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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 608 Session of  
2007

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INTRODUCED BY WATERS, BISHOP, BLACKWELL, DALEY, JAMES,  
W. KELLER, KIRKLAND, MELIO, MICOZZIE, MYERS, PARKER, PERRY  
AND YOUNGBLOOD, MARCH 6, 2007

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2007

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AN ACT

1 Providing for child firearm safety lock mechanisms.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Child Firearm  
6 Safety Lock Act.

7 Section 2. Purposes.

8 The purposes of this act are as follows:

9 (1) To promote the safe storage and use of handguns by  
10 consumers.

11 (2) To prevent unauthorized persons from gaining access  
12 to or use of a handgun, including children who may not be in  
13 possession of a handgun.

14 (3) To avoid hindering industry from supplying law-  
15 abiding citizens firearms for all lawful purposes, including  
16 hunting, self-defense, collecting and competitive or  
17 recreational shooting.

1 Section 3. Definitions.

2 As used in this act, the following words and phrases shall  
3 have the meanings given to them in this section:

4 "Licensee." Any licensed manufacturer, importer or dealer of  
5 firearms.

6 "Locking device." A device that, if installed on a firearm  
7 and secured by means of a key or a mechanically, electronically  
8 or electromechanically operated combination lock, prevents the  
9 firearm from being discharged without first deactivating or  
10 removing the device or a locking mechanism incorporated into the  
11 design of a firearm that prevents discharge of the firearm by  
12 any person who does not have access to the key or other device  
13 designed to unlock the mechanism.

14 Section 4. Locking device for firearms.

15 It shall be unlawful for any licensee to sell, deliver or  
16 transfer any firearm to any person other than another licensee  
17 unless the transferee is provided with or purchases a locking  
18 device for that firearm.

19 Section 5. Exceptions.

20 The following firearms are not subject to the provisions of  
21 this act:

22 (1) Firearms for transfer to or possession by any law  
23 enforcement officer employed by any Federal, State or local  
24 government entity or rail police employed and certified by a  
25 rail carrier as a police officer whether on or off duty.

26 (2) Firearms for transfer to any person if the firearm  
27 qualifies as an antique firearm under 18 Pa.C.S. § 6118  
28 (relating to antique firearms).

29 (3) Firearms for transfer to any person of a firearm for  
30 which a safety device is temporarily unavailable, provided

1 that the licensed manufacturer, licensed importer or licensed  
2 dealer delivers to the transferee within 14 calendar days  
3 from the date of the delivery of the firearm to the  
4 transferee a safety device for the firearm.

5 Section 6. Penalties.

6 Failure to comply with the provisions of this act may result  
7 in:

8 (1) Suspension or revocation of any license issued to a  
9 licensee.

10 (2) A civil penalty for any licensee in an amount equal  
11 to but not more than \$10,000.

12 Section 7. Civil immunity.

13 A person who has lawful possession and control of a firearm  
14 and who uses a safety device with the firearm shall be entitled  
15 to immunity from civil liability for damages resulting from the  
16 criminal or unlawful misuse of the firearm by a third party if:

17 (1) the firearm was accessed by another person who did  
18 not have the permission or authorization of the person having  
19 lawful possession and control of the firearm to have access  
20 to it; and

21 (2) at the time access was gained by the person not so  
22 authorized, the firearm had been made inoperable by use of a  
23 safety device.

24 Section 8. Effective date.

25 This act shall take effect in 60 days.