

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 731 Session of 2023

INTRODUCED BY PARKER, HOHENSTEIN, RABB, MADDEN, SANCHEZ, KINSEY, CIRESI, SCHLOSSBERG, KINKEAD, HILL-EVANS, SHUSTERMAN, HOWARD, FIEDLER, WARREN, OTTEN, FRANKEL, GREEN, KHAN, KENYATTA, PIELLI, WAXMAN, BOROWSKI, BULLOCK, HANBIDGE, MAYES, CEPEDA-FREYTIZ, DELLOSO, KRUEGER, VENKAT, STURLA, SAPPEY, ISAACSON, SCHWEYER, VITALI, FRIEL, D. WILLIAMS, PASHINSKI, O'MARA AND BOYLE, MARCH 28, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 1, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for locking device for firearms; <--
4 PROVIDING FOR SAFE STORAGE OF FIREARM WHEN NOT IN USE; AND
5 IMPOSING PENALTIES.

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

8 Section 1. Section 6142(a) and (f) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 6142. Locking device for firearms.

11 (a) Offense defined.--It shall be unlawful for any licensee
12 to sell, deliver or transfer any firearm [as defined in section
13 6102 (relating to definitions)], other than an antique firearm
14 as defined in section 6118 (relating to antique firearms), to
15 any other person, other than another licensee, unless the
16 transferee is provided with or purchases a locking device for

1 that firearm or the design of the firearm incorporates a locking
2 device.

3 * * *

4 (f) Definitions.--As used in this section, the following
5 words and phrases shall have the meanings given to them in this
6 subsection:

7 "Firearm." Either of the following:

8 (1) a weapon that is designed to or readily convertible
9 to expel a projectile by the action of an explosive; or

10 (2) the frame or receiver of a weapon.

11 "Licensee." Any licensed manufacturer, importer or dealer of
12 firearms.

13 "Locking device." Either of the following:

14 (1) a device that, when installed on a firearm, is
15 designed to prevent the firearm from being operated without
16 first deactivating the device; or

17 (2) a device that is incorporated into the design of a
18 firearm and that is designed to prevent the operation of the
19 firearm by anyone not having access to the device.

20 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <--
21 § 6143. SAFE STORAGE OF FIREARM WHEN NOT IN USE.

22 (A) STORAGE REQUIREMENTS.--A PERSON WHO OWNS A FIREARM SHALL
23 SECURE THE FIREARM:

24 (1) WITH A DEVICE THAT, IF INSTALLED ON A FIREARM AND
25 SECURED BY MEANS OF A KEY OR A MECHANICAL, ELECTRONIC OR
26 ELECTROMECHANICAL COMBINATION LOCK, PREVENTS THE FIREARM FROM
27 BEING DISCHARGED WITHOUT FIRST DEACTIVATING OR REMOVING THE
28 DEVICE;

29 (2) WITH A LOCKING MECHANISM INCORPORATED INTO THE
30 DESIGN OF THE FIREARM THAT PREVENTS DISCHARGE OF THE FIREARM

1 BY A PERSON WHO DOES NOT HAVE ACCESS TO THE KEY OR OTHER
2 DEVICE DESIGNED TO UNLOCK THE MECHANISM; OR

3 (3) IN A SECURELY LOCKED BOX OR CONTAINER OR A LOCATION
4 THAT A REASONABLE PERSON WOULD BELIEVE TO BE SECURE.

5 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY IF A PERSON
6 CARRIES A FIREARM:

7 (1) ON THE PERSON'S BODY; OR

8 (2) WITHIN CLOSE ENOUGH PROXIMITY TO THE PERSON'S BODY
9 THAT THE PERSON IS ABLE TO RETRIEVE AND USE THE FIREARM AS IF
10 THE FIREARM WAS ON THE PERSON'S BODY.

11 (C) PENALTIES.--A PERSON WHO VIOLATES SUBSECTION (A)
12 COMMITTS:

13 (1) A SUMMARY OFFENSE WITH NO TERM OF IMPRISONMENT IF
14 THE OFFENSE IS A FIRST OFFENSE.

15 (2) A MISDEMEANOR OF THE THIRD DEGREE IF THE OFFENSE IS
16 A SECOND OR SUBSEQUENT OFFENSE.

17 (3) A FELONY OF THE THIRD DEGREE IF:

18 (I) ANOTHER PERSON TAKES POSSESSION OF THE FIREARM;
19 AND

20 (II) THE FIREARM IS USED IN THE COMMISSION OF A
21 CRIME OR USED IN AN EVENT THAT RESULTS IN THE INJURY OR
22 DEATH OF ANOTHER PERSON.

23 (D) DEFENSES.--IT SHALL BE A DEFENSE TO PROSECUTION UNDER
24 THIS SECTION IF ANY OF THE FOLLOWING APPLY:

25 (1) THE FIREARM WAS SECURED IN A MANNER DESCRIBED UNDER
26 SUBSECTION (A).

27 (2) THE FIREARM WAS OBTAINED AS A RESULT OF AN UNLAWFUL
28 ENTRY BY ANY PERSON.

29 (3) AN INJURY RESULTED FROM A TARGET OR SPORT SHOOTING
30 ACCIDENT OR HUNTING ACCIDENT.

1 (4) POSSESSION OF THE FIREARM IS INCIDENTAL TO THE
2 PERFORMANCE OF THE OFFICIAL DUTIES OF THE UNITED STATES ARMED
3 FORCES, THE PENNSYLVANIA NATIONAL GUARD OR THE PERSONNEL OF A
4 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY.

5 Section ~~2~~ 3. This act shall take effect in 60 days.

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