
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 291 Session of
2007

INTRODUCED BY YOUNGBLOOD, CRUZ, THOMAS, CURRY, WATERS, BISHOP,
PARKER AND JOSEPHS, FEBRUARY 7, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing a safety performance
3 standard for the manufacture of handguns, for the forfeiture
4 of certain handguns and for enforcement relating to a safety
5 standard for handguns; imposing penalties; and conferring
6 powers and imposing duties on the Pennsylvania State Police.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Chapter 61 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subchapter to read:

11 SUBCHAPTER D

12 HANDGUN SAFETY STANDARDS

13 Sec.

14 6181. Definitions.

15 6182. Safety standard.

16 6183. Enforcement.

17 6184. Exemptions.

18 6185. Penalties.

19 § 6181. Definitions.

1 The following words and phrases when used in this subchapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Antique firearm." Either of the following:

5 (1) A firearm, including a firearm with a matchlock,
6 flintlock, percussion cap or similar type of ignition system,
7 manufactured in or before 1898.

8 (2) A replica of a firearm described in paragraph (1) if
9 the replica:

10 (i) is not designed or redesigned for using rimfire
11 or conventional center fire fixed ammunition; or

12 (ii) uses rimfire or conventional center fire fixed
13 ammunition which is no longer manufactured in the United
14 States and which is not readily available in the ordinary
15 channels of commercial trade.

16 "Authorized user." A person who owns a handgun or a person
17 to whom the owner has given consent to use the handgun.

18 "Handgun." A firearm which has a short stock and is designed
19 to be held and fired by the use of a single hand and any
20 combination of parts from which a firearm can be assembled.

21 "Handgun manufacturer." A person engaged in the business of
22 manufacturing handguns for the purpose of sale or distribution.

23 "Pawnbroker." A person whose business or occupation includes
24 the taking or receiving, by the way of pledge or pawn, any
25 firearm as security for the payment or repayment of money.

26 "Person." An individual, corporation, company, association,
27 firm, partnership, society or joint stock company.

28 "Safety standard." The handgun safety performance standard
29 described in section 6182 (relating to safety standard).

30 "Seller" or "dealer." A person:

1 (1) engaged in the business of selling firearms at
2 wholesale or retail;

3 (2) engaged in the business of repairing firearms or of
4 making or fitting special barrels, stocks or trigger
5 mechanisms to firearms; or

6 (3) who is a pawnbroker.

7 § 6182. Safety standard.

8 (a) Scope.--This section applies to all handguns
9 manufactured, possessed, sold, offered for sale, traded,
10 transferred, shipped, leased, distributed or acquired within
11 this Commonwealth.

12 (b) Requirements.--The Pennsylvania State Police shall
13 promulgate regulations prescribing a handgun safety performance
14 standard. The safety standard shall include, but not be limited
15 to, the following requirements:

16 (1) A handgun shall be personalized so that it can only
17 be fired when operated by that handgun's authorized user or
18 users.

19 (2) The technology establishing personalized handguns
20 shall be incorporated into the design of a handgun and be
21 part of its original equipment and not an accessory.

22 (3) No personalized handgun may be manufactured to
23 permit the personalized characteristics to be readily
24 deactivated.

25 (c) Formulation of testing procedures.--The Pennsylvania
26 State Police shall formulate the necessary testing procedure to
27 determine if a handgun complies with the safety standard.

28 (d) Designation of testing laboratories.--The Commissioner
29 of Pennsylvania State Police shall designate one or more
30 independent laboratories for determining whether handguns comply

1 with the safety standard. The laboratories shall use the test
2 method formulated by the Pennsylvania State Police to determine
3 compliance.

4 (e) Handgun manufacturer's compliance.--

5 (1) In accordance with subsection (b), handgun
6 manufacturers wishing to manufacture, sell, offer for sale or
7 transfer handguns in this Commonwealth shall submit a
8 prototype of the handgun model for testing, at the
9 manufacturer's cost, to one of the independent laboratories
10 designated by the Pennsylvania State Police.

11 (2) The laboratory shall issue a report directly to the
12 Pennsylvania State Police and a copy to the manufacturer
13 indicating whether the submitted handgun met or did not meet
14 the safety standard. If the submitted handgun did not meet
15 the safety standard, the report shall describe the reasons
16 therefor.

17 (3) If the handgun model fails to meet the safety
18 standard it shall be unlawful for it to be manufactured,
19 possessed, sold, offered for sale, traded, transferred,
20 shipped, leased, distributed or acquired by anyone in this
21 Commonwealth until:

22 (i) It has been modified to meet the safety
23 standard.

24 (ii) It has passed the independent laboratory test
25 on resubmission.

26 (4) If the handgun model meets the safety standard, the
27 Pennsylvania State Police shall issue a certificate stating
28 that the handgun model meets the safety standard; and the
29 words, "certified personalized handgun" or an equivalent
30 label, as established by the Pennsylvania State Police shall

1 be imprinted on the approved handguns at the manufacturer's
2 expense.

3 (5) Once a handgun model is deemed to meet the safety
4 standard, the manufacturer, seller or possessor may not alter
5 the design of the handgun in any manner affecting the safety
6 of the handgun.

7 § 6183. Enforcement.

8 (a) Noncompliant handguns prohibited.--On or after four
9 years from the date of the adoption of the original safety
10 standard by the Pennsylvania State Police, no handgun that fails
11 to meet the standard may be manufactured, possessed, sold,
12 offered for sale, traded, transferred, shipped, leased,
13 distributed or acquired in this Commonwealth.

14 (b) Seizure.--If a police officer, during the course of
15 official duties and operating within existing constitutional
16 constraints on police searches and seizures, discovers a handgun
17 which under the provisions of this subchapter does not meet the
18 safety standard, the officer shall take possession of the
19 handgun. The handgun shall be forfeited to the Commonwealth and
20 shall be destroyed.

21 (c) Enjoining violators.--The Attorney General shall bring
22 an action on behalf of the Commonwealth against a seller,
23 manufacturer or possessor of handguns to enjoin further
24 violations of this subchapter and for such other relief as may
25 be appropriate.

26 § 6184. Exemptions.

27 The following handguns are exempt from this subchapter:

28 (1) Antique handguns legally purchased or acquired in
29 accordance with current laws.

30 (2) Handguns manufactured prior to four years from the

1 date of the adoption of the original safety standard.
2 However, such handguns may not be sold, offered for sale,
3 traded, transferred, shipped, leased or distributed by
4 dealers after four years from the date of the adoption of the
5 original safety standard.

6 (3) Handguns purchased by police departments, sheriffs
7 and law enforcement officers and members of the armed forces
8 of the United States and all components of the armed forces,
9 including reserve and Pennsylvania National Guard forces.

10 (4) Handguns possessed by law enforcement officers on
11 official assignment in this Commonwealth from any state which
12 by agreement permits police officers from this Commonwealth
13 while on assignment in that state to carry firearms without
14 registration.

15 (5) Handguns that are a part of the official equipment
16 of any Federal agency.

17 § 6185. Penalties.

18 (a) Penalty for violation.--A person who violates this
19 subchapter by manufacturing, possessing, selling, offering for
20 sale, trading, transferring or acquiring a handgun that has not
21 been certified by an independent testing laboratory as meeting
22 the safety standard and does not fall within the exemptions
23 stated in this subchapter commits a felony of the third degree.

24 (b) Penalty for altering personalized handguns.--A person
25 who violates this subchapter by altering the personalized
26 characteristics of a handgun manufactured, possessed, sold,
27 offered for sale, traded, transferred, shipped, leased,
28 distributed or acquired after four years from the date of the
29 adoption of the original safety standard commits a felony of the
30 third degree.

1 (c) Entities subject to penalty.--The penalties set forth in
2 this section apply to all public and private manufacturers,
3 possessors, sales, offers for sale, trades, transfers,
4 shipments, leases, distributions or acquisitions of handguns.

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