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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 431 Session of  
2023

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INTRODUCED BY SANTARSIERO, CAPPELLETTI, KEARNEY, HAYWOOD,  
STREET, FONTANA, COLLETT, KANE, TARTAGLIONE, COMMITTA, COSTA,  
L. WILLIAMS, MUTH AND DILLON, MARCH 14, 2023

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REFERRED TO JUDICIARY, MARCH 14, 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 safe storage of firearm when residing  
4 with a person not to possess a firearm; and imposing  
5 penalties.

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

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

10 § 6143. Safe storage of firearm when residing with a person not  
11 to possess a firearm.

12 (a) Storage requirements.--A person who owns a firearm and  
13 resides with a person who cannot legally possess a firearm shall  
14 secure the firearm:

15 (1) with a device that, if installed on a firearm and  
16 secured by means of a key or a mechanical, electronic or  
17 electromechanical combination lock, prevents the firearm from  
18 being discharged without first deactivating or removing the  
19 device;

1           (2) with a locking mechanism incorporated into the  
2 design of the firearm that prevents discharge of the firearm  
3 by an individual who does not have access to the key or other  
4 device designed to unlock the mechanism; or

5           (3) in a securely locked box or container or a location  
6 that a reasonable person would believe to be secure.

7           (b) Exception.--Subsection (a) shall not apply if a person  
8 carries a firearm:

9           (1) on the person's body; or

10           (2) within close enough proximity to the person's body  
11 that the person is able to retrieve and use the firearm as if  
12 the firearm were on the person's body.

13           (c) Penalties.--A person who violates subsection (a)  
14 commits:

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 is a second or subsequent offense.

19           (3) A felony of the third degree if:

20           (i) a person who cannot legally possess a firearm  
21 takes possession of the firearm; and

22           (ii) the firearm is used in the commission of a  
23 crime or used in an event that results in the injury or  
24 death of another person.

25           (d) Defenses.--It shall be a defense to prosecution under  
26 this section if any of the following apply:

27           (1) The firearm was secured in a manner described under  
28 subsection (a).

29           (2) The firearm was obtained as a result of an unlawful  
30 entry by any person.

1           (3) An injury resulted from a target or sport shooting  
2 accident or hunting accident.

3           (4) Possession of the firearm is incidental to the  
4 performance of the official duties of the United States Armed  
5 Forces, the Pennsylvania National Guard or the personnel of a  
6 Federal, State or local law enforcement agency.

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