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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1753 Session of  
2019

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INTRODUCED BY ULLMAN, KINSEY, BURGOS, ISAACSON, MURT, SANCHEZ,  
FREEMAN, NEILSON, SHUSTERMAN, SCHWEYER, CIRESI, BULLOCK,  
DALEY, DAVIDSON, MADDEN, FRANKEL, McCLINTON, KOSIEROWSKI,  
HOHENSTEIN AND YOUNGBLOOD, AUGUST 16, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 16, 2019

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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 test  
17 and fees.

18 6196. Violations and penalties.

1 6197. Immunity from liability.

2 § 6191. Legislative intent.

3 It is the intent of the General Assembly to:

4 (1) Promote safe and responsible firearm ownership.

5 (2) Require first-time purchasers of firearms to have a  
6 basic familiarity with and understanding of firearm use and  
7 operation.

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

12 (4) Ensure that first-time purchasers of firearms know  
13 and understand how to safely store and handle firearms.

14 § 6192. Definitions.

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

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

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

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

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

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

1 "First firearm." The first firearm that a person purchases,  
2 receives or owns in the person's lifetime.

3 "Fund." The Firearm Safety and Enforcement Fund established  
4 under section 6195 (relating to issuance of firearm safety  
5 certificate and objective test and fees).

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

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

9 (1) The Pennsylvania State Police.

10 (2) A municipal police department.

11 (3) The Office of Attorney General.

12 (4) The Federal Bureau of Investigation or other Federal  
13 law enforcement agency.

14 (5) A police department of another state or  
15 jurisdiction.

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

17 (1) The Attorney General and authorized employees.

18 (2) A district attorney of a county and authorized  
19 employees.

20 (3) A Pennsylvania State Police trooper.

21 (4) A municipal police officer.

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

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

1 is employed.

2 § 6193. Firearm safety certificate.

3 (a) Certificate required.--Notwithstanding any provision of  
4 this chapter or any other law or regulation to the contrary, a  
5 person shall not:

6 (1) Purchase or receive a first firearm, except an  
7 antique firearm as defined in section 6118 (relating to  
8 antique firearms) or a firearm which is a curio or relic, as  
9 defined in 27 CFR 478.11 (relating to meaning of terms),  
10 without a valid firearm safety certificate.

11 (2) Sell, deliver, loan or transfer a firearm, except an  
12 antique firearm or a firearm which is a curio or relic under  
13 27 CFR 478.11, to any person who does not have a valid  
14 firearm safety certificate.

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

19 (1) A law enforcement official.

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

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

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

28 (5) A firearm dealer licensed in accordance with  
29 sections 6112 (relating to retail dealer required to be  
30 licensed) and 6113 (relating to licensing of dealers) who is

1 acting in the course and scope of his activities as a  
2 licensed dealer.

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

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

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

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

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

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

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

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

27 (d) Holder of hunting license.--A person who holds a valid  
28 unexpired hunting license which was issued for the hunting  
29 season immediately preceding the calendar year in which the  
30 person receives or takes possession of a firearm shall be exempt

1 from the requirements of subsection (a), except as to a firearm  
2 which is a handgun.

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

11 § 6194. Pennsylvania State Police.

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

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

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

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

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

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

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

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

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

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

20 (8) Develop guidelines to govern the issuance and  
21 renewal of firearm safety certificates.

22 (9) Develop a written objective test, prescribe the  
23 objective test's content and the form and manner in which the  
24 objective test may be administered by certified instructors  
25 and make the objective test available to certified  
26 instructors. The Pennsylvania State Police may establish a  
27 secure link on its publicly accessible Internet website for  
28 certified instructors or other authorized persons to download  
29 the objective tests.

30 (10) Develop procedures for the oral administration of

1 the objective test to persons with disabilities or language  
2 barriers.

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

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

13 (c) Certification of instructors.--

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

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

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

25 (ii) The Pennsylvania State Police or a municipal  
26 police department of this Commonwealth or of another  
27 state, as approved by the Pennsylvania State Police.

28 (iii) A United States Armed Forces marksmanship or  
29 weapons training instructor program, provided, however,  
30 that a person's assignment as a range officer or safety

1 officer shall not be deemed sufficient for training  
2 purposes.

3 (iv) The National Rifle Association or a sportsmen  
4 or gun club.

5 (v) The Municipal Police Officers' Education and  
6 Training Commission established under 53 Pa.C.S. Ch. 21  
7 Subch. D (relating to municipal police education and  
8 training).

9 (vi) An accredited institution of higher education  
10 in this Commonwealth which offers a class or course of  
11 study in firearm training or safety.

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

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

23 (1) The laws applicable to carrying and handling  
24 firearms in this Commonwealth, particularly a firearm that is  
25 a handgun.

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

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

30 (4) Provisions of law which relate to the permissible

1 use of lethal force.

2 (5) What constitutes safe storage of firearms.

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

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

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

14 (1) A unique firearm safety certificate identification  
15 number.

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

17 (3) The holder's driver's license number or State  
18 identification card number.

19 (4) The holder's signature.

20 (5) The signature of the issuing firearm safety  
21 instructor.

22 (6) The date of issuance and expiration.

23 § 6195. Issuance of firearm safety certificate and objective  
24 test and fees.

25 (a) Compliance required for issuance.--A certified  
26 instructor shall not issue a firearm safety certificate to a  
27 person who has not complied with this subchapter. Proof of  
28 compliance shall be forwarded to the Pennsylvania State Police  
29 by certified instructors in the form and manner and at the times  
30 as the Pennsylvania State Police shall prescribe.

1 (b) Objective test required.--

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

7 (2) An instructor shall offer additional instructional  
8 materials to an applicant who fails to pass the objective  
9 test on the first attempt. The instructional materials shall  
10 include the firearm safety manual, a videotape or  
11 instructional materials as may be approved by the  
12 Pennsylvania State Police.

13 (3) A person may not retake the objective test under any  
14 circumstances until 24 hours have elapsed after the failure  
15 to pass the objective test on the first attempt.

16 (4) A person failing the objective test on the first  
17 attempt shall take another version of the objective test on  
18 the second attempt.

19 (5) A person who fails the objective test on a second  
20 attempt may not retake the objective test until five days  
21 have elapsed after failure to pass the objective test on the  
22 second and each subsequent attempt.

23 (6) When feasible, all objective tests shall be retaken  
24 from the same instructor except upon permission by the  
25 Pennsylvania State Police, which shall be granted only for  
26 good cause shown.

27 (7) The instructor shall be available to the applicant  
28 during regular business hours in order for the applicant to  
29 retake the objective test.

30 (c) Issuance of certificate.--

1       (1) A person receiving a passing grade on the objective  
2 test in accordance with subsection (b)(1) shall immediately  
3 be issued a firearm safety certificate by the certified  
4 instructor.

5       (2) A certified instructor shall not issue a firearm  
6 safety certificate to any person who is under 18 years of  
7 age.

8       (3) In the case of the loss or destruction of a firearm  
9 safety certificate, the issuing instructor or the  
10 Pennsylvania State Police shall issue a duplicate certificate  
11 upon request and proof of identification to the certificate  
12 holder.

13 (d) Fees.--

14       (1) In addition to a fee or charge which may be imposed  
15 by a certified instructor for firearm training, each  
16 certified instructor shall charge a fee of \$30 for the  
17 issuance of a firearm safety certificate. Twenty dollars of  
18 the fee shall be remitted to the Pennsylvania State Police  
19 for deposit in the fund in accordance with subsection (e).

20       (2) In the case of the loss or destruction of a firearm  
21 safety certificate, the Pennsylvania State Police may  
22 authorize the issuing instructor to charge a fee of \$15 for a  
23 duplicate certificate, \$10 of which shall be remitted to the  
24 Pennsylvania State Police for deposit in the fund in  
25 accordance with subsection (e).

26 (e) Firearm Safety and Enforcement Fund.--

27       (1) The Firearm Safety and Enforcement Fund is  
28 established as a restricted account in the State Treasury.  
29 Money in the fund shall be expended by the Pennsylvania State  
30 Police for the sole and exclusive purpose of administering

1 and enforcing this subchapter.

2 (2) The fund shall consist of all money received and  
3 deposited into the fund by the Pennsylvania State Police in  
4 accordance with subsection (d) and any interest thereon,  
5 money which may be appropriated by the General Assembly and  
6 any other contributions, payments or deposits which may be  
7 made available to the fund.

8 § 6196. Violations and penalties.

9 (a) Revocation of instructor certificate.--A violation of  
10 this subchapter by a certified instructor may be grounds for the  
11 Pennsylvania State Police to revoke the instructor's authority  
12 to provide firearm safety training to persons seeking firearm  
13 safety certification and to issue firearm safety certificates to  
14 those persons.

15 (b) Acts of collusion.--

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

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

20 (i) Answering questions for an applicant taking the  
21 objective test for firearm safety certification while the  
22 objective test is being administered.

23 (ii) Knowingly grading an objective test for a  
24 firearm safety certificate falsely.

25 (iii) Providing an advance copy of the objective  
26 test to an applicant seeking firearm safety  
27 certification.

28 (iv) Taking or allowing another person to take  
29 firearm safety training for the applicant seeking a  
30 firearm safety certificate.

1           (v) Taking or allowing another person to take the  
2 objective test for the applicant seeking firearm safety  
3 certification.

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

7           (vii) Knowingly allowing a person to give an  
8 applicant for a firearm safety certificate unauthorized  
9 assistance during administration of the objective test.

10           (viii) Knowingly allowing a person to use  
11 unauthorized materials while taking the objective test or  
12 to cheat on the objective test.

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

15           (1) Alter, counterfeit or falsify a firearm safety  
16 certificate.

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

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

21 § 6197. Immunity from liability.

22       The Pennsylvania State Police shall be immune from any  
23 liability which may arise from administering, implementing or  
24 enforcing any provisions of this subchapter.

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