
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 AND GREEN,
AUGUST 29, 2023

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 29, 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
15 reasonable person would believe to be secure.

16 (b) Grading.--

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

3 (i) Summary offense with no term of imprisonment
4 when the offense is a first offense.

5 (ii) Misdemeanor of the third degree when the
6 offense is a second or subsequent offense.

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

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

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

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

18 (3) The minor's possession of the firearm is incidental
19 to the performance of official duties of the United States
20 Armed Forces, the Pennsylvania National Guard or the
21 personnel of any Federal, State or local law enforcement
22 agency.

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

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

30 (d) Notice by retailer.--

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

3 It is unlawful to store or leave a firearm in any
4 place within the reach or easy access of a minor.

5 Should a minor be found in possession of a firearm,
6 the owner may be charged with a summary offense when
7 the offense is a first offense and a misdemeanor of
8 the third degree when the offense is a second or
9 subsequent offense. Should the firearm be used in the
10 commission of a crime or used in any event that
11 results in death or grievous injury, the owner may be
12 charged with a felony of the third degree.

13 (2) A violation of this subsection constitutes a
14 misdemeanor of the third degree.

15 (e) Fingerprinting.--

16 (1) Prior to the commencement of trial or entry of a
17 plea of a defendant of a summary offense under subsection (b)
18 (1)(i), the issuing authority shall order the defendant to
19 submit within five days of the order to fingerprinting by the
20 municipal police of the jurisdiction in which the offense
21 allegedly was committed or the Pennsylvania State Police.

22 (2) Fingerprints shall be forwarded immediately to the
23 Pennsylvania State Police for determination as to whether or
24 not the defendant previously has been convicted of a
25 violation of subsection (a). The results of the determination
26 shall be transmitted to the police department obtaining the
27 fingerprints if the department is the prosecutor or to the
28 issuing authority if the prosecutor is other than a police
29 officer.

30 (3) The issuing authority may not proceed with the trial

1 or plea in summary until the issuing authority is in receipt
2 of the determination made by the Pennsylvania State Police.
3 The issuing authority shall use the information obtained
4 solely for the purpose of grading the offense under
5 subsection (b).

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