

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 138 Session of 2019

INTRODUCED BY SANTARSIERO, JANUARY 31, 2019

REFERRED TO JUDICIARY, JANUARY 31, 2019

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 a firearm when not in  
 4 use.

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

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

9 § 6143. Safe storage of a firearm when not in use.

10 (a) Storage requirements.--A person who owns a firearm shall  
 11 secure the firearm:

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

17 (2) with a locking mechanism incorporated into the  
 18 design of the firearm that prevents discharge of the firearm  
 19 by an individual who does not have access to the key or other

1 device designed to unlock the mechanism; or

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

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

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

7 (2) within close enough proximity to the person's body  
8 that the person is able to retrieve and use the firearm as if  
9 the firearm was on the person's body.

10 (c) Penalties.--A person who violates subsection (a)  
11 commits:

12 (1) A summary offense with no term of imprisonment if  
13 the offense is a first offense.

14 (2) A misdemeanor of the third degree if the offense is  
15 a second or subsequent offense.

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

17 (i) another person takes possession of the firearm;  
18 and

19 (ii) the firearm is used in the commission of a  
20 crime or used in an event that results in the injury or  
21 death of another person.

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

24 (1) The firearm was secured in a manner described under  
25 subsection (a).

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

28 (3) An injury resulted from a target or sport shooting  
29 accident or hunting accident.

30 (4) Possession of the firearm is incidental to the

1 performance of the official duties of the United States Armed  
2 Forces, the Pennsylvania National Guard or the personnel of a  
3 Federal, State or local law enforcement agency.

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