

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 941 Session of 2023

INTRODUCED BY PARKER, SANCHEZ, GIRAL, HOHENSTEIN, MADDEN, KINKEAD AND GREEN, APRIL 17, 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 firearms and other dangerous~~
3 ~~articles,~~ AMENDING TITLE 42 (JUDICIARY AND JUDICIAL <--
4 PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, IN
5 PARTICULAR RIGHTS AND IMMUNITIES, providing for parental
6 firearm liability for minor's negligence or willful
7 misconduct.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. ~~Title 18 of the Pennsylvania Consolidated~~ <--
11 ~~Statutes is amended by adding a section to read:~~

12 ~~§ 6129. Parental firearm liability for minor's negligence or~~
13 ~~willful misconduct.~~

14 ~~If a parent, guardian or other individual legally responsible~~
15 ~~for a minor under 18 years of age permits the minor to use or~~
16 ~~possess a firearm, any negligence or willful misconduct of the~~
17 ~~minor in connection with the use or possession of the firearm~~
18 ~~shall be imputed to the individual who permits the use or~~
19 ~~possession for all purposes of criminal penalties and civil~~
20 ~~damages, and, notwithstanding any other provision of law, that~~

1 ~~person is jointly and severally liable with the minor for any~~
2 ~~and all damages caused by the negligence or willful misconduct,~~
3 ~~if the parent, guardian or other individual legally responsible~~
4 ~~for the minor:~~

5 ~~(1) knows that the minor has previously been adjudicated~~
6 ~~delinquent or has been convicted of a criminal offense;~~

7 ~~(2) knows that the minor has a propensity to commit~~
8 ~~violent acts; or~~

9 ~~(3) has reason to know that the minor intends to use the~~
10 ~~firearm for unlawful purposes.~~

11 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED

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12 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

13 § 8328. PARENTAL FIREARM LIABILITY FOR MINOR'S NEGLIGENCE OR
14 WILLFUL MISCONDUCT.

15 IF A PARENT, GUARDIAN OR OTHER INDIVIDUAL LEGALLY RESPONSIBLE
16 FOR A MINOR UNDER 18 YEARS OF AGE PERMITS THE MINOR TO USE OR
17 POSSESS A FIREARM, NOTWITHSTANDING ANY OTHER PROVISION OF LAW,
18 THAT PERSON IS JOINTLY AND SEVERALLY LIABLE FOR ANY AND ALL
19 DAMAGES CAUSED BY THE NEGLIGENCE OR WILLFUL MISCONDUCT OF THE
20 MINOR IN CONNECTION WITH THE USE OR POSSESSION OF THE FIREARM IF
21 THE PARENT, GUARDIAN OR OTHER INDIVIDUAL LEGALLY RESPONSIBLE FOR
22 THE MINOR KNOWS OR HAS REASON TO KNOW THAT THE MINOR:

23 (1) HAS A PROPENSITY TO COMMIT UNLAWFUL VIOLENT ACTS;

24 (2) INTENDS TO USE THE FIREARM FOR UNLAWFUL PURPOSES; OR

25 (3) INTENDS TO DELIVER THE FIREARM TO A PERSON WHO
26 CANNOT LEGALLY POSSESS A FIREARM.

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