

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 137 Session of 2019

INTRODUCED BY SANTARSIERO, JANUARY 31, 2019

REFERRED TO JUDICIARY, JANUARY 31, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for safe storage of a firearm when  
4 residing with a person not to possess a firearm.

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 § 6143. Safe storage of a firearm when residing with a person  
10 not to possess a firearm.

11 (a) Storage requirements.--A person who owns a firearm and  
12 resides with a person who cannot legally possess a firearm shall  
13 secure the firearm:

14 (1) with a device that, if installed on a firearm and  
15 secured by means of a key or a mechanical, electronic or  
16 electromechanical combination lock, prevents the firearm from  
17 being discharged without first deactivating or removing the  
18 device;

19 (2) with a locking mechanism incorporated into the

1 design of the firearm that prevents discharge of the firearm  
2 by an individual who does not have access to the key or other  
3 device designed to unlock the mechanism; or

4 (3) in a securely locked box or container or a location  
5 that a reasonable person would believe to be secure.

6 (b) Exception.--Subsection (a) shall not apply if a person  
7 carries a firearm:

8 (1) on the person's body; or

9 (2) within close enough proximity to the person's body  
10 that the person is able to retrieve and use the firearm as if  
11 the firearm were on the person's body.

12 (c) Penalties.--A person who violates subsection (a)  
13 commits:

14 (1) A summary offense with no term of imprisonment when  
15 the offense is a first offense.

16 (2) A misdemeanor of the third degree when the offense  
17 is a second or subsequent offense.

18 (3) A felony of the third degree if:

19 (i) a person who cannot legally possess a firearm  
20 takes possession of the firearm; and

21 (ii) the firearm is used in the commission of a  
22 crime or used in an event that results in the injury or  
23 death of another person.

24 (d) Defenses.--It shall be a defense to prosecution under  
25 this section if any of the following apply:

26 (1) The firearm was secured in a manner described under  
27 subsection (a).

28 (2) The firearm was obtained as a result of an unlawful  
29 entry by any person.

30 (3) An injury resulted from a target or sport shooting

1 accident or hunting accident.

2 (4) Possession of the firearm is incidental to the  
3 performance of the official duties of the United States Armed  
4 Forces, the Pennsylvania National Guard or the personnel of a  
5 Federal, State or local law enforcement agency.

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