

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 457 Session of 2023

INTRODUCED BY SANTARSIERO, CAPPELLETTI, TARTAGLIONE, FONTANA, STREET, KEARNEY, HAYWOOD, DILLON, KANE, COMMITTA AND SCHWANK, MARCH 14, 2023

REFERRED TO JUDICIARY, MARCH 14, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, in minors, providing for the offense  
 3 of access to 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 the person's control and who knows or reasonably should  
 12 know that a minor is likely to gain access to the firearm  
 13 without the lawful permission of the minor's parent or the  
 14 person having charge of the minor shall keep the firearm in a  
 15 securely locked box or container or in a location which a  
 16 reasonable person would believe to be secure.

17 (2) This subsection does not apply if the minor obtains  
 18 a firearm as a result of an unlawful entry by any person.

1 (b) Grading.--

2 (1) A violation of subsection (a) that results in a  
3 minor in possession of the firearm constitutes a:

4 (i) Summary offense with no term of imprisonment  
5 when the offense is a first offense.

6 (ii) Misdemeanor of the third degree when the  
7 offense is a second or subsequent offense.

8 (2) A violation of subsection (a) that results in the  
9 firearm being used in the commission of a crime or used in an  
10 event that results in death or grievous injury constitutes a  
11 felony of the third degree.

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

14 (1) The firearm is stored or left in a securely locked  
15 box or container or in a location which a person would  
16 reasonably believe to be secure.

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 incidental to  
20 the performance of official duties of the United States Armed  
21 Forces, the Pennsylvania National Guard or the personnel of  
22 any Federal, State or local law enforcement agency.

23 (4) The minor's possession of a firearm is under adult  
24 supervision while engaged in hunting, sporting or other  
25 lawful purposes.

26 (5) The firearm is carried on the body of the owner or  
27 is within such close proximity to the body that the owner can  
28 retrieve and use as easily and quickly as if the owner  
29 carried it on the owner's body.

30 (d) Notice by retailer.--

1           (1) A person who offers for sale at retail a firearm  
2 shall post in a conspicuous place the following notice:

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

5           Should a minor be found in possession of a firearm,  
6 the owner may be charged with a summary offense when  
7 the offense is a first offense and a misdemeanor of  
8 the third degree when the offense is a second or  
9 subsequent offense. Should the firearm be used in the  
10 commission of a crime or used in any event that  
11 results in death or grievous injury, the owner may be  
12 charged with a felony of the third degree.

13           (2) A violation of this subsection constitutes a  
14 misdemeanor of the third degree.

15           (e) Fingerprinting.--

16           (1) Prior to the commencement of trial or entry of a  
17 plea of a defendant of the summary offense, the issuing  
18 authority shall order the defendant to submit within five  
19 days of the order to fingerprinting by the municipal police  
20 of the jurisdiction in which the offense allegedly was  
21 committed or the Pennsylvania State Police.

22           (2) Fingerprints shall be forwarded immediately to the  
23 Pennsylvania State Police for determination as to whether the  
24 defendant previously has been convicted of a violation of  
25 subsection (a). The results of the determination shall be  
26 transmitted to the police department obtaining the  
27 fingerprints if the department is the prosecutor or to the  
28 issuing authority if the prosecutor is other than a police  
29 officer.

30           (3) The issuing authority shall not proceed with the

1 trial or plea in summary until the issuing authority is in  
2 receipt of the determination made by the Pennsylvania State  
3 Police. The issuing authority shall use the information  
4 obtained solely for the purpose of grading the offense under  
5 subsection (b).

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