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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 581 Session of  
2021

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INTRODUCED BY SANTARSIERO, CAPPELLETTI, FONTANA, KEARNEY,  
HUGHES, STREET, COLLETT, TARTAGLIONE, COSTA, COMITTA AND  
HAYWOOD, APRIL 20, 2021

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REFERRED TO JUDICIARY, APRIL 20, 2021

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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 not in  
4 use.

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 not in use.

10 (a) Storage requirements.--A person who owns a firearm shall  
11 secure the firearm:

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

17 (2) with a locking mechanism incorporated into the  
18 design of the firearm that prevents discharge of the firearm

1 by an individual who does not have access to the key or other  
2 device designed to unlock the mechanism; or

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

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

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

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

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

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

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

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

18 (i) another person takes possession of the firearm;  
19 and

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

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

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

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

29 (3) An injury resulted from a target or sport shooting  
30 accident or hunting accident.

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

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