

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 281 Session of
2023

INTRODUCED BY MUTH, COMITTA, SCHWANK, HAYWOOD, FONTANA, COLLETT,
DILLON, COSTA, KEARNEY, TARTAGLIONE AND SAVAL,
JANUARY 31, 2023

REFERRED TO JUDICIARY, JANUARY 31, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for firearm safety certificate and
4 establishing the Firearm Safety and Enforcement Fund.

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

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

9 SUBCHAPTER E

10 FIREARM SAFETY CERTIFICATE

11 Sec.

12 6191. Legislative intent.

13 6192. Definitions.

14 6193. Firearm safety certificate.

15 6194. Pennsylvania State Police.

16 6195. Issuance of firearm safety certificate and objective test
17 and fees.

18 6196. Violations and penalties.

1 6197. Immunity from liability.

2 § 6191. Legislative intent.

3 It is the intent of the General Assembly to:

4 (1) Promote safe and responsible firearm ownership.

5 (2) Require first-time purchasers of firearms to have a
6 basic familiarity with and understanding of firearm use and
7 operation.

8 (3) Ensure that first-time purchasers of firearms
9 understand the fundamental legal aspects of firearm
10 possession, carry and use, including self-defense and the
11 restrictions on the use of deadly force.

12 (4) Ensure that first-time purchasers of firearms know
13 and understand how to safely store and handle firearms.

14 § 6192. Definitions.

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

18 "Applicant." An individual seeking a firearm safety
19 certificate.

20 "Certificate" or "firearm safety certificate." A certificate
21 issued by the Pennsylvania State Police in accordance with this
22 subchapter indicating that the holder has successfully completed
23 firearm safety training.

24 "Certified instructor" or "instructor." A person certified
25 as a firearm safety instructor under this subchapter.

26 "Firearm." As defined in section 6111(f)(1) (relating to
27 sale or transfer of firearms).

28 "Firearm capable of being concealed upon the person." The
29 term applies to and includes a firearm that is capable of being
30 concealed or in any way hidden or confined upon a person.

1 "First firearm." The first firearm that a person purchases,
2 receives or owns in the person's lifetime.

3 "Fund." The Firearm Safety and Enforcement Fund established
4 under section 6195 (relating to issuance of firearm safety
5 certificate and objective test and fees).

6 "Handgun." A pistol or revolver or other firearm capable of
7 being concealed upon the person.

8 "Law enforcement agency." The term includes the following:

9 (1) The Pennsylvania State Police.

10 (2) A municipal police department.

11 (3) The Office of Attorney General.

12 (4) The Federal Bureau of Investigation or other Federal
13 law enforcement agency.

14 (5) A police department of another state or
15 jurisdiction.

16 "Law enforcement official." The term includes the following:

17 (1) The Attorney General and authorized employees.

18 (2) A district attorney of a county and authorized
19 employees.

20 (3) A Pennsylvania State Police trooper.

21 (4) A municipal police officer.

22 (5) A Federal law enforcement officer or agent who is
23 authorized to possess or carry a concealed firearm in any
24 jurisdiction in the United States.

25 "Written authorization." The verifiable written
26 certification from the head of a law enforcement agency by which
27 the purchaser or transferee of a firearm is employed,
28 identifying the employee as an individual authorized to conduct
29 the transaction and authorizing the transaction for the
30 exclusive use of the law enforcement agency by which that person

1 is employed.

2 § 6193. Firearm safety certificate.

3 (a) Certificate required.--Notwithstanding any provision of
4 this chapter or any other law or regulation, a person may not:

5 (1) Purchase or receive a first firearm, except an
6 antique firearm as defined in section 6118 (relating to
7 antique firearms) or a firearm that is a curio or relic, as
8 defined in 27 CFR 478.11 (relating to meaning of terms),
9 without a valid firearm safety certificate.

10 (2) Sell, deliver, loan or transfer a firearm, except an
11 antique firearm or a firearm that is a curio or relic under
12 27 CFR 478.11, to a person who does not have a valid firearm
13 safety certificate.

14 (b) Exceptions to firearm safety certificate requirement.--
15 Notwithstanding subsection (a), the following persons shall be
16 exempt from the firearm safety certificate requirement under
17 subsection (a):

18 (1) A law enforcement official.

19 (2) An active or honorably retired peace officer as
20 defined in section 501 (relating to definitions).

21 (3) An active or honorably retired Federal law
22 enforcement officer or agent.

23 (4) A person who has successfully completed municipal
24 police officers' education and training in accordance with 53
25 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
26 education and training).

27 (5) A firearm dealer licensed in accordance with
28 sections 6112 (relating to retail dealer required to be
29 licensed) and 6113 (relating to licensing of dealers) who is
30 acting in the course and scope of his or her activities as a

1 licensed dealer.

2 (6) An active or honorably retired member of the United
3 States Armed Forces or a reserve component of the United
4 States Armed Forces as defined in 10 U.S.C. § 101 (relating
5 to definitions).

6 (c) Certain exemption by operation of law.--The following
7 persons who take title or possession of a firearm by operation
8 of law in a representative capacity, until or unless they
9 transfer title ownership of the firearm to themselves in a
10 personal capacity, shall be exempt from the requirements of
11 subsection (a):

12 (1) The executor or administrator of an estate.

13 (2) A secured creditor or an agent or employee of a
14 secured creditor when a firearm is possessed as collateral
15 for, or as a result of, a default under a security agreement
16 under 13 Pa.C.S. (relating to commercial code).

17 (3) A writ server who is directed to execute a writ or
18 serve other court documents under 42 Pa.C.S. (relating to
19 judiciary and judicial procedure).

20 (4) A receiver performing the functions of a receiver
21 under the laws of this Commonwealth.

22 (5) A trustee in bankruptcy performing the duties of a
23 trustee.

24 (6) An assignee for the benefit of creditors performing
25 the functions of an assignee.

26 (d) Holder of hunting license.--A person who holds a valid
27 unexpired hunting license which was issued for the hunting
28 season immediately preceding the calendar year in which the
29 person receives or takes possession of a firearm shall be exempt
30 from the requirements of subsection (a), except as to a firearm

1 as defined in section 6102 (relating to definitions), provided
2 that the person has received training that includes the
3 requirements included in section 6194(d) (relating to
4 Pennsylvania State Police).

5 (e) Law enforcement exemption.--This section does not apply
6 to a sale, delivery or transfer of firearms made to a law
7 enforcement official representing a law enforcement agency for
8 the exclusive use by that law enforcement agency if, prior to
9 the sale, delivery or transfer of the firearms, written
10 authorization from the head of the law enforcement agency
11 authorizing the transaction is presented to the person from whom
12 the purchase, delivery or transfer is being made.

13 § 6194. Pennsylvania State Police.

14 (a) Administration and enforcement.--The Pennsylvania State
15 Police shall administer and enforce the provisions of this
16 subchapter.

17 (b) Duties of Pennsylvania State Police.--To carry out the
18 provisions of this subchapter, the Pennsylvania State Police
19 shall:

20 (1) Develop a program for the certification of persons
21 to provide firearm safety instruction to individuals seeking
22 firearm safety certification in accordance with the
23 provisions of this subchapter.

24 (2) Develop a firearm safety manual and make the manual
25 available to firearm dealers licensed under sections 6112
26 (relating to retail dealer required to be licensed) and 6113
27 (relating to licensing of dealers). Each firearm dealer shall
28 make the manual available to the general public. A firearm
29 dealer may make the manual available to the public by
30 including the manual or essential portions of the manual in a

1 pamphlet developed by the dealer that summarizes the
2 Commonwealth's firearms law, by posting the manual or
3 essential portions of the manual on the dealer's publicly
4 accessible Internet website or by providing a link to the
5 Pennsylvania State Police's publicly accessible Internet
6 website on the dealer's publicly accessible Internet website.

7 (3) Establish a link on its publicly accessible Internet
8 website for dealers and other persons to download the firearm
9 safety manual.

10 (4) Develop audiovisual materials for use by certified
11 instructors to conduct firearm safety training.

12 (5) Solicit input from a reputable association or
13 organization, including a law enforcement association that
14 has as one of its objectives the promotion of firearm safety,
15 in the development of audiovisual materials and other
16 instructional materials.

17 (6) Prescribe a minimum level of skill, knowledge and
18 competency to be required of all certified instructors.

19 (7) Develop guidelines to govern the certification of
20 persons as firearm safety training instructors.

21 (8) Develop guidelines to govern the issuance and
22 renewal of firearm safety certificates.

23 (9) Develop a written objective test, prescribe the
24 objective test's content and the form and manner in which the
25 objective test may be administered by certified instructors
26 and make the objective test available to certified
27 instructors. The Pennsylvania State Police may establish a
28 secure link on its publicly accessible Internet website for
29 certified instructors or other authorized persons to download
30 the objective tests.

1 (10) Develop procedures for the oral administration of
2 the objective test to persons with disabilities or language
3 barriers.

4 (11) Update objective test materials for firearm safety
5 training when determined appropriate, but not less than once
6 every five years.

7 (12) Require licensed dealers or employees of licensed
8 dealers who are also certified instructors under this
9 subchapter to designate a separate room or partitioned area
10 for a person to take the objective test and maintain adequate
11 supervision to ensure that no acts of collusion occur while
12 the objective test is being administered.

13 (c) Certification of instructors.--

14 (1) The Pennsylvania State Police shall certify persons
15 as firearm safety training instructors in this Commonwealth.

16 (2) The Pennsylvania State Police may require applicants
17 for certification as instructors in this Commonwealth to have
18 prior certification or firearm training from one of the
19 following agencies or organizations:

20 (i) The Federal Law Enforcement Training Center of
21 the United States Department of Homeland Security,
22 Firearm Instructor Training Program, range master
23 training or other Federal weapons training program as
24 determined by the Pennsylvania State Police.

25 (ii) The Pennsylvania State Police or a municipal
26 police department of this Commonwealth or of another
27 state, as approved by the Pennsylvania State Police.

28 (iii) A United States Armed Forces marksmanship or
29 weapons training instructor program, provided, however,
30 that a person's assignment as a range officer or safety

1 officer shall not be deemed sufficient for training
2 purposes.

3 (iv) The National Rifle Association or a sportsmen
4 or gun club.

5 (v) The Municipal Police Officers' Education and
6 Training Commission established under 53 Pa.C.S. Ch. 21
7 Subch. D (relating to municipal police education and
8 training).

9 (vi) An accredited institution of higher education
10 in this Commonwealth that offers a class or course of
11 study in firearm training or safety.

12 (3) Nothing in this subsection shall be construed to
13 preclude the Pennsylvania State Police from automatically
14 certifying a person as a certified instructor, provided that
15 the person applying for the certification holds a valid
16 firearm safety certificate or firearms or weapons instructor
17 certification from an agency or organization under paragraph
18 (2).

19 (d) Content of objective test.--The objective test developed
20 by the Pennsylvania State Police for firearm safety
21 certification shall include the following:

22 (1) The laws applicable to carrying and handling
23 firearms in this Commonwealth, particularly a firearm that is
24 a handgun.

25 (2) The responsibilities of ownership of firearms,
26 particularly a firearm that is a handgun.

27 (3) Provisions of law that relate to the private sale
28 and transfer of firearms.

29 (4) Provisions of law that relate to the permissible use
30 of lethal force.

1 (5) What constitutes safe storage of firearms.

2 (6) Issues associated with bringing firearms into a home
3 with children, especially a firearm that is a handgun.

4 (7) Harm prevention strategies to address issues
5 associated with bringing firearms into a home, including
6 domestic violence issues and teen suicide.

7 (8) Certification that the applicant has viewed
8 audiovisual materials concerning:

9 (i) Safe interaction with law enforcement when the
10 person is carrying a concealed firearm.

11 (ii) Road rage incidents when the person is carrying
12 a concealed firearm.

13 (e) Firearm safety certificate.--The Pennsylvania State
14 Police shall develop a firearm safety certificate to be issued
15 by certified instructors to persons seeking firearm safety
16 certification and who successfully passed a firearm safety
17 objective test in accordance with the requirements of this
18 subchapter. A firearm safety certificate shall include the
19 following:

20 (1) A unique firearm safety certificate identification
21 number.

22 (2) The holder's full name and date of birth.

23 (3) The holder's driver's license number or State
24 identification card number.

25 (4) The holder's signature.

26 (5) The signature of the issuing instructor.

27 (6) The date of issuance and expiration.

28 § 6195. Issuance of firearm safety certificate and objective
29 test and fees.

30 (a) Compliance required for issuance.--A certified

1 instructor may not issue a firearm safety certificate to a
2 person who has not complied with this subchapter. Proof of
3 compliance shall be forwarded to the Pennsylvania State Police
4 by certified instructors in the form and manner and at the times
5 as the Pennsylvania State Police shall prescribe.

6 (b) Objective test required.--

7 (1) An applicant for a firearm safety certificate shall
8 successfully pass the objective test developed by the
9 Pennsylvania State Police in accordance with section 6194(d)
10 (relating to Pennsylvania State Police) with a passing grade
11 of at least 80%.

12 (2) An instructor shall offer additional instructional
13 materials to an applicant who fails to pass the objective
14 test on the first attempt. The instructional materials shall
15 include the firearm safety manual, a videotape or
16 instructional materials as may be approved by the
17 Pennsylvania State Police.

18 (3) A person may not retake the objective test under any
19 circumstances until 24 hours have elapsed after the failure
20 to pass the objective test on the first attempt.

21 (4) A person failing the objective test on the first
22 attempt shall take another version of the objective test on
23 the second attempt.

24 (5) A person who fails the objective test on a second
25 attempt may not retake the objective test until five days
26 have elapsed after failure to pass the objective test on the
27 second and each subsequent attempt.

28 (6) When feasible, all objective tests shall be retaken
29 from the same instructor except upon permission by the
30 Pennsylvania State Police, which shall be granted only for

1 good cause shown.

2 (7) The instructor shall be available to the applicant
3 during regular business hours in order for the applicant to
4 retake the objective test.

5 (c) Issuance of certificate.--

6 (1) A person receiving a passing grade on the objective
7 test in accordance with subsection (b)(1) shall immediately
8 be issued a firearm safety certificate by the certified
9 instructor.

10 (2) A certified instructor may not issue a firearm
11 safety certificate to a person who is under 18 years of age.

12 (3) In the case of the loss or destruction of a firearm
13 safety certificate, the issuing instructor or the
14 Pennsylvania State Police shall issue a duplicate certificate
15 upon request and proof of identification to the certificate
16 holder.

17 (d) Fees.--

18 (1) A certified instructor may charge a fee of \$30 for
19 in-person instruction and may charge \$5 for online
20 instruction under this subchapter.

21 (2) From the fee charged under paragraph (1), \$5 of the
22 in-person instruction fee and \$1 of the online instruction
23 fee for instruction under this subchapter and issuance of a
24 firearm safety certificate shall be remitted to the
25 Pennsylvania State Police for deposit into the fund in
26 accordance with subsection (e).

27 (3) In the case of the loss or destruction of a firearm
28 safety certificate, the Pennsylvania State Police may
29 authorize the issuing instructor to charge a fee of \$15 for a
30 duplicate certificate, \$10 of which shall be remitted to the

Pennsylvania State Police for deposit into the fund in
accordance with subsection (e).

(e) Firearm Safety and Enforcement Fund.--

(1) The Firearm Safety and Enforcement Fund is
established as a restricted account in the State Treasury.
Money in the fund shall be expended by the Pennsylvania State
Police for the sole and exclusive purpose of administering
and enforcing this subchapter.

(2) The fund shall consist of all money received and
deposited into the fund by the Pennsylvania State Police in
accordance with subsection (d) and any interest thereon,
money that may be appropriated by the General Assembly and
any other contributions, payments or deposits that may be
made available to the fund.

§ 6196. Violations and penalties.

(a) Revocation of instructor certificate.--A violation of
this subchapter by a certified instructor may be grounds for the
Pennsylvania State Police to revoke the instructor's authority
to provide firearm safety training to persons seeking firearm
safety certification and to issue firearm safety certificates to
those persons.

(b) Acts of collusion.--

(1) A person shall not commit an act of collusion as
specified in paragraph (2).

(2) For purposes of paragraph (1), an act of collusion
may include the following activities:

(i) Answering questions for an applicant taking the
objective test for firearm safety certification while the
objective test is being administered.

(ii) Knowingly grading an objective test for a

1 firearm safety certificate falsely.

2 (iii) Providing an advance copy of the objective
3 test to an applicant seeking firearm safety
4 certification.

5 (iv) Taking or allowing another person to take
6 firearm safety training for the applicant seeking a
7 firearm safety certificate.

8 (v) Taking or allowing another person to take the
9 objective test for the applicant seeking firearm safety
10 certification.

11 (vi) Using or allowing another to use an applicant's
12 identification for the purpose of obtaining a firearm
13 safety certificate.

14 (vii) Knowingly allowing a person to give an
15 applicant for a firearm safety certificate unauthorized
16 assistance during administration of the objective test.

17 (viii) Knowingly allowing a person to use
18 unauthorized materials while taking the objective test or
19 to cheat on the objective test.

20 (c) Additional violations.--It shall be unlawful for a
21 person to do any of the following:

22 (1) Alter, counterfeit or falsify a firearm safety
23 certificate.

24 (2) Use or attempt to use any altered, counterfeited or
25 falsified firearm safety certificate to purchase a firearm.

26 (d) Penalty.--A person who violates subsections (b) and (c)
27 commits a misdemeanor.

28 § 6197. Immunity from liability.

29 The Pennsylvania State Police shall be immune from any
30 liability that may arise from administering, implementing or

1 enforcing any of the provisions of this subchapter.

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