THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL No. 1121 Session of 2023

INTRODUCED BY HOWARD, MADDEN, KINKEAD, SCHLOSSBERG, PARKER, HILL-EVANS, OTTEN, FIEDLER, DELLOSO, HADDOCK, SANCHEZ, WARREN AND SCHWEYER, MAY 5, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2023

AN ACT

1 2 3 4 5 6	Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for sale or transfer of firearms, establishing the Pennsylvania Firearms Buyback Program and the Pennsylvania Firearms Buyback Program Fund and imposing duties on the Attorney General.
7	The General Assembly of the Commonwealth of Pennsylvania
8	hereby enacts as follows:
9	Section 1. Section 6111(j)(1) of Title 18 of the
10	Pennsylvania Consolidated Statutes is amended to read:
11	§ 6111. Sale or transfer of firearms.
12	* * *
13	(j) Exemption
14	(1) The provisions of subsections (a) and (b) shall not
15	apply to:
16	(i) sales between Federal firearms licensees; [or]
17	(ii) the purchase of firearms by a chief law
18	enforcement officer or his designee, for the official use
19	of law enforcement officers[.] <u>; or</u>

1	(iii) the purchase of firearms by a chief law
2	enforcement officer or a designee as part of the
3	<u>Pennsylvania Firearms Buyback Program.</u>
4	* * *
5	Section 2. Chapter 61 of Title 18 is amended by adding a
6	subchapter to read:
7	SUBCHAPTER E
8	PENNSYLVANIA FIREARMS BUYBACK PROGRAM
9	<u>Sec.</u>
10	<u>6191. Definitions.</u>
11	<u>6192. Pennsylvania Firearms Buyback Program.</u>
12	6193. Powers and duties of Attorney General.
13	<u>6194. Pennsylvania Firearms Buyback Program Fund.</u>
14	<u>§ 6191. Definitions.</u>
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	"Firearm." As defined in section 6105(i) (relating to
19	persons not to possess, use, manufacture, control, sell or
20	transfer firearms). The term does not include an antique firearm
21	as defined in section 6118 (relating to antique firearms).
22	"Fund." The Pennsylvania Firearms Buyback Program Fund
23	established under section 6194 (relating to Pennsylvania
24	<u>Firearms Buyback Program Fund).</u>
25	"Program." The Pennsylvania Firearms Buyback Program
26	established under section 6192 (relating to Pennsylvania
27	<u>Firearms Buyback Program).</u>
28	<u>§ 6192. Pennsylvania Firearms Buyback Program.</u>
29	(a) EstablishmentThe Pennsylvania Firearms Buyback
30	Program is established in the Office of Attorney General.

20230HB1121PN1176

- 2 -

1	(b) PurposeThe purpose of the program is to reduce
2	violence and crime in a community by offering an incentive for
3	the voluntary surrender of firearms to a participating law
4	enforcement officer or sheriff.
5	(c) Voluntary participationA law enforcement officer or
6	sheriff in this Commonwealth may participate in the program.
7	(d) Surrender of firearms
8	(1) An individual may surrender a firearm to a law
9	enforcement officer or sheriff who participates in the
10	program.
11	(2) A law enforcement officer or sheriff who
12	participates in the program and accepts the surrender of a
13	firearm from an individual through the program shall keep the
14	identity of the individual confidential.
15	(3) An individual who surrenders a firearm under this
16	subsection shall not be subject to prosecution for possession
17	<u>of the firearm.</u>
18	<u>§ 6193. Powers and duties of Attorney General.</u>
19	(a) AdministrationThe Attorney General shall administer
20	the program in consultation with the Commissioner of
21	Pennsylvania State Police, law enforcement officers and
22	<u>sheriffs.</u>
23	(b) Rules and regulationsThe Attorney General shall
24	promulgate rules and regulations necessary to effectuate the
25	implementation of the program. Rules and regulations promulgated
26	under this subsection may include guidelines for:
27	(1) A law enforcement officer or sheriff participating
28	in the program to:
29	(i) Designate when and where a firearm may be
30	surrendered by an individual.

20230HB1121PN1176

- 3 -

1	(ii) Coordinate with community groups within its
2	jurisdiction.
3	(iii) Handle the surrender of firearms, including:
4	(A) Safe storage and disposal of firearms
5	surrendered through the program.
6	(B) Return of stolen firearms recovered through
7	the program to the lawful owner.
8	(C) Retention for evidence of firearms
9	determined to have been used in a crime.
10	(iv) Develop and implement an independent firearms
11	buyback program that meets the requirements of this
12	subchapter and is otherwise permitted by law.
13	(2) Monetary or other incentives for a surrendered
14	firearm, which shall not be less than 40% of the fair market
15	price of a firearm of the same type and in the same condition
16	as the surrendered firearm.
17	<u>§ 6194. Pennsylvania Firearms Buyback Program Fund.</u>
18	<u>(a) EstablishmentThe Pennsylvania Firearms Buyback</u>
19	Program Fund is established as a restricted receipt account in
20	the State Treasury.
21	(b) FundingThe fund shall consist of money from the
22	following sources:
23	(1) Appropriations or transfers enacted by the General
24	Assembly.
25	(2) Donations from private businesses, charities and
26	individuals.
27	(3) Other money, including assets, seizures and
28	forfeitures collected by law enforcement officers or
29	sheriffs.
30	(c) Continuing appropriationAll money in the fund is

20230HB1121PN1176

- 4 -

- 1 appropriated on a continuing basis to the Office of Attorney
- 2 General for the purpose of administering this subchapter.
- 3 Section 3. This act shall take effect in 60 days.