AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition.

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

Section 1. Section 6120(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 6120. Limitation on the regulation of firearms and ammunition.

* * *

(a.2) Remedies for unlawful regulation. Notwithstanding any
other provision of law, a party who brings or maintains an
action at law or in equity against a county, municipality or
township that has regulated the lawful ownership, possession,
transfer or transportation of firearms, ammunition or ammunition-
components in violation of subsection (a) or 53 Pa.C.S. §
2962(g) (relating to limitation on municipal powers), shall be
entitled to:

(1) Reimbursement of actual damages and reasonable
attorney fees and costs incurred if, within 30 days of
commencement of the action but prior to a final determination
by a court in favor of either party, the county, municipality
or township rescinds or repeals the ordinance, resolution or
other practice at issue in the action.

(2) Prejudgment liquidated damages if, after the
expiration of the 30-day period in paragraph (1) but prior to
a final determination by a court in favor of either party,
the county, municipality or township rescinds or repeals the
ordinance, resolution or other practice at issue in the
action.

(3) Postjudgment liquidated damages upon a final
determination by a court in favor of the party who brings or
maintains the action.

(b) Definitions. As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"Dealer." The term shall include any person engaged in the
business of selling at wholesale or retail a firearm or
ammunition.

"Firearms." This term shall have the meaning given to it in
section 5515 (relating to prohibiting of paramilitary training)
but shall not include air rifles as that term is defined in
section 6304 (relating to sale and use of air rifles).

"Political subdivision." The term shall include any home-
rule charter municipality, county, city, borough, incorporated-
town, township or school district.

"Postjudgment liquidated damages." A sum equal to three-
times the actual damages, reasonable attorney fees and costs-
incurred by a party who successfully brings or maintains an-
action described under subsection (a.2).

"Prejudgment liquidated damages." A sum equal to two times-
the actual damages, reasonable attorney fees and costs incurred-
by a party who brings or maintains an action described under-
subsection (a.2).

Section 2. This act shall take effect immediately.

SECTION 1. SECTION 6120(B) OF TITLE 18 OF THE PENNSYLVANIA
CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
ADDING A SUBSECTION TO READ:

§ 6120. LIMITATION ON THE REGULATION OF FIREARMS AND
AMMUNITION.

* * *

(A.2) UNLAWFUL REGULATION.--

(1) A person adversely affected by any ordinance,
resolution, rule or practice promulgated or enforced in
violation of subsection (a) or of 53 PA.C.S. 2962(G)
(relating to limitation on municipal powers) may file suit in
an appropriate court for declarative and injunctive relief
and for all actual and consequential damages attributable to
the violation.

(2) Notwithstanding any other provision of law, a party
who brings or maintains an action at law or in equity against
A political subdivision that has regulated the otherwise lawful ownership, possession, storage, carrying, transfer or transportation of firearms, ammunition or ammunition components in violation of subsection (a) or of 53 Pa.C.S. § 2962(g) shall be entitled to all of the following:

(I) Reimbursement of actual damages and reasonable attorney fees and costs incurred if, within 30 days of commencement of the action but prior to a final determination by a court in favor of either party, the political subdivision rescinds or repeals the ordinance, resolution, rule or practice at issue in the action.

(II) Prejudgment liquidated damages if, after the expiration of the 30-day period under paragraph (1) but prior to a final determination by a court in favor of either party, the political subdivision rescinds or repeals the ordinance, resolution, rule or practice at issue in the action.

(III) Postjudgment liquidated damages upon a final determination by a court in favor of the party who brings or maintains the action.

(3) If a court finds that the county, municipality or township violated subsection (a) or 53 Pa.C.S. § 2962(g), the court may impose a civil penalty on the county, municipality or township of up to $5,000.

(B) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"ammunition or ammunition components." Fixed cartridge ammunition, shotgun shells, the individual components of fixed cartridge ammunition and shotgun shells, projectiles for
MUZZLELOADING FIREARMS AND ANY PROPELLANT USED IN FIREARMS OR AMMUNITION.

"DEALER." THE TERM SHALL INCLUDE ANY PERSON ENGAGED IN THE BUSINESS OF SELLING AT WHOLESALE OR RETAIL A FIREARM OR AMMUNITION.

"FIREARMS." THIS TERM SHALL HAVE THE MEANING GIVEN TO IT IN SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING) BUT SHALL NOT INCLUDE AIR RIFLES AS THAT TERM IS DEFINED IN SECTION 6304 (RELATING TO SALE AND USE OF AIR RIFLES).

"PERSON ADVERSELY AFFECTED." ANY OF THE FOLLOWING:

(1) ANY PERSON WHO OTHERWISE HAS STANDING UNDER THE LAWS OF THIS COMMONWEALTH TO BRING AN ACTION UNDER THIS SECTION.

(2) ANY PERSON WHO MEETS ALL OF THE FOLLOWING:

(I) CAN LEGALLY POSSESS A FIREARM UNDER THE LAWS OF THIS COMMONWEALTH AND THE UNITED STATES.

(II) OWNS, POSSESSES, STORES, TRANSPORTS, CARRIES OR TRANSFERS FIREARMS, AMMUNITION OR AMMUNITION COMPONENTS WITHIN A POLITICAL SUBDIVISION OR WOULD DO SO BUT FOR THE ORDINANCE, RESOLUTION, RULE OR PRACTICE IN A POLITICAL SUBDIVISION.

(III) IS OR, IF PRESENT IN A POLITICAL SUBDIVISION, WOULD BE SUBJECT TO THE ORDINANCE, RESOLUTION, RULE OR PRACTICE IN THE POLITICAL SUBDIVISION, WHETHER OR NOT SPECIFIC ENFORCEMENT ACTION HAS BEEN INITIATED OR THREATENED AGAINST THE PERSON.

(3) A MEMBERSHIP ORGANIZATION, THE MEMBERS OF WHICH INCLUDE A PERSON DESCRIBED UNDER THIS PARAGRAPH, THAT IS DEDICATED IN WHOLE OR IN PART TO PROTECTING THE LEGAL, CIVIL OR CONSTITUTIONAL RIGHTS OF ITS MEMBERSHIP.

"POLITICAL SUBDIVISION." THE TERM SHALL INCLUDE ANY HOME
RULE CHARTER MUNICIPALITY, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP OR SCHOOL DISTRICT.

"POSTJUDGMENT LIQUIDATED DAMAGES." A SUM EQUAL TO THREE TIMES THE ACTUAL DAMAGES, REASONABLE ATTORNEY FEES AND COSTS INCURRED BY A PARTY WHO SUCCESSFULLY BRINGS OR MAINTAINS AN ACTION DESCRIBED UNDER SUBSECTION (A.2)(2).

"PREJUDGMENT LIQUIDATED DAMAGES." A SUM EQUAL TO TWO TIMES THE ACTUAL DAMAGES, REASONABLE ATTORNEY FEES AND COSTS INCURRED BY A PARTY WHO BRINGS OR MAINTAINS AN ACTION DESCRIBED UNDER SUBSECTION (A.2)(2).

SECTION 2. THE AMENDMENT OR ADDITION OF 18 PA.C.S. § 6120(A.2) AND (B) SHALL APPLY TO AN ORDINANCE, RULE, RESOLUTION OR POLICY ADOPTED BY A POLITICAL SUBDIVISION OR TO OFFICIAL ACTIONS TAKEN BY AN EMPLOYEE OR AGENT OF A POLITICAL SUBDIVISION, BEFORE, ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.