

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1433 Session of  
2011

INTRODUCED BY BRIGGS, BRENNAN, FRANKEL, JOSEPHS, M. O'BRIEN,  
SANTARSIERO, SWANGER AND YOUNGBLOOD, MAY 3, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for the offense of access to  
3 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.--

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 shall keep the firearm in a  
15 securely locked box or container or in a location which a  
16 reasonable person would believe to be secure.

17 (2) This subsection does not apply if the minor obtains  
18 a firearm as a result of an unlawful entry by any person.

1     (b) Grading.--

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

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

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

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

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

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

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

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

23             (4) The minor's possession of a 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 his body.

30    (d) Notice by retailer.--

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

3       It is unlawful to store or leave a firearm in any place  
4       within the reach or easy access of a minor. Should a  
5       minor be found in possession of a firearm, the owner may  
6       be charged with a summary offense when the offense is a  
7       first offense and a misdemeanor of the third degree when  
8       the offense is a second or subsequent offense. Should the  
9       firearm be used in the commission of a crime or used in  
10       any event that results in death or grievous injury, the  
11       owner may be charged with a felony of the third degree.

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

14       (e) Fingerprinting.--Prior to the commencement of trial or  
15       entry of a plea of a defendant of the summary offense, the  
16       issuing authority shall order the defendant to submit within  
17       five days of such order to fingerprinting by the municipal  
18       police of the jurisdiction in which the offense allegedly was  
19       committed or the Pennsylvania State Police. Fingerprints shall  
20       be forwarded immediately to the Pennsylvania State Police for  
21       determination as to whether or not the defendant previously has  
22       been convicted of a violation of subsection (a). The results of  
23       the determination shall be transmitted to the police department  
24       obtaining the fingerprints if the department is the prosecutor  
25       or to the issuing authority if the prosecutor is other than a  
26       police officer. The issuing authority shall not proceed with the  
27       trial or plea in summary until the issuing authority is in  
28       receipt of the determination made by the Pennsylvania State  
29       Police. The magisterial district judge shall use the information  
30       obtained solely for the purpose of grading the offense under

1 subsection (b).

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