

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1629 Session of 2023

INTRODUCED BY BRIGGS, FRANKEL, SCHLOSSBERG, KINSEY, STURLA, ISAACSON, SANCHEZ, MADDEN, KINKEAD, HANBIDGE, PROBST, PIELLI, DELLOSO, CIRESI, SAPPEY, PARKER, FREEMAN, N. NELSON, HOWARD, CERRATO, MALAGARI, KHAN, VENKAT, SALISBURY, MADSEN, DALEY, PASHINSKI, GALLOWAY, VITALI, WARREN, GREEN, BOYD, GUENST, DONAHUE, McNEILL, SCHWEYER, BRENNAN, OTTEN, BOROWSKI, SHUSTERMAN, T. DAVIS, CEPHAS, McCLINTON, A. BROWN, ABNEY, O'MARA, STEELE, BELLMON, FIEDLER, FRIEL, WEBSTER, KAZEEM, HOHENSTEIN, BULLOCK AND KIM, AUGUST 29, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 14, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, providing for the offense
3 of access to firearms by minors; and imposing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6302.1. Access to firearms by minors.

9 (a) Storage requirements.--A person who stores or leaves a
10 firearm on premises under the person's control and who knows or
11 reasonably should know that a minor is likely to gain access to
12 the firearm without the lawful permission of the minor's parent
13 or the person having charge of the minor shall keep the firearm
14 in a securely locked box or container or in a location which a

1 reasonable person would believe to be secure.

2 ~~(b) Grading.~~ <--

3 ~~(1) A violation of subsection (a) that results in a~~
4 ~~minor in possession of the firearm constitutes a:~~

5 ~~(i) Summary offense with no term of imprisonment~~
6 ~~when the offense is a first offense.~~

7 ~~(ii) Misdemeanor of the third degree when the~~
8 ~~offense is a second or subsequent offense.~~

9 ~~(2) A violation of subsection (a) that results in the~~
10 ~~firearm being used in the commission of a crime or used in an~~
11 ~~event that results in death or grievous injury constitutes a~~
12 ~~felony of the third degree.~~

13 (B) GRADING.--A VIOLATION OF SUBSECTION (A) THAT RESULTS IN <--
14 A MINOR IN POSSESSION OF THE FIREARM CONSTITUTES:

15 (1) A SUMMARY OFFENSE WITH NO TERM OF IMPRISONMENT WHEN
16 THE OFFENSE IS A FIRST OFFENSE.

17 (2) A MISDEMEANOR OF THE THIRD DEGREE WHEN THE OFFENSE
18 WAS COMMITTED AFTER THE PERSON WAS SENTENCED FOR A PRIOR
19 OFFENSE UNDER THIS SECTION.

20 (c) Defense.--It shall be a defense to a prosecution under
21 this section if any of the following apply:

22 (1) The firearm is stored or left in a securely locked
23 box or container or in a location which a person would
24 reasonably believe to be secure.

25 (2) The minor obtains the firearm as a result of an
26 unlawful entry by any person.

27 (3) The minor's possession of the firearm is incidental
28 to the performance of official duties of the United States
29 Armed Forces, the Pennsylvania National Guard or the
30 personnel of any Federal, State or local law enforcement

1 agency.

2 (4) The minor's possession of the firearm is under adult
3 supervision while engaged in hunting, sporting or other
4 lawful purposes.

5 (5) The firearm is carried on the body of the owner or
6 is within such close proximity to the body that the owner can
7 retrieve and use as easily and quickly as if the owner
8 carried it on the owner's body.

9 (d) Notice by retailer.--

10 (1) A person who offers for sale at retail a firearm
11 shall post in a conspicuous place the following notice:

12 It is unlawful to store or leave a firearm in any
13 place within the reach or easy access of a minor.
14 Should a minor be found in possession of a firearm,
15 the owner may be charged with a summary offense when
16 the offense is a first offense and a misdemeanor of
17 the third degree when the offense is a second or
18 subsequent offense. Should the firearm be used in the
19 commission of a crime or used in any event that
20 results in death or grievous injury, the owner may be
21 charged with a felony of the third degree.

22 (2) A violation of this subsection constitutes a
23 misdemeanor of the third degree.

24 (e) Fingerprinting.--

25 (1) Prior to the commencement of trial or entry of a
26 plea of a defendant of a summary offense under subsection (b)
27 (1)(i), the issuing authority shall order the defendant to
28 submit within five days of the order to fingerprinting by the
29 municipal police of the jurisdiction in which the offense
30 allegedly was committed or the Pennsylvania State Police.

1 (2) Fingerprints shall be forwarded immediately to the
2 Pennsylvania State Police for determination as to whether or
3 not the defendant previously has been convicted of a
4 violation of subsection (a). The results of the determination
5 shall be transmitted to the police department obtaining the
6 fingerprints if the department is the prosecutor or to the
7 issuing authority if the prosecutor is other than a police
8 officer.

9 (3) The issuing authority may not proceed with the trial
10 or plea in summary until the issuing authority is in receipt
11 of the determination made by the Pennsylvania State Police.
12 The issuing authority shall use the information obtained
13 solely for the purpose of grading the offense under
14 subsection (b).

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