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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 872 Session of  
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INTRODUCED BY KINSEY, PARKER, SANCHEZ, D. WILLIAMS, SCHLOSSBERG,  
FRANKEL, BULLOCK, SCHWEYER, SIMS, CIRESI, ISAACSON, FREEMAN,  
O'MARA, KINKEAD AND A. BROWN, MARCH 11, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2021

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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  
17 test, renewal, fees and expiration.

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 persons who obtain firearms to have a basic  
6 familiarity with and understanding of firearm use and  
7 operation.

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

12 (4) Ensure that firearm owners know and understand how  
13 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 "Fund." The Firearm Safety and Enforcement Fund established  
2 under section 6195 (relating to issuance of firearm safety  
3 certificate and objective test, renewal, fees and expiration).

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

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

7 (1) The Pennsylvania State Police.

8 (2) A municipal police department.

9 (3) The Office of Attorney General.

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

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

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

15 (1) The Attorney General and authorized employees.

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

18 (3) A Pennsylvania State Police trooper.

19 (4) A municipal police officer.

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

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

30 § 6193. Firearm safety certificate.

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

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

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, except that, in the case of a  
15 firearm which is a handgun, an expired firearm safety  
16 certificate may be used.

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

21 (1) A law enforcement official.

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

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

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

30 (5) A firearm dealer licensed in accordance with

1 sections 6112 (relating to retail dealer required to be  
2 licensed) and 6113 (relating to licensing of dealers) who is  
3 acting in the course and scope of his activities as a  
4 licensed dealer.

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

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

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

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

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

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

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

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

29 (d) Holder of hunting license.--A person who holds a valid  
30 unexpired hunting license which was issued for the hunting

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

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

13 § 6194. Pennsylvania State Police.

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

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

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

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

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

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

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

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

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

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

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

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

1 instructors. The Pennsylvania State Police may establish a  
2 secure link on its publicly accessible Internet website for  
3 certified instructors or other authorized persons to download  
4 the objective tests.

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

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

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

18 (c) Certification of instructors.--

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

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

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

30 (ii) The Pennsylvania State Police or a municipal

1 police department of this Commonwealth or of another  
2 state, as approved by the Pennsylvania State Police.

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

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

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

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

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

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

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

30 (2) The responsibilities of ownership of firearms,

1 particularly a firearm that is a handgun.

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

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

6 (5) What constitutes safe storage of firearms.

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

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

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

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

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

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

23 (4) The holder's signature.

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

26 (6) The date of issuance and expiration.

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

29 (a) Compliance required for issuance.--A certified  
30 instructor shall not issue a firearm safety certificate to a

1 person who has not complied with this subchapter. Proof of  
2 compliance shall be forwarded to the Pennsylvania State Police  
3 by certified instructors in the form and manner and at the times  
4 as the Pennsylvania State Police shall prescribe.

5 (b) Objective test required.--

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

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

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

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

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

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

1           only for good cause shown.

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

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

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

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

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

22          (e) Fees.--

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

29           (2) A person seeking to renew an expiring or expired  
30 firearm safety certificate may be required to pass the

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

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

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

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

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

25 § 6196. Violations and penalties.

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

1 those persons.

2 (b) Acts of collusion.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           § 6197. Immunity from liability.

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

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