
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1709 Session of
2017

INTRODUCED BY KINSEY, YOUNGBLOOD, SOLOMON, McCLINTON, V. BROWN,
BULLOCK, FRANKEL, DONATUCCI AND SIMS, AUGUST 16, 2017

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 16, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for firearm safety certificate and
4 establishing the Firearm Safety and Enforcement Fund.

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

7 Section 1. Chapter 61 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER E

10 FIREARM SAFETY CERTIFICATE

11 Sec.

12 6191. Legislative intent.

13 6192. Definitions.

14 6193. Firearm safety certificate.

15 6194. Pennsylvania State Police.

16 6195. Issuance of firearm safety certificate and objective
17 test, renewal, fees and expiration.

18 6196. Violations and penalties.

19 6197. Immunity from liability.

1 § 6191. Legislative intent.

2 It is the intent of the General Assembly to:

3 (1) Promote safe and responsible firearm ownership.

4 (2) Require persons who obtain firearms to have a basic
5 familiarity with and understanding of firearm use and
6 operation.

7 (3) Ensure that firearm owners understand the
8 fundamental legal aspects of firearm possession, carry and
9 use, including self-defense and the restrictions on the use
10 of deadly force.

11 (4) Ensure that firearm owners know and understand how
12 to safely store and handle firearms.

13 § 6192. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Applicant." An individual seeking a firearm safety
18 certificate.

19 "Certificate" or "firearm safety certificate." A certificate
20 issued by the Pennsylvania State Police in accordance with this
21 subchapter indicating that the holder has successfully completed
22 firearm safety training.

23 "Certified instructors" or "instructor." A person certified
24 as a firearm safety instructor under this subchapter.

25 "Firearm." As defined in section 6102 (relating to
26 definitions).

27 "Firearm capable of being concealed upon the person." The
28 term shall apply to and include any firearm which is capable of
29 being concealed or in any way hidden or confined upon a person.

30 "Fund." The Firearm Safety and Enforcement Fund established

1 under section 6195 (relating to issuance of firearm safety
2 certificate and objective test, renewal, fees and expiration).

3 "Handgun." A pistol or revolver or other firearm capable of
4 being concealed upon the person.

5 "Law enforcement agency." The term shall include:

6 (1) The Pennsylvania State Police.

7 (2) A municipal police department.

8 (3) The Office of Attorney General.

9 (4) The Federal Bureau of Investigation or other Federal
10 law enforcement agency.

11 (5) A police department of another State or
12 jurisdiction.

13 "Law enforcement official." The term includes the following:

14 (1) The Attorney General and authorized employees.

15 (2) A district attorney of a county and authorized
16 employees.

17 (3) A Pennsylvania State Police trooper.

18 (4) A municipal police officer.

19 (5) A Federal law enforcement officer or agent who is
20 authorized to possess or carry a concealed firearm in any
21 jurisdiction in the United States.

22 "Written authorization." The verifiable written
23 certification from the head of a law enforcement agency by which
24 the purchaser or transferee of a firearm is employed,
25 identifying the employee as an individual authorized to conduct
26 the transaction and authorizing the transaction for the
27 exclusive use of the law enforcement agency by which that person
28 is employed.

29 § 6193. Firearm safety certificate.

30 (a) Certificate required.--Notwithstanding any provision of

1 this chapter or any other law or regulation to the contrary, a
2 person shall not:

3 (1) Purchase or receive a firearm, except an antique
4 firearm as defined in section 6118 (relating to antique
5 firearms) or a firearm which is a curio or relic, as defined
6 in 27 CFR 478.11 (relating to meaning of terms), without a
7 valid firearm safety certificate, except that in the case of
8 a firearm which is a handgun, an expired firearm safety
9 certificate may be used.

10 (2) Sell, deliver, loan or transfer a firearm, except an
11 antique firearm or a firearm which is a curio or relic under
12 27 CFR 478.11, to any person who does not have a valid
13 firearm safety certificate, except that, in the case of a
14 firearm which is a handgun, an expired firearm safety
15 certificate may be used.

16 (b) Exceptions to firearm safety certificate requirement.--
17 Notwithstanding subsection (a), the following persons shall be
18 exempt from the firearm safety certificate requirement under
19 subsection (a):

20 (1) A law enforcement official.

21 (2) An active or honorably retired peace officer as
22 defined in section 501 (relating to definitions).

23 (3) An active or honorably retired Federal law
24 enforcement officer or agent.

25 (4) A person who has successfully completed municipal
26 police officers' education and training in accordance with 53
27 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
28 education and training).

29 (5) A firearm dealer licensed in accordance with
30 sections 6112 (relating to retail dealer required to be

1 licensed) and 6113 (relating to licensing of dealers) who is
2 acting in the course and scope of his activities as a
3 licensed dealer.

4 (6) An active or honorably retired member of the United
5 States Armed Forces or a reserve component of the United
6 States Armed Forces as defined in 10 U.S.C. § 101 (relating
7 to definitions).

8 (c) Certain exemption by operation of law.--The following
9 persons who take title or possession of a firearm by operation
10 of law in a representative capacity, until or unless they
11 transfer title ownership of the firearm to themselves in a
12 personal capacity, shall be exempt from the requirements of
13 subsection (a):

14 (1) The executor or administrator of an estate.

15 (2) A secured creditor or an agent or employee of a
16 secured creditor when a firearm is possessed as collateral
17 for, or as a result of, a default under a security agreement
18 under 13 Pa.C.S. (relating to commercial code).

19 (3) A writ server who is directed to execute a writ or
20 serve other court documents under 42 Pa.C.S. (relating to
21 judiciary and judicial procedure).

22 (4) A receiver performing the functions of a receiver
23 under the laws of this Commonwealth.

24 (5) A trustee in bankruptcy performing the duties of a
25 trustee.

26 (6) An assignee for the benefit of creditors performing
27 the functions of an assignee.

28 (d) Holder of hunting license.--A person who holds a valid
29 unexpired hunting license which was issued for the hunting
30 season immediately preceding the calendar year in which the

1 person receives or takes possession of a firearm shall be exempt
2 from the requirements of subsection (a), except as to a firearm
3 which is a handgun.

4 (e) Law enforcement exemption.--This section shall not apply
5 to a sale, delivery or transfer of firearms made to a law
6 enforcement official representing a law enforcement agency for
7 the exclusive use by that law enforcement agency if, prior to
8 the sale, delivery or transfer of the firearms, written
9 authorization from the head of the law enforcement agency
10 authorizing the transaction is presented to the person from whom
11 the purchase, delivery or transfer is being made.

12 § 6194. Pennsylvania State Police.

13 (a) Administration and enforcement.--The Pennsylvania State
14 Police shall administer and enforce the provisions of this
15 subchapter.

16 (b) Duties of Pennsylvania State Police.--To carry out the
17 provisions of this subchapter, the Pennsylvania State Police
18 shall:

19 (1) Develop a program for the certification of persons
20 to provide firearm safety instruction to individuals seeking
21 firearm safety certification in accordance with the
22 provisions of this subchapter.

23 (2) Develop a firearm safety manual and make the manual
24 available to firearm dealers licensed under sections 6112
25 (relating to retail dealer required to be licensed) and 6113
26 (relating to licensing of dealers). Each firearm dealer shall
27 make the manual available to the general public. A firearm
28 dealer may make the manual available to the public by
29 including the manual or essential portions of the manual in a
30 pamphlet developed by the dealer that summarizes the

1 Commonwealth's firearms law, by posting the instructions
2 manual or essential portions of the manual on the dealer's
3 publicly accessible Internet website or by providing a link
4 to the Pennsylvania State Police's publicly accessible
5 Internet website on the dealer's publicly accessible Internet
6 website.

7 (3) Establish a link on its publicly accessible Internet
8 website for dealers and other persons to download the firearm
9 safety manual.

10 (4) Develop audiovisual materials for use by certified
11 instructors to conduct firearm safety training.

12 (5) Solicit input from a reputable association or
13 organization, including a law enforcement association which
14 has as one of its objectives the promotion of firearm safety,
15 in the development of audiovisual materials and other
16 instructional materials.

17 (6) Prescribe a minimum level of skill, knowledge and
18 competency to be required of all firearm safety instructors.

19 (7) Develop guidelines to govern the certification of
20 persons as firearm safety training instructors.

21 (8) Develop guidelines to govern the issuance and
22 renewal of firearm safety certificates. The guidelines may,
23 at the discretion of the Pennsylvania State Police, require
24 the holder of the expiring or expired certificate to pass an
25 objective test.

26 (9) Develop a written objective test, prescribe the
27 objective test's content and the form and manner in which the
28 objective test may be administered by certified instructors
29 and make the objective test available to certified
30 instructors. The Pennsylvania State Police may establish a

1 secure link on its publicly accessible Internet website for
2 certified instructors or other authorized persons to download
3 the objective tests.

4 (10) Develop procedures for the oral administration of
5 the objective test to persons with disabilities or language
6 barriers.

7 (11) Update objective test materials for firearm safety
8 training when determined appropriate, but not less than once
9 every five years.

10 (12) Require licensed dealers or employees of licensed
11 dealers who are also certified as firearm safety instructors
12 under this subchapter to designate a separate room or
13 partitioned area for a person to take the objective test and
14 maintain adequate supervision to ensure that no acts of
15 collusion occur while the objective test is being
16 administered.

17 (c) Certification of instructors.--

18 (1) The Pennsylvania State Police shall certify persons
19 as firearm safety training instructors in this Commonwealth.

20 (2) The Pennsylvania State Police may require applicants
21 for certification as firearm safety training instructors in
22 this Commonwealth to have prior certification or firearm
23 training from one of the following agencies or organizations:

24 (i) The Federal Law Enforcement Training Center of
25 the United States Department of Homeland Security,
26 Firearm Instructor Training Program, range master
27 training or other Federal weapons training program as
28 determined by the Pennsylvania State Police.

29 (ii) The Pennsylvania State Police or a municipal
30 police department of this Commonwealth or of another

1 state, as approved by the Pennsylvania State Police.

2 (iii) A United States Armed Forces marksmanship or
3 weapons training instructor program, provided, however,
4 that a person's assignment as a range officer or safety
5 officer shall not be deemed sufficient for training
6 purposes.

7 (iv) The National Rifle Association or a sportsmen
8 or gun club.

9 (v) The Municipal Police Officers' Education and
10 Training Commission established under 53 Pa.C.S. Ch. 21
11 Subch. D (relating to municipal police education and
12 training).

13 (vi) An accredited institution of higher education
14 in this Commonwealth which offers a class or course of
15 study in firearm training or safety.

16 (3) Nothing in this subsection shall preclude the
17 Pennsylvania State Police from automatically certifying a
18 person as a certified instructor, provided that the person
19 applying for the certification holds a valid firearm safety
20 certificate or firearms or weapons instructor certification
21 from an agency or organization under paragraph (2).

22 (d) Content of objective test.--The objective test developed
23 by the Pennsylvania State Police for firearm safety
24 certification shall include, but not be limited to, the
25 following:

26 (1) The laws applicable to carrying and handling
27 firearms in this Commonwealth, particularly a firearm that is
28 a handgun.

29 (2) The responsibilities of ownership of firearms,
30 particularly a firearm that is a handgun.

1 (3) Provisions of law which relate to the private sale
2 and transfer of firearms.

3 (4) Provisions of law which relate to the permissible
4 use of lethal force.

5 (5) What constitutes safe storage of firearms.

6 (6) Issues associated with bringing firearms into a home
7 with children, especially a firearm that is a handgun.

8 (7) Harm prevention strategies to address issues
9 associated with bringing firearms into a home.

10 (e) Firearm safety certificate.--The Pennsylvania State
11 Police shall develop a firearm safety certificate to be issued
12 by certified instructors to persons seeking firearm safety
13 certification and who successfully passed a firearm safety
14 objective test in accordance with the requirements of this
15 subchapter. A firearm safety certificate shall include, but not
16 be limited to, the following:

17 (1) A unique firearm safety certificate identification
18 number.

19 (2) The holder's full name and date of birth.

20 (3) The holder's driver's license number or State
21 identification card number.

22 (4) The holder's signature.

23 (5) The signature of the issuing firearm safety
24 instructor.

25 (6) The date of issuance and expiration.

26 § 6195. Issuance of firearm safety certificate and objective
27 test, renewal, fees and expiration.

28 (a) Compliance required for issuance.--A certified
29 instructor shall not issue a firearm safety certificate to a
30 person who has not complied with this subchapter. Proof of

1 compliance shall be forwarded to the Pennsylvania State Police
2 by certified instructors in the form and manner and at the times
3 as the Pennsylvania State Police shall prescribe.

4 (b) Objective test required.--

5 (1) An applicant for a firearm safety certificate shall
6 successfully pass the objective test developed by the
7 Pennsylvania State Police in accordance with section 6194(d)
8 (relating to Pennsylvania State Police) with a passing grade
9 of at least 75%.

10 (2) An applicant who fails to pass the objective test
11 upon the first attempt shall be offered additional
12 instructional materials by the instructor, such as the
13 firearm safety manual, a videotape or instructional materials
14 as may be approved by the Pennsylvania State Police. The
15 following shall apply:

16 (i) A person may not retake the objective test under
17 any circumstances until 24 hours have elapsed after the
18 failure to pass the objective test upon the first
19 attempt.

20 (ii) A person failing the objective test on the
21 first attempt shall take another version of the objective
22 test upon the second attempt.

23 (iii) A person who fails the objective test on a
24 second attempt may not retake the objective test until
25 five days have elapsed after failure to pass the
26 objective test on the second and each subsequent attempt.

27 (iv) When feasible, all objective tests shall be
28 retaken from the same instructor except upon permission
29 by the Pennsylvania State Police, which shall be granted
30 only for good cause shown.

1 (v) The instructor shall make himself or herself
2 available to the applicant during regular business hours
3 in order to retake the objective test.

4 (c) Issuance of certificate.--A person receiving a passing
5 grade on the objective test in accordance with subsection (b)(1)
6 shall immediately be issued a firearm safety certificate by the
7 certified instructor. A certified instructor shall not issue a
8 firearm safety certificate to any person who is under 18 years
9 of age.

10 (d) Expiration and renewal of certificate.--

11 (1) Each firearm safety certificate issued under
12 subsection (b)(1) shall expire five years from the date
13 issued by the certified instructor.

14 (2) In the case of the loss or destruction of a firearm
15 safety certificate, the issuing instructor or the
16 Pennsylvania State Police shall issue a duplicate certificate
17 upon request and proof of identification to the certificate
18 holder. A duplicate firearm safety certificate shall be valid
19 for the balance of the unexpired term of the original
20 certificate.

21 (e) Fees.--

22 (1) In addition to a fee or charge which may be imposed
23 by a certified instructor for firearm training, each
24 certified instructor shall charge a fee of \$30 for the
25 issuance of a firearm safety certificate. Twenty dollars of
26 the fee shall be remitted to the Pennsylvania State Police
27 for deposit in the fund in accordance with subsection (f).

28 (2) A person seeking to renew an expiring or expired
29 firearm safety certificate may be required to pass the
30 objective test, as determined by the Pennsylvania State

1 Police. For the renewal of an expiring or expired
2 certificate, each certified instructor shall charge a fee of
3 \$25, \$15 of which shall be remitted to the Pennsylvania State
4 Police for deposit in the fund in accordance with subsection
5 (f).

6 (3) In the case of the loss or destruction of a firearm
7 safety certificate, the Pennsylvania State Police may
8 authorize the issuing instructor to charge a fee of \$15 for a
9 duplicate certificate, \$10 of which shall be remitted to the
10 Pennsylvania State Police for deposit in the fund in
11 accordance with subsection (f).

12 (f) Firearm Safety and Enforcement Fund.--

13 (1) The Firearm Safety and Enforcement Fund is hereby
14 established as a restricted account in the State Treasury.
15 Money in the fund shall be expended by the Pennsylvania State
16 Police for the sole and exclusive purpose of administering
17 and enforcing this subchapter.

18 (2) The fund shall consist of all money received and
19 deposited into the fund by the Pennsylvania State Police in
20 accordance with subsection (e) and any interest thereon,
21 money which may be appropriated by the General Assembly and
22 any other contributions, payments or deposits which may be
23 made available to the fund.

24 § 6196. Violations and penalties.

25 (a) Revocation of instructor certificate.--A violation of
26 this subchapter by a certified instructor may be grounds for the
27 Pennsylvania State Police to revoke the instructor's authority
28 to provide firearm safety training to persons seeking firearm
29 safety certification and to issue firearm safety certificates to
30 those persons.

1 (b) Acts of collusion.--

2 (1) A person shall not commit an act of collusion as
3 specified in paragraph (2).

4 (2) For purposes of paragraph (1), an act of collusion
5 may include the following activities:

6 (i) Answering questions for an applicant taking the
7 objective test for firearm safety certification while the
8 objective test is being administered.

9 (ii) Knowingly grading an objective test for a
10 firearm safety certificate falsely.

11 (iii) Providing an advance copy of the objective
12 test to an applicant seeking firearm safety
13 certification.

14 (iv) Taking or allowing another person to take
15 firearm safety training for the applicant seeking a
16 firearm safety certificate.

17 (v) Taking or allowing another person to take the
18 objective test for the applicant seeking firearm safety
19 certification.

20 (vi) Using or allowing another to use an applicant's
21 identification for the purpose of obtaining a firearm
22 safety certificate.

23 (vii) Allowing persons to give an applicant for a
24 firearm safety certificate unauthorized assistance during
25 administration of the objective test.

26 (viii) Using unauthorized materials while taking the
27 objective test and cheating by the applicant.

28 (c) Additional violations.--It shall be unlawful for a
29 person to do any of the following:

30 (1) Alter, counterfeit or falsify a firearm safety

1 certificate.

2 (2) Use or attempt to use any altered, counterfeited or
3 falsified firearm safety certificate to purchase a firearm.

4 (d) Penalty.--A person who violates subsections (b) and (c)
5 commits a misdemeanor.

6 § 6197. Immunity from liability.

7 The Pennsylvania State Police shall be immune from any
8 liability which may arise from administering, implementing or
9 enforcing any provisions of this subchapter.

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