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## Senate of Pennsylvania

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**TO:** All Senators

**DATE:** December 20, 2010

**FROM:** Senator Michael J. Stack

Handwritten signature of Michael J. Stack in black ink.

**SUBJECT:** Co-Sponsorship of Legislation

An accidental shooting occurred in my Senate District after a group of teenagers found a gun in an unlocked drawer at the home of one of the teens. The gun was unintentionally discharged resulting in the death of one teenager and the wounding of another. This incident was preceded by another incident in Philadelphia where one child was fatally wounded after finding a loaded firearm in a friend's home.

In response to these two incidents, **I am reintroducing Senate Bill 1012 of the 2009-10 Session** to create a safe storage gun law. These laws are also called Child Access Prevention (CAP) laws. The legislation will require adults to either store guns in a place that is reasonably inaccessible to children or to use a device to lock the gun. The legislation is similar to CAP laws that are already in place in 18 states including Florida, Texas, and Delaware.

The legislation will make it a summary offense to store or leave a firearm within the reach or easy access of a minor if the child gains access to the gun. The punishment will increase to a third-degree misdemeanor if the firearm is loaded and it will be a third-degree felony if the firearm is loaded and results in an injury to the child or another person.

These penalties will not apply if the gun owner has taken steps to secure the firearm by locking it in a container, box, or using a trigger lock. Exemptions will also be provided if a minor's possession of a firearm is under adult supervision, while engaged in hunting, sporting, or other lawful purposes; injuries result from target or sport shooting accidents or hunting accidents; the minor obtains the firearm as a result of an unlawful entry by any person; the minor's possession of a firearm is incidental to the performance of the official duties of the United States Armed Forces, the Pennsylvania National Guard, or the personnel of any Federal, State, or local law enforcement agency.

**OVER**

The legislation will also require firearm retailers to post at each purchase counter a sign that states: "IT IS UNLAWFUL TO STORE OR LEAVE A FIREARM IN ANY PLACE WITHIN THE REACH OR EASY ACCESS OF A MINOR".

A recent Harvard study confirmed CAP laws that provide for felony-level penalties are effective in decreasing unintentional firearm deaths of children, and a Johns Hopkins study found that CAP laws significantly decreased adolescent suicide rates. According to a 2009 Brady Center report, it is estimated that 2,200 children and teens are injured or killed each year by a handgun in an unintentional shooting or a suicide attempt. This report also revealed other disturbing statistics:

- 22 million (34%) of U.S. children live in homes with firearms
- 43% of these households have at least one unlocked firearm
- 13%, or 1.1 million homes housing 2.6 million children, keep their guns both unlocked and loaded or unlocked and stored with ammunition
- 12% of handgun owners with children in their homes store a gun both loaded and unlocked (Senturia, p. 267).

**Previous co-sponsors included Senators Costa, Farnese, Fontana, Hughes, Kitchen, Leach, Musto, Stout and Washington.**

If you have any questions or would like to co-sponsor the legislation, please contact my office at 7-9608.