
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 377 Session of
2019

INTRODUCED BY ISAACSON, A. DAVIS, FRANKEL, HILL-EVANS, NEILSON,
SANCHEZ AND SIMS, FEBRUARY 5, 2019

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for sale or transfer of firearms,
4 for duties of the Pennsylvania State Police and for altering
5 or obliterating marks of identification and providing for
6 destruction of confiscated or recovered firearms.

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

9 Section 1. Sections 6111(c) and 6111.1(b)(4) of Title 18 of
10 the Pennsylvania Consolidated Statutes are amended to read:

11 § 6111. Sale or transfer of firearms.

12 * * *

13 (c) Duty of other persons.--Any person who is not a licensed
14 importer, manufacturer or dealer and who desires to sell or
15 transfer a firearm to another unlicensed person shall do so only
16 upon the place of business of a licensed importer, manufacturer,
17 dealer or county sheriff's office, the latter of whom shall
18 follow the procedure set forth in this section as if he were the
19 seller of the firearm. The provisions of this section shall not
20 apply to transfers between spouses or to transfers between a

1 parent and child or to transfers between grandparent and
2 grandchild. Nothing in this subsection may be construed to
3 authorize the Pennsylvania State Police or any local law
4 enforcement agency to sell or transfer any confiscated firearm
5 in the possession of the Pennsylvania State Police or local law
6 enforcement agency.

7 * * *

8 § 6111.1. Pennsylvania State Police.

9 * * *

10 (b) Duty of Pennsylvania State Police.--

11 * * *

12 (4) The Pennsylvania State Police and any local law
13 enforcement agency shall make all reasonable efforts to
14 determine the lawful owner of any firearm confiscated or
15 recovered by the Pennsylvania State Police or any local law
16 enforcement agency and return said firearm to its lawful
17 owner if the owner is not otherwise prohibited from
18 possessing the firearm. If the reasonable efforts of the
19 Pennsylvania State Police or local law enforcement agency
20 fail to identify the lawful owner of the confiscated or
21 recovered firearm within 120 days after the Pennsylvania
22 State Police or local law enforcement agency comes into
23 possession of the firearm, or if the lawful owner of the
24 firearm is identified but otherwise prohibited from
25 possessing the firearm, the Pennsylvania State Police or
26 local law enforcement agency shall destroy the firearm under
27 section 6117.1 (relating to destruction of confiscated or
28 recovered firearms). When a court of law has determined that
29 the Pennsylvania State Police or any local law enforcement
30 agency have failed to exercise the duty under this

1 subsection, reasonable attorney fees shall be awarded to any
2 lawful owner of said firearm who has sought judicial
3 enforcement of this subsection.

4 * * *

5 Section 2. Section 6117 of Title 18 is amended by adding a
6 subsection to read:

7 § 6117. Altering or obliterating marks of identification.

8 * * *

9 (e) Nonapplicability.--This section shall not apply to a
10 firearm destroyed under section 6117.1 (relating to destruction
11 of confiscated or recovered firearms).

12 Section 3. Title 18 is amended by adding a section to read:

13 § 6117.1. Destruction of confiscated or recovered firearms.

14 (a) General rule.--Notwithstanding any other provision of
15 law to the contrary, the Pennsylvania State Police and any local
16 law enforcement agency shall destroy all confiscated or
17 recovered firearms in the possession of the Pennsylvania State
18 Police or local law enforcement agency if the reasonable efforts
19 of the Pennsylvania State Police or local law enforcement agency
20 required under section 6111.1(b)(4) (relating to Pennsylvania
21 State Police) fail to identify the lawful owner of the firearm
22 or if the lawful owner of the firearm is identified but
23 otherwise prohibited from possessing the firearm.

24 (b) Exception.--No confiscated or recovered firearm may be
25 destroyed under this section if the firearm is evidence in an
26 ongoing investigation or in a criminal prosecution or civil
27 litigation. Confiscated or recovered firearms under this section
28 may only be destroyed when the investigation is complete or a
29 court of competent jurisdiction issues an order authorizing the
30 destruction of the firearm.

1 (c) Method of destruction.--Confiscated or recovered
2 firearms subject to destruction under this section shall be
3 melted at smelting plants located within this Commonwealth.

4 (d) Procedure prior to destruction.--The following shall
5 apply to confiscated or recovered firearms subject to
6 destruction under this section:

7 (1) The Pennsylvania State Police or local law
8 enforcement agency shall place all firearms in sealed
9 containers and in a secure environment with access limited to
10 individuals directly responsible for maintaining the official
11 registry under paragraph (2).

12 (2) The Pennsylvania State Police or local law
13 enforcement agency shall establish a registry for purposes of
14 cataloging all confiscated or recovered firearms in the
15 possession of the Pennsylvania State Police or local law
16 enforcement agency. The Pennsylvania State Police and each
17 local law enforcement agency shall designate one or more
18 individuals who shall be responsible for maintaining the
19 registry.

20 (3) A firearm shall be individually cataloged in the
21 official registry required under paragraph (2). The registry
22 shall contain the following information relating to the
23 firearm:

24 (i) The serial number of the firearm.

25 (ii) The make and model of the firearm.

26 (iii) The date the firearm came into the possession
27 of the Pennsylvania State Police or local law enforcement
28 agency.

29 (iv) The earliest date on which the firearm can be
30 destroyed under this section.

1 (v) The date the lawful owner of the confiscated
2 firearm was identified and the date the firearm was
3 returned to the lawful owner, if applicable.

4 (vi) The date the firearm was destroyed.

5 (4) Firearms subject to destruction under this section
6 shall be transported in sealed containers.

7 (e) Time period for destruction.--Except as otherwise
8 provided in this section, firearms subject to destruction under
9 this section shall be destroyed as promptly as possible but no
10 less than quarterly. The Pennsylvania State Police or local law
11 enforcement agency may maintain confiscated or recovered
12 firearms in the possession of the Pennsylvania State Police or
13 local law enforcement agency until accumulating a sufficient
14 number of firearms to defray the costs associated with this
15 section, provided that each firearm subject to destruction under
16 this section shall be destroyed no later than 180 days after the
17 firearm comes into the possession of the Pennsylvania State
18 Police or local law enforcement agency.

19 Section 4. This act shall take effect in 60 days.