

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1963 Session of 2015

INTRODUCED BY ACOSTA, DEAN, THOMAS, FRANKEL, V. BROWN,  
SANTARSIERO, SCHLOSSBERG, M. DALEY, O'BRIEN, KINSEY, COHEN,  
KIM, YOUNGBLOOD, BRIGGS, SIMS AND MAHONEY, APRIL 7, 2016

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in minors, providing for minor's  
3 access to firearms; and prescribing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 6302.1. Minor's access to firearms.

9 (a) Storage requirements.--A person who owns a firearm and  
10 stores or leaves the firearm at a premises where a minor is  
11 present shall:

12 (1) place the firearm in a securely locked box or  
13 container; or

14 (2) secure the firearm with a trigger, chamber or cable  
15 lock, except when the person carries the firearm on his body  
16 or within such close proximity to his body that the person  
17 reasonably believes the minor is unable to take possession of  
18 the firearm unlawfully.

1 (b) Penalties.--A person who violates subsection (a)

2 commits:

3 (1) A summary offense, if the minor takes possession of  
4 the firearm.

5 (2) A misdemeanor of the third degree, if the minor  
6 takes possession of the firearm and the firearm is loaded.

7 (3) A felony of the third degree, if a minor takes  
8 possession of the firearm, the firearm is loaded and the  
9 firearm is used to inflict injury or death upon any other  
10 person.

11 (c) Defenses.--It shall be a defense to a prosecution under  
12 this section if any of the following apply:

13 (1) The firearm was stored or left in a securely locked  
14 box or container, in a location a reasonable person would  
15 have believed to be secure or was securely locked with a  
16 trigger lock.

17 (2) The firearm is obtained as a result of an unlawful  
18 entry of the premises by any other person.

19 (3) For a violation of subsection (b) (3), the injury  
20 results from a target or sport shooting accident or hunting  
21 accident.

22 (4) Possession of the firearm is incidental to the  
23 performance of the official duties of the United States Armed  
24 Forces, the Pennsylvania National Guard or the personnel of  
25 any Federal, State or local law enforcement agency.

26 Section 2. This act shall take effect in 60 days.