                   hardened steel lock that has a shackle;

3                   “(II) the lock and shackle pro-  
4                   tected or shielded from the use of a  
5                   bolt cutter; and

6                   “(III) the rod anchored to pre-  
7                   vent the removal of the firearm from  
8                   the premises; or

9                   “(ii) store the firearm in—

10                   “(I) a locked fireproof safe;

11                   “(II) a locked gun cabinet (and if  
12                   the locked gun cabinet is not steel,  
13                   each firearm within the cabinet shall  
14                   be secured with a hardened steel rod  
15                    $\frac{1}{4}$  inch thick, protected or shielded  
16                   from the use of a bolt cutter and an-  
17                   chored to prevent the removal of the  
18                   firearm from the premises); or

19                   “(III) a locked vault.

20                   “(3) PAPER RECORD STORAGE.—When the  
21                   premises covered by the license are not open for  
22                   business, the licensee shall store each paper record  
23                   of the business inventory and firearm transactions  
24                   of, and other dispositions of firearms by, the licensee

1 at the premises in a secure location such as a locked  
 2 fireproof safe or locked vault.

3 “(4) ADDITIONAL SECURITY REQUIREMENTS.—  
 4 The Attorney General may, by regulation, prescribe  
 5 such additional security requirements as the Attor-  
 6 ney General determines appropriate with respect to  
 7 the firearms business conducted by a licensed im-  
 8 porter, licensed manufacturer, or licensed dealer,  
 9 such as requirements relating to the use of—

10 “(A) alarm and security camera systems;

11 “(B) site hardening;

12 “(C) measures to secure any electronic  
 13 record of the business inventory and firearm  
 14 transactions of, and other dispositions of fire-  
 15 arms by, the licensee; and

16 “(D) other measures necessary to reduce  
 17 the risk of theft at the business premises of a  
 18 licensee.”.

19 (b) PENALTIES.—Section 924 of title 18, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing:

22 “(q) PENALTIES FOR NONCOMPLIANCE WITH FIRE-  
 23 ARMS LICENSEE SECURITY REQUIREMENTS.—

24 “(1) IN GENERAL.—

1           “(A) PENALTY.—With respect to a viola-  
2           tion by a licensee of section 923(m) or a regula-  
3           tion issued under that section, the Attorney  
4           General, after notice and opportunity for hear-  
5           ing—

6                   “(i) in the case of the first violation  
7                   or related series of violations on the same  
8                   date, shall subject the licensee to a civil  
9                   penalty in an amount equal to not less  
10                  than \$1,000 and not more than \$10,000;

11                  “(ii) in the case of the second viola-  
12                  tion or related series of violations on the  
13                  same date—

14                   “(I) shall suspend the license  
15                   issued to the licensee under this chap-  
16                   ter until the licensee cures the viola-  
17                   tion; and

18                   “(II) may subject the licensee to  
19                   a civil penalty in an amount provided  
20                   in clause (i); or

21                  “(iii) in the case of the third violation  
22                  or related series of violations on the same  
23                  date—

1                   “(I) shall revoke the license  
2                   issued to the licensee under this chap-  
3                   ter; and

4                   “(II) may subject the licensee to  
5                   a civil penalty in an amount provided  
6                   in clause (i).

7                   “(B) REVIEW.—An action of the Attorney  
8                   General under this paragraph may be reviewed  
9                   only as provided under section 923(f).

10                  “(2) ADMINISTRATIVE REMEDIES.—The imposi-  
11                  tion of a civil penalty or suspension or revocation of  
12                  a license under paragraph (1) shall not preclude any  
13                  administrative remedy that is otherwise available to  
14                  the Attorney General.”.

15                  (c) APPLICATION REQUIREMENT.—Section 923 of  
16                  title 18, United States Code, is amended—

17                   (1) in subsection (a), in the second sentence, by  
18                   striking “be in such form and contain only that”  
19                   and inserting “describe how the applicant plans to  
20                   comply with subsection (m) and shall be in such  
21                   form and contain only such other”; and

22                   (2) in subsection (d)(1)—

23                   (A) in subparagraph (F), by striking  
24                   “and” at the end;

1 (B) in subparagraph (G), by striking the  
2 period at the end and inserting “; and”; and

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

4 “(H) the Attorney General determines that the  
5 description in the application of how the applicant  
6 plans to comply with subsection (m) would, if imple-  
7 mented, so comply.”.

8 (d) EFFECTIVE DATES.—

9 (1) INITIAL FIREARM STORAGE REQUIRE-  
10 MENTS.—Section 923(m)(2) of title 18, United  
11 States Code, as added by subsection (a), shall take  
12 effect on the date that is 1 year after the date of  
13 enactment of this Act.

14 (2) INITIAL PAPER RECORDS STORAGE RE-  
15 QUIREMENTS.—Section 923(m)(3) of title 18,  
16 United States Code, as added by subsection (a),  
17 shall take effect on the date that is 90 days after  
18 the date of enactment of this Act.

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