

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1012 Session of
2009

INTRODUCED BY STACK, FONTANA, STOUT, WASHINGTON, HUGHES, MUSTO,
KITCHEN, COSTA, FARNESE AND LEACH, JULY 10, 2009

REFERRED TO JUDICIARY, JULY 10, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, defining the offense of
3 providing minors access to firearms; and prescribing
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6302.1. Minor's access to firearms.

10 (a) Storage requirements.--A person who stores or leaves a
11 firearm on a premises within the reach or easy access of a minor
12 without the supervision required by law shall:

13 (1) keep the firearm in a securely locked box or
14 container; or

15 (2) secure the firearm with a trigger lock, except when
16 the person carries the firearm on his body or within such
17 close proximity thereto that the person is able to retrieve
18 and use it as easily and quickly as if carrying it on his
19 body.

1 (b) Penalties.--A person who violates subsection (a)
2 commits:

3 (1) A summary offense, if the minor takes possession of
4 the firearm.

5 (2) A misdemeanor of the third degree, if the minor
6 takes possession of the firearm and the firearm is loaded.

7 (3) A felony of the third degree, if the minor takes
8 possession of the firearm and the firearm is loaded and is
9 used to inflict injury or death upon himself or any other
10 person.

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

13 (1) The firearm was stored or left in a securely locked
14 box or container, in a location a reasonable person would
15 have believed to be secure or was securely locked with a
16 trigger lock.

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 under adult
20 supervision while engaged in hunting, sporting or other
21 lawful purposes.

22 (4) Injuries result from target or sport shooting
23 accidents or hunting accidents.

24 (5) The minor's possession of the firearm is incidental
25 to the performance of the official duties of the United
26 States Armed Forces, the Pennsylvania National Guard or the
27 personnel of any Federal, State or local law enforcement
28 agency.

29 (6) The minor's parent or the person having charge of
30 the minor granted permission to the minor to access the

1 firearm.

2 (d) Notice by retailer.--Any person who offers for sale at
3 retail any firearm shall post in a conspicuous place the
4 following notice:

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

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