



November 15th, 2023

HB 941 – Joint Parental Liability for a Minor’s Actions Committed with a Firearm

Civil and criminal liability for parents of minors who commit crimes with firearms.

The concept of this bill is simple: Holding parents responsible for the criminal behavior of their children if the parent was aware their child had evil intentions or a history of violence. The bill aims to place a liability statement within Title 42 Judiciary and Judicial Procedure.

The language of this bill is extremely broad and nearly all encompassing. The language states that any parent, guardian or other legally responsible individual who permits a minor to use or possess a firearm, now becomes responsible for any negligence or willful misconduct of the minor in connection with the use or possession of the firearm if that person knows or has reason to know the minor has a propensity to commit unlawful violent acts, or intends harm with the firearm or an illegal transfer of the firearm.

Notice in the language of the proposed bill there is no window of responsibility or determination of a timeline relevant to the criminal act. If I have my daughter or son at the range on any given day, and three weeks later they force entry to my vault to use a firearm to commit a crime, have I not permitted a minor to use or possess a firearm? Am I not, under the language of this bill, responsible for any negligence or willful misconduct of the minor?

An inherent flaw in the concept of this bill is the blanket statement of “permits a minor to use or possess a firearm”, which expresses an unreasonable level of responsibility. It is just a blanket statement with no definition or timeline for said responsibility. If the child was permitted to attend a firearms safety class for hunting at 12 years old and then commits a crime with a firearm they steal from their parent at the age of 17, the parent is now criminally responsible, and the hunter safety trainer could also be held responsible according to the terrible concept of this proposed legislation.

Parents and guardians are already held accountable for misconduct with children by several statutes in the Commonwealth, including corruption of minors, endangering the welfare of minors, recklessly endangering another person, and numerous other statutes already on the books. As for civil liability, parents are already responsible under Title 23, §5502 Liability of Parents, which states “Any parent whose child is found liable or is adjudged guilty by a court of competent jurisdiction of a tortious act shall be liable to the person who suffers the injury to the extent set forth in this chapter.”

So what will the real impact of this proposed legislation be? The real impact is the removal of a law enforcement officer’s or district attorney’s discretion. The bill states the parent IS responsible. There will be no review of culpability by the law enforcement agency or district attorney to determine whether the facts of the matter rise to the level of criminal or civil responsibility for the parent or guardian. There will be no evaluation of the parent-child relationship, efforts of the parent to correct behavior, consideration of professional opinions by mental health professionals or prior mental health or criminal history other than to show the parent or guardian was aware the child was problematic at least once. The proposed bill clearly states the parent or guardian IS responsible and presents a guilty until proven innocent culture within our judicial system that is antithetical to everything our founding fathers intended and our nation stands for.

Lastly, once again we find the attempt to vilify the firearm as though it is somehow the tool that caused the actions of the perpetrator. There is no legal basis for setting aside crimes

*Support the
Bill of Rights
and the
2nd Amendment*

Jim Stoker
President

Klint Macro
Vice-President

Dale Brackin
Secretary/Treasurer

Board of Directors
Stephen LaSpina
Ed Bogats
Lisha Mihalko

FOAC-ILLEA
P.O. Box 308 Morgan,
PA 15064

Phone
412.260.4675

E-Mail
info@foac-illea.org

Est. 2020

committed with firearms as being any worse or somehow more evil than the crimes committed using automobiles, knives, explosive devices, rope, blunt objects, or hands and feet. In fact, the Supreme Court of Pennsylvania has ruled in *Commonwealth v. Hicks* that the mere presence of the firearm is not an indicator of criminal activity being afoot.¹ Should we now consider parents who allow their teenage drivers to drive to a school event criminally liable for that teenager consuming alcohol or driving dangerously and harming an innocent person? Should we consider schools criminally or civilly responsible for hosting events where teenagers may make bad decisions, despite efforts of parents, teachers and mentors, and harm someone out of negligence or reckless behavior? Automatically placing liability on an individual for the actions of another is a dangerous and slippery slope, and rings of the tyranny of past oppressors around the globe.

In summary, the opposition to Parental Liability Law is based upon:

- Language is far too broad.
- No defining period of responsibility relative to the criminal behavior.
- Removes or reduces accountability of the individual for their actions, shifting blame from the actual perpetrator of an offense to parent or guardian regardless of the efforts of parent or guardian.
- Current statutes already hold parents or guardians accountable both criminally and civilly based upon a review of each case and determination by law enforcement and/or district attorneys and their powers of discretion.
- Creates an guilty till proven innocent culture within our judicial system.
- Vilifies the tool used in a crime rather than the criminal act and responsibility of the actor.
- Where does the line of culpability for criminal acts committed by another stop?

For the reasons above and more, FOAC Institute believes that HB 941 – Joint Parental Liability for a Minor’s Actions Committed with a Firearm is an unacceptable infringement upon the law-abiding citizens of this Commonwealth.

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

If you should have any further questions or need clarification on the legality of the issues raised in this ILLEA White Paper, please feel free to e-mail us at info@foac-illea.org.

FOAC-ILLEA, P.O. BOX 308, Morgan, Pa. 15064

www.foac-illea.org

Respectfully,



J.R. Stoker Jr., President

jstoker@foac-illea.org

Endnotes

¹ [https://casetext.com/case/commonwealth-v-hicks-66#:~:text=In%20the%20instant%20case%2C%20the,3d%20148%2C%20153%20\(Pa.](https://casetext.com/case/commonwealth-v-hicks-66#:~:text=In%20the%20instant%20case%2C%20the,3d%20148%2C%20153%20(Pa.)