
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1771 Session of
2017

INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS, KINSEY, V. BROWN,
SCHLOSSBERG, DEAN, STURLA AND DRISCOLL, SEPTEMBER 11, 2017

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 11, 2017

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 sale or transfer of firearms
4 and establishing the Pennsylvania Gun Buyback Program and the
5 Pennsylvania Gun Buyback Program Fund.

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

8 Section 1. Section 6111(j)(1) of Title 18 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 6111. Sale or transfer of firearms.

11 * * *

12 (j) Exemption.--

13 (1) The provisions of subsections (a) and (b) shall not
14 apply to:

15 (i) sales between Federal firearms licensees; or

16 (ii) the purchase of firearms by a chief law
17 enforcement officer or his designee, for the official use
18 of law enforcement officers[.]; or

19 (iii) the purchase of firearms by a chief law

1 enforcement officer or his designee as part of the
2 Pennsylvania Gun Buyback Program.

3 * * *

4 Section 2. Chapter 61 of Title 18 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E

7 PENNSYLVANIA GUN BUYBACK PROGRAM

8 Sec.

9 6191. Definitions.

10 6192. Pennsylvania Gun Buyback Program.

11 6193. Powers and duties of Attorney General.

12 6194. Pennsylvania Gun Buyback Program Fund.

13 § 6191. 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 "Commissioner." As defined in section 6102 (relating to
18 definitions.)

19 "Firearm." As defined in section 6102.

20 "Law enforcement officer." As defined in section 6102.

21 "Program." The Pennsylvania Gun Buyback Program established
22 under section 6192 (relating to Pennsylvania Gun Buyback
23 Program).

24 "Program fund." The Pennsylvania Gun Buyback Program Fund
25 established under section 6194 (relating to Pennsylvania Gun
26 Buyback Program Fund).

27 "Sheriff." As defined in section 6102.

28 § 6192. Pennsylvania Gun Buyback Program.

29 (a) Establishment.--The Pennsylvania Gun Buyback Program is
30 established within the Office of Attorney General.

1 (b) Purpose.--The purpose of the program is to reduce
2 violence and crime in the community by offering an incentive for
3 the surrender of a firearm to a participating law enforcement
4 officer or sheriff.

5 (c) Participation.--Participation in the program by a law
6 enforcement officer or sheriff shall be voluntary.

7 (d) Surrender of firearm.--The following shall apply:

8 (1) An individual may surrender a firearm to a
9 participating law enforcement officer or sheriff within this
10 Commonwealth.

11 (2) An individual who surrenders a firearm under this
12 section shall remain anonymous and shall not be subject to
13 prosecution for the possession of the firearm.

14 § 6193. Powers and duties of Attorney General.

15 (a) Administration.--The Attorney General shall administer
16 the program in conjunction with the commissioner, a law
17 enforcement officer or a sheriff.

18 (b) Rules and regulations.--The Attorney General shall
19 promulgate rules and regulations necessary to effectuate the
20 implementation of the program. Rules and regulations promulgated
21 under this subsection may include guidelines:

22 (1) For a law enforcement officer or sheriff
23 participating in the program to:

24 (i) Designate when and where a firearm may be
25 surrendered by an individual.

26 (ii) Coordinate with community groups within its
27 jurisdiction.

28 (iii) Handle the surrender of firearms, including:

29 (A) safe storage and disposal of surrendered
30 firearms;

1 (B) return of any recovered stolen firearms
2 through the program to the rightful owner as
3 appropriate; and

4 (C) retention for evidence of firearms
5 determined to have been used in a crime.

6 (iv) Develop and implement an independent gun
7 buyback program, provided the program meets the
8 requirements of this subchapter and is otherwise
9 permitted by law.

10 (2) For monetary or other incentives for surrendered
11 firearms.

12 § 6194. Pennsylvania Gun Buyback Program Fund.

13 (a) Establishment.--The Pennsylvania Gun Buyback Program
14 Fund is established in the State Treasury as a restricted
15 account.

16 (b) Funding.--Funding for the program fund may be provided
17 as follows:

18 (1) By an appropriation by the General Assembly from the
19 General Fund.

20 (2) From donations from private businesses, charities
21 and individuals.

22 (3) From any other money, including assets, seizures and
23 forfeitures collected by law enforcement officers or
24 sheriffs.

25 (c) Continuing appropriation.--All money in the program fund
26 and the interest accruing thereon are hereby appropriated to the
27 Office of Attorney General on a continuing basis to carry out
28 the provisions of this subchapter.

29 Section 3. This act shall take effect in 120 days.