

**AMENDMENT TO H.R. 3492, AS REPORTED
OFFERED BY MR. MOSKOWITZ OF FLORIDA**

Add at the end the following:

1 SEC. 3. OFFENSE OF RECKLESS FIREARM ACCESS RESULT-
2 ING IN DEATH.

3 (a) IN GENERAL.—Chapter 44 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “§ 935. Reckless firearm access resulting in death

7 “(a) OFFENSE.—Whoever, in or affecting interstate
8 or foreign commerce, being the parent or legal guardian
9 of a minor, recklessly fails to securely store a firearm that
10 such person owns, possesses, or controls shall be fined
11 under this title, imprisoned not more than 10 years, or
12 both, if the minor discharges the firearm and death re-
13 sults.

14 “(b) AFFIRMATIVE DEFENSE.—It shall be an affirm-
15 ative defense to an offense under this section if the defend-
16 ant proves by the preponderance of the evidence that the
17 minor obtained the firearm through unlawful entry, theft,
18 or other criminal conduct.

19 “(c) EXCEPTIONS.—This section shall not apply if—

1 “(1) the minor discharged the firearm while
2 acting in lawful self-defense within the home; or

3 “(2) the firearm was discharged during lawful
4 hunting or sporting activity with the direct super-
5 vision and consent of the parent or legal guardian.

6 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
7 tion shall be construed to—

8 “(1) impose strict liability on the failure to se-
9 curely store a firearm;

10 “(2) limit lawful firearm ownership under the
11 Second Amendment to the Constitution; or

12 “(3) preempt State law that imposes a greater
13 penalty or additional requirement relating to firearm
14 storage or parental responsibility.

15 “(e) DEFINITIONS.—In this section:

16 “(1) MINOR.—The term ‘minor’ means any in-
17 dividual under 18 years of age.

18 “(2) PARENT OR LEGAL GUARDIAN.—The term
19 ‘parent or legal guardian’ means a biological parent,
20 adoptive parent, or individual with legal custody or
21 guardianship of a minor.

22 “(3) SECURELY STORE.—The term ‘securely
23 store’ means, with respect to a firearm, stored in a
24 manner that prevents access by a minor, including

1 through the use of a gun safe, lock, or other secure
2 storage device.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 44 of titles 18, United States Code, is amend-
5 ed by adding at the end the following:

“935. Reckless firearm access resulting in death.”.

