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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1250 Session of  
2023

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INTRODUCED BY KINSEY, SAPPEY, PARKER, MADDEN, KINKEAD, CEPEDA-FREYTIZ, HANBIDGE, BURGOS, SCHLOSSBERG, KHAN, SANCHEZ, SHUSTERMAN, D. WILLIAMS, STURLA, OTTEN, GREEN, HOWARD, BOROWSKI, BULLOCK, INNAMORATO, CERRATO, FLEMING AND KRAJEWSKI, MAY 24, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 24, 2023

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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; and  
5 imposing penalties.

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

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

10 SUBCHAPTER E

11 FIREARM SAFETY CERTIFICATE

12 Sec.

13 6191. Legislative intent.

14 6192. Definitions.

15 6193. Firearm safety certificate.

16 6194. Pennsylvania State Police.

17 6195. Issuance of firearm safety certificate, requirements and  
18 compliance.

1 6196. Firearm Safety and Enforcement Fund.

2 6197. Violations and penalties.

3 6198. Immunity from liability.

4 § 6191. Legislative intent.

5 It is the intent of the General Assembly to:

6 (1) Promote safe and responsible firearm ownership.

7 (2) Require persons who obtain firearms to have a basic  
8 familiarity with and understanding of firearm use and  
9 operation.

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

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

16 § 6192. Definitions.

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

20 "Applicant." An individual seeking a firearm safety  
21 certificate.

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

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

28 "Firearm." As defined in section 6102 (relating to  
29 definitions).

30 "Firearm capable of being concealed upon the person." The

1 term shall apply to and include any firearm which is capable of  
2 being concealed or in any way hidden or confined upon a person.

3 "Fund." The Firearm Safety and Enforcement Fund established  
4 under section 6196 (relating to Firearm Safety and Enforcement  
5 Fund).

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

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

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

23 (1) A law enforcement official.

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

26 (3) An active or honorably retired Federal law  
27 enforcement officer or agent.

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

1 education and training).

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

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

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

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

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

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

25 (4) A receiver performing the functions of a receiver  
26 under the laws of this Commonwealth.

27 (5) A trustee in bankruptcy performing the duties of a  
28 trustee.

29 (6) An assignee for the benefit of creditors performing  
30 the functions of an assignee.

1 (d) Holder of hunting license.--A person who holds a valid  
2 unexpired hunting license which was issued for the hunting  
3 season immediately preceding the calendar year in which the  
4 person receives or takes possession of a firearm shall be exempt  
5 from the requirements of subsection (a), except as to a firearm  
6 which is a handgun.

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

15 § 6194. Pennsylvania State Police.

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

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

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

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

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

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

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

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

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

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

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

29 (9) Develop a written objective test, prescribe the  
30 objective test's content and the form and manner in which the

1 objective test may be administered by certified instructors  
2 and make the objective test available to certified  
3 instructors. The Pennsylvania State Police may establish a  
4 secure link on its publicly accessible Internet website for  
5 certified instructors or other authorized persons to download  
6 the objective tests.

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

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

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

19 (c) Certification of instructors.--

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

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

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

1           (ii) The Pennsylvania State Police or a municipal  
2 police department of this Commonwealth or of another  
3 state, as approved by the Pennsylvania State Police.

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

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

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

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

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

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

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

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

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

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

7           (5) What constitutes safe storage of firearms.

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

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

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

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

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

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

24               (4) The holder's signature.

25               (5) The signature of the issuing instructor.

26               (6) The date of issuance and expiration.

27          § 6195. Issuance of firearm safety certificate, requirements  
28               and compliance.

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 or subsequent attempt may not retake the objective  
26 test until five days have elapsed after failure to pass  
27 the objective test on the second and each subsequent  
28 attempt.

29 (iv) When feasible, all objective tests shall be  
30 retaken from the same instructor except upon permission

1 by the Pennsylvania State Police, which shall be granted  
2 only for good cause shown.

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

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

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

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

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

23 (e) Fees.--

24 (1) In addition to a fee or charge which may be imposed  
25 by a certified instructor for firearm training, each  
26 certified instructor shall charge a fee of \$30 for the  
27 issuance of a firearm safety certificate. Twenty dollars of  
28 the fee shall be remitted to the Pennsylvania State Police  
29 for deposit into the fund in accordance with section 6196  
30 (relating to Firearm Safety and Enforcement Fund).

1           (2) A person seeking to renew an expiring or expired  
2 firearm safety certificate may be required to pass the  
3 objective test, as determined by the Pennsylvania State  
4 Police. For the renewal of an expiring or expired  
5 certificate, each certified instructor shall charge a fee of  
6 \$25, \$15 of which shall be remitted to the Pennsylvania State  
7 Police for deposit into the fund in accordance with section  
8 6196.

9           (3) In the case of the loss or destruction of a firearm  
10 safety certificate, the Pennsylvania State Police may  
11 authorize the issuing instructor to charge a fee of \$15 for a  
12 duplicate certificate, \$10 of which shall be remitted to the  
13 Pennsylvania State Police for deposit into the fund in  
14 accordance with section 6196.

15 § 6196. Firearm Safety and Enforcement Fund.

16 The following apply:

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

22           (2) The fund shall consist of all money received and  
23 deposited into the fund by the Pennsylvania State Police in  
24 accordance with section 6195(e) (relating to issuance of  
25 safety certificate and compliance) and any interest thereon,  
26 money which may be appropriated by the General Assembly and  
27 any other contributions, payments or deposits which may be  
28 made available to the fund.

29 § 6197. Violations and penalties.

30 (a) Revocation of instructor certificate.--A violation of

1 this subchapter by a certified instructor may be grounds for the  
2 Pennsylvania State Police to revoke the instructor's authority  
3 to provide firearm safety training to persons seeking a firearm  
4 safety certificate and to issue firearm safety certificates to  
5 those persons.

6 (b) Acts of collusion.--

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

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

11 (i) Answering questions for an applicant taking the  
12 objective test for a firearm safety certificate while the  
13 objective test is being administered.

14 (ii) Knowingly grading an objective test for a  
15 firearm safety certificate falsely.

16 (iii) Providing an advance copy of the objective  
17 test to an applicant seeking a firearm safety  
18 certificate.

19 (iv) Taking or allowing another person to take  
20 firearm safety training for the applicant seeking a  
21 firearm safety certificate.

22 (v) Taking or allowing another person to take the  
23 objective test for the applicant seeking a firearm safety  
24 certificate.

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

28 (vii) Allowing persons to give an applicant for a  
29 firearm safety certificate unauthorized assistance during  
30 administration of the objective test.

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

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

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

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

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

11 § 6198. Immunity from liability.

12           The Pennsylvania State Police shall be immune from any  
13 liability which may arise from administering, implementing or  
14 enforcing any provisions of this subchapter.

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