

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1070 Session of
2009

INTRODUCED BY WATERS, YOUNGBLOOD, PARKER, M. O'BRIEN AND
DENLINGER, MARCH 24, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 2009

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 with firearms for all lawful purposes,
16 including hunting, self-defense, collecting and competitive
17 or 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 for which a
30 safety device is temporarily unavailable, provided that the

1 licensed manufacturer, licensed importer or licensed dealer
2 delivers to the transferee within 14 calendar days of the
3 original date of the delivery of the firearm a safety device
4 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 of not more than
11 \$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.