

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 378 Session of
1995

INTRODUCED BY ROONEY, TRELLO, COY, COLAFELLA, D. R. WRIGHT,
VEON, M. COHEN, L. I. COHEN, MELIO, LaGROTTA, DALEY,
BATTISTO, PRESTON, THOMAS, CIVERA, BELFANTI, LAUGHLIN,
JOSEPHS, WOGAN AND YOUNGBLOOD, JANUARY 27, 1995

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the storage of firearms
3 within easy access of children; 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.--

10 (1) A person who stores or leaves a firearm on premises
11 under his control and who knows or reasonably should know
12 that a minor is likely to gain access to the firearm without
13 the lawful permission of the minor's parent or the person
14 having charge of the minor or without the supervision
15 required by law shall keep the firearm in a securely locked
16 box or container or in a location which a reasonable person
17 would believe to be secure or shall secure it with a trigger

1 lock, except when he is carrying the firearm on his body or
2 within such close proximity thereto that he can retrieve and
3 use it as easily and quickly as if he carried it on his body.

4 (2) A violation of this subsection only occurs when the
5 firearm was used in the commission of a crime.

6 (3) A violation of this subsection constitutes a
7 misdemeanor of the third degree.

8 (4) This subsection does not apply if the minor obtains
9 the firearm as a result of an unlawful entry by any person.

10 (b) Access resulting in injury or death.--

11 (1) A violation of subsection (a) resulting in the use
12 of a firearm by a minor and resulting in the injury or death
13 of any person constitutes a felony of the third degree.

14 (2) This subsection shall not apply in any of the
15 following circumstances:

16 (i) The firearm was stored or left in a securely
17 locked box or container or in a location which a
18 reasonable person would have believed to be secure or was
19 securely locked with a trigger lock.

20 (ii) The minor obtained the firearm as a result of
21 an unlawful entry by any person.

22 (iii) The injuries resulted from target or sport
23 shooting accidents or hunting accidents.

24 (iv) The minor's possession of a firearm was
25 incidental to the performance of official duties of the
26 United States Armed Forces, the Pennsylvania National
27 Guard or the personnel of any Federal, State or local law
28 enforcement agency.

29 (c) Notice by retailer.--

30 (1) Any person who offers for sale at retail any firearm

1 shall post in a conspicuous place the following notice:

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

4 (2) Any person who offers for sale at retail any firearm
5 shall notify the purchaser of the availability of a trigger
6 lock.

7 (3) A violation of paragraph (1) constitutes a
8 misdemeanor of the third degree.

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