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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 281 Session of  
2023

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

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REFERRED TO JUDICIARY, JANUARY 31, 2023

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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 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

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

3 (e) Firearm Safety and Enforcement Fund.--

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

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

15 § 6196. Violations and penalties.

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

22 (b) Acts of collusion.--

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

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

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

30 (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.