

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 20

Session of
2007

INTRODUCED BY D. EVANS, GERBER, CALTAGIRONE, JAMES, MYERS,
WHEATLEY, WILLIAMS, BENNINGTON, BISHOP, COHEN, CRUZ, CURRY,
FRANKEL, GALLOWAY, JOSEPHS, KIRKLAND, LEACH, M. O'BRIEN,
PASHINSKI AND ROEBUCK, JANUARY 30, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

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 or without the supervision
15 required by law shall:

16 (i) keep the firearm in a securely locked box or
17 container or in a location which a reasonable person

1 would believe to be secure; or

2 (ii) secure the firearm with a trigger lock, except
3 when he is carrying the firearm on his body or within
4 such close proximity thereto that he can retrieve and use
5 it as easily and quickly as if he carried it on his body.

6 (2) A violation of this subsection only occurs if the
7 firearm so stored or left on the premises is used in the
8 commission of a crime.

9 (3) This subsection does not apply if the minor obtains
10 the firearm as a result of an unlawful entry by any person.

11 (b) Grading.--

12 (1) Except as otherwise provided in paragraph (2), a
13 violation of subsection (a) constitutes a misdemeanor of the
14 third degree.

15 (2) (i) A violation of subsection (a) that results in
16 the use of a firearm by a minor and the injury or death
17 of any person constitutes a felony of the third degree.

18 (ii) This paragraph shall not apply in any of the
19 following circumstances:

20 (A) The firearm is stored or left in a securely
21 locked box or container or in a location which a
22 person would reasonably believe to be secure or is
23 securely locked with a trigger lock.

24 (B) The minor obtains the firearm as a result of
25 an unlawful entry by any person.

26 (C) The injuries result from target or sport
27 shooting accidents or hunting accidents.

28 (D) The minor's possession of a firearm is
29 incidental to the performance of official duties of
30 the United States Armed Forces, the Pennsylvania

1 National Guard or the personnel of any Federal, State
2 or local law enforcement agency.

3 (c) Notice by retailer.--

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

6 It is unlawful to store or leave a firearm in any
7 place within the reach or easy access of a minor.

8 (2) Any person who offers for sale at retail any firearm
9 shall notify the purchaser of the availability of a trigger
10 lock.

11 (3) A violation of paragraph (1) constitutes a
12 misdemeanor of the third degree.

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