
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 821 Session of
2023

INTRODUCED BY GIRAL, SCHLOSSBERG, GUENST, KINKEAD, FIEDLER,
SANCHEZ, HILL-EVANS, MADDEN, BURGOS, FRANKEL, KINSEY,
FLEMING, OTTEN AND HOHENSTEIN, APRIL 3, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2023

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 and establishing the Pennsylvania Gun Buyback Program and the
5 Pennsylvania Gun Buyback Program Fund.

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

8 Section 1. Section 6111(j)(1) of Title 18 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 § 6111. Sale or transfer of firearms.

11 * * *

12 (j) Exemption.--

13 (1) The provisions of subsections (a) and (b) shall not
14 apply to:

15 (i) sales between Federal firearms licensees; [or]

16 (ii) the purchase of firearms by a chief law
17 enforcement officer or his designee, for the official use
18 of law enforcement officers[.]; or

19 (iii) the purchase of firearms by a chief law

1 enforcement officer or a designee as part of the
2 Pennsylvania Gun Buyback Program.

3 * * *

4 Section 2. Chapter 61 of Title 18 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E
7 PENNSYLVANIA GUN BUYBACK PROGRAM

8 Sec.

9 6191. Definitions.

10 6192. Pennsylvania Gun Buyback Program.

11 6193. Powers and duties of Attorney General.

12 6194. Pennsylvania Gun Buyback Program Fund.

13 § 6191. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Commissioner." As defined in section 6102 (relating to
18 definitions).

19 "Firearm." As defined in section 6102.

20 "Fund." The Pennsylvania Gun Buyback Program Fund
21 established under section 6194 (relating to Pennsylvania Gun
22 Buyback Program Fund).

23 "Law enforcement officer." As defined in section 6102.

24 "Program." The Pennsylvania Gun Buyback Program established
25 under section 6192 (relating to Pennsylvania Gun Buyback
26 Program).

27 "Sheriff." As defined in section 6102.

28 § 6192. Pennsylvania Gun Buyback Program.

29 (a) Establishment.--The Pennsylvania Gun Buyback Program is
30 established within the Office of Attorney General.

1 (b) Purpose.--The purpose of the program is to reduce
2 violence and crime in the community by offering an incentive for
3 the surrender of a firearm to a participating law enforcement
4 officer or sheriff.

5 (c) Participation.--Participation in the program by a law
6 enforcement officer or sheriff shall be voluntary.

7 (d) Surrender of firearm.--

8 (1) An individual may surrender a firearm to a
9 participating law enforcement officer or sheriff within this
10 Commonwealth.

11 (2) An individual who surrenders a firearm under this
12 section shall remain anonymous and shall not be subject to
13 prosecution for the possession of the firearm.

14 § 6193. Powers and duties of Attorney General.

15 (a) Administration.--The Attorney General shall administer
16 the program in conjunction with the commissioner, a law
17 enforcement officer or a sheriff.

18 (b) Rules and regulations.--The Attorney General shall
19 promulgate rules and regulations necessary to effectuate the
20 implementation of the program. Rules and regulations promulgated
21 under this subsection may include guidelines:

22 (1) For a law enforcement officer or sheriff
23 participating in the program to:

24 (i) Designate when and where a firearm may be
25 surrendered by an individual.

26 (ii) Coordinate with community groups within its
27 jurisdiction.

28 (iii) Handle the surrender of firearms, including:

29 (A) safe storage and disposal of surrendered
30 firearms;

1 (B) return of recovered stolen firearms through
2 the program to the rightful owner as appropriate; and
3 (C) retention for evidence of firearms
4 determined to have been used in a crime.

5 (iv) Develop and implement an independent gun
6 buyback program, provided the program meets the
7 requirements of this subchapter and is otherwise
8 permitted by law.

9 (2) For monetary or other incentives for surrendered
10 firearms.

11 § 6194. Pennsylvania Gun Buyback Program Fund.

12 (a) Establishment.--The Pennsylvania Gun Buyback Program
13 Fund is established in the State Treasury.

14 (b) Contents.--The fund shall consist of:

15 (1) Money appropriated, transferred or otherwise made
16 available to the fund from the General Fund.

17 (2) Donations made to the fund from private businesses,
18 charities and individuals.

19 (3) Other money, including assets, seizures and
20 forfeitures collected by law enforcement officers or sheriffs
21 and authorized by law for deposit into the fund.

22 (c) Continuing appropriation.--The money in the fund and the
23 interest accruing on the money is appropriated to the Office of
24 Attorney General on a continuing basis to carry out this
25 subchapter.

26 Section 3. This act shall take effect in 120 days.