



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 731

PRINTER'S NO. 1091

PRIME SPONSOR: Parker

COST / (SAVINGS)

| FUND | FY 2022/23 | FY 2023/24 |
|--------------|------------|-------------------|
| General Fund | \$0 | See Fiscal Impact |
| County Funds | | See Fiscal Impact |

SUMMARY:

Amends Title 18 (the Uniform Firearms Act) to require that all firearms sold by a licensed dealer of firearms include a locking device and to require that firearms are safely stored when not in use.

ANALYSIS:

House Bill 731, Printer's Number 1091 expands the list of firearms that are required to be sold with locking devices to include long guns and frame/receivers. Currently only handguns are required to be sold with a locking device. The bill also creates safe storage requirements for firearms when not in use.

The section imposes penalties for failing to secure a firearm when not in use. A first offense is a summary offense with no term of imprisonment or fine. A second or subsequent offense is a misdemeanor of the third degree and is punishable by up to one year imprisonment and/or a \$2,500 fine. If a person takes possession of a firearm that is not properly stored and uses the firearm in the commission of a crime, it is a felony of the third degree. A felony of the third degree is punishable by up to seven years of imprisonment and/or a \$15,000 fine.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT:

Revenue from Sales and Use Tax (SUT)

The Department of Revenue was unable to estimate what the impact on Pennsylvania's Sales and Use Tax would be as a result of this legislation. SUT revenue could be generated in two ways. First, from the purchase of locks or safes to secure already purchased firearms and second from the purchase of locks to accompany new gun purchases. Without data on what percentage of firearms are already stored with a locking device, it is difficult to estimate how many devices would need to be purchased.

It is similarly difficult to estimate the SUT impact of gun lock sales with new gun purchases. According to the 2021 Pennsylvania State Police annual firearms report¹, there were 412,135 long gun transactions and 33,942 frame/receiver transactions in 2021. Under current law, there is no requirement that a gun lock be purchased with a long gun or receiver. It is difficult to estimate the additional SUT revenue that would be generated due to this legislation because gun locks range in price from cheap (approximately \$6 for a gunlock cable) to expensive (\$40-\$200 for a lock box). It is also unknown how many gun locks are currently purchased alongside a long gun or receiver.

New Offenses

Data are not available to reliably estimate how many individuals may be convicted and sentenced for this new offense. Therefore, its potential fiscal impact on the Commonwealth is indeterminate.

It should be noted that the marginal annual cost to incarcerate an additional inmate in a state correctional institution was \$15,213 in FY 2021/22. This cost assumes that fewer than 300 additional individuals were incarcerated. The average annual cost to incarcerate someone in a state correctional institution in 2022 was \$59,598. Offenders with a maximum sentence of less than two years are typically sent to a county jail. Marginal costs are not available for county facilities, but the average annual cost to incarcerate someone in a county jail in 2022 was \$43,701.

Any revenue generated by fines in this section would be distributed to counties depending on the location of the penalty pursuant to 42 Pa.C.S. § 3572.

PREPARED BY: Bradley Keen
House Appropriations Committee (D)

DATE: May 16, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.

¹ https://www.psp.pa.gov/firearms-information/Firearms%20Annual%20report/Pennsylvania_State_Police_2021_Firearms_Annual_Report.pdf