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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2564 Session of 2000

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INTRODUCED BY JAMES, MICHLOVIC, WATERS, ROONEY, WASHINGTON,  
YOUNGBLOOD, WILLIAMS, MYERS, E. Z. TAYLOR, CURRY, JOSEPHS,  
BISHOP, THOMAS, RAMOS, M. COHEN, CARN, EVANS, KIRKLAND,  
ROBINSON, HORSEY AND ROEBUCK, MAY 17, 2000

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 17, 2000

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for assault weapons in  
3 cities of the first class.

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

6 Section 1. Chapter 61 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER D

9 ASSAULT WEAPONS IN CITIES OF THE FIRST CLASS

10 Sec.

11 6181. Definitions.

12 6182. Determination by court.

13 6183. Registration.

14 6184. Relinquishment of weapons.

15 6185. Licensed gun dealers.

16 6186. Penalties.

17 6187. Application of subchapter.

1 § 6181. Definitions.

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

5 "Assault weapon."

6 (1) The following weapons known by the trade names  
7 specified:

8 RIFLES

9 Algimec AGM 1 type

10 Australian SAR

11 Avtomat Kalashnikov (AK) series

12 Beretta AR-70 (SC-70)

13 Beretta BM59

14 Bushmaster Assault Rifle (armgun)

15 Calico M-900 type

16 CETME G3

17 Chartered Industries SR-88 type

18 CAR-15 series

19 Daewoo AR-100 type

20 Daewoo K-1

21 Daewoo K-2

22 Daewoo Max 1

23 Daewoo Max 2

24 Demro TAC-1 carbine type

25 Encom MP-9 carbine type

26 Encom MP-45 carbine type

27 FAMAS MAS223

28 G3SA type

29 Galil type

30 Heckler & Koch MP-5

1           Mandall the TAC-1 Carbine  
2           M-16 type  
3           M-900 Assault Carbine  
4           MAC 11-99 Carbine Type  
5           Plainfield Machine Company Carbine  
6           SKS with detachable magazine  
7           SIG AMT  
8           SIG 500 series  
9           SIG PE-57  
10          Sterling MK-6  
11          Sterling SAR  
12          Steyr AUG  
13          Valmet M62 semiautomatic  
14          Valmet M71S semiautomatic  
15          Valmet M76 semiautomatic  
16          Valmet M78 semiautomatic  
17          Uzi carbine type  
18          Weaver Arms Nighthawk  
19          Mac 10  
20          Mac 11  
21          Intratec TEC-9  
22          Intratec TEC-22  
23          Mitchell Arms Spectre Auto  
24          Sterling MK-7  
25          Calico M-900  
26                SHOTGUNS  
27          Encom CM-55  
28          Franchi SPAS 12  
29          Franchi LAW 12  
30          Gilbert Equipment Company Striker 12

1           Gilbert Equipment Company Street Sweeper

2           Steyr-AUG semiautomatic type

3           USAS 12 semiautomatic type

4           PISTOLS

5           UZI Pistol

6           (2) Any shotgun with a revolving cylinder such as the  
7 "Street Sweeper" or "Striker 12."

8           (3) A semiautomatic weapon with a magazine capacity  
9 exceeding ten rounds.

10          (4) Any firearm declared by the court pursuant to  
11 section 6182 (relating to determination by court) to be an  
12 assault weapon.

13 "Automatic firearm." A firearm which uses a portion of the  
14 force of a fired cartridge to expel the case of the fired  
15 cartridge and load another cartridge into the firing chamber;  
16 and which automatically shoots more than one shot by a single  
17 function of the trigger.

18 "City." A city of the first class.

19 "Commissioner." The Commissioner of the Pennsylvania State  
20 Police.

21 "Licensed gun dealer." A person who has a Federal firearms  
22 license and any business license required by a State or local  
23 governmental entity.

24 "Semiautomatic firearm." A firearm which uses a portion of  
25 the force of a fired cartridge to expel the case of the fired  
26 cartridge and load another cartridge into the firing chamber;  
27 and which requires a separate function of the trigger to fire  
28 each cartridge.

29 § 6182. Determination by court.

30 (a) General rule.--Upon request by the commissioner filed in

1 a verified petition in the Commonwealth Court, the court shall  
2 issue a declaration of temporary suspension of the manufacture,  
3 sale, distribution, transportation or importation into the city,  
4 or the giving or lending in a city of a firearm alleged to be an  
5 assault weapon because the firearm is either of the following:

6 (1) Another model by the same manufacturer or a copy by  
7 another manufacturer of an assault weapon listed in section  
8 6181 (relating to definitions), which is identical to one of  
9 the assault weapons listed in that section except for slight  
10 modifications or enhancements, including, but not limited to:  
11 a folding or retractable stock; adjustable sight; case  
12 deflector for left-handed shooters; shorter barrel; wooden,  
13 plastic or metal stock; larger magazine size; different  
14 caliber provided that the caliber exceeds .22 rimfire; or  
15 bayonet mount. The court shall strictly construe this  
16 paragraph so that a firearm which is merely similar in  
17 appearance but not a prototype or copy can not be found to be  
18 within the meaning of this paragraph.

19 (2) A firearm first manufactured or sold to the general  
20 public in this Commonwealth 90 days after the effective date  
21 of this subchapter, which has been redesigned, renamed or  
22 renumbered from one of the firearms listed in section 6181,  
23 or which is manufactured or sold by another company under a  
24 licensing agreement to manufacture or sell one of the  
25 firearms listed therein regardless of the company of  
26 production or distribution, or the country of origin.

27 (b) Declaration of temporary suspension.--Upon the issuance  
28 of a declaration of temporary suspension by the court and after  
29 the commissioner has completed the notice requirements of  
30 subsection (c)(1), the provisions of subsection (a) shall apply

1 with respect to those weapons.

2 (c) Notice.--

3 (1) Upon declaration of temporary suspension, the  
4 commissioner shall immediately notify police, the sheriff,  
5 the district attorney and those requesting notice under  
6 paragraph (2), shall notify industry and association  
7 publications for those who manufacture, sell or use firearms,  
8 and shall publish notice in not less than ten newspapers of  
9 general circulation in geographically diverse sections of  
10 this Commonwealth of the fact that the declaration has been  
11 issued.

12 (2) The commissioner shall maintain a list of any  
13 persons who request to receive notice of any declaration of  
14 temporary suspension and shall furnish notice under paragraph  
15 (1) to all these persons immediately upon a court  
16 declaration. Notice shall also be furnished by the  
17 commissioner by certified mail, return receipt requested, to  
18 any known manufacturer and Commonwealth distributor of the  
19 weapon subject to the temporary suspension order or their  
20 statutory agent for service. The notice shall be deemed  
21 effective upon mailing.

22 (d) Hearing.--After issuing a declaration of temporary  
23 suspension under this section, the court shall set a date for  
24 hearing on a permanent declaration that the weapon is an assault  
25 weapon. The hearing shall be set no later than 30 days from the  
26 date of issuance of the declaration of temporary suspension. The  
27 hearing may be continued for good cause thereafter. Any  
28 manufacturer or Commonwealth distributor of the weapon which is  
29 the subject of the temporary suspension order has the right,  
30 within 20 days of notification of the issuance of the order, to

1 intervene in the action. Any manufacturer or Commonwealth  
2 distributor who fails to timely exercise its right of  
3 intervention or any other person who manufacturers, sells or  
4 owns the assault weapon may, in the court's discretion,  
5 thereafter join the action as amicus curiae.

6 (e) Burden of proof.--At the hearing, the burden of proof is  
7 upon the commissioner to show by a preponderance of evidence  
8 that the weapon which is the subject of the declaration of  
9 temporary suspension is an assault weapon. If the court finds  
10 the weapon to be an assault weapon, it shall issue a declaration  
11 thereof. Any party to the matter may appeal the court's  
12 decision. A declaration that the weapon is an assault weapon  
13 shall remain in effect during the pendency of the appeal unless  
14 ordered otherwise by the appellate court.

15 § 6183. Registration.

16 (a) General rule.--Any person who lawfully possesses in a  
17 city an assault weapon, prior to 90 days after the effective  
18 date of this subchapter, shall register the firearm within one  
19 year of that effective date, with the commissioner under those  
20 procedures which the Pennsylvania State Police may establish.  
21 The registration shall contain a description of the firearm that  
22 identifies it uniquely, including all identification marks, the  
23 full name, address, date of birth and thumbprint of the owner,  
24 and any other information as the department may deem  
25 appropriate. The department may charge a fee for registration of  
26 up to \$20 per person but not to exceed the actual processing  
27 costs of the department.

28 (b) Certain sales, transfers, etc.--No assault weapon  
29 possessed under this section may be sold or transferred on or  
30 after 90 days following the effective date of this subchapter,

1 to anyone within this Commonwealth other than to a licensed gun  
2 dealer, as defined herein. Any person who obtains title to an  
3 assault weapon registered under this section by bequest or  
4 intestate succession, moves into a city in lawful possession of  
5 an assault weapon or lawfully possessed a firearm subsequently  
6 declared to be an assault weapon under this subchapter shall,  
7 within 90 days, either render the weapon permanently inoperable,  
8 sell the weapon to a licensed gun dealer or remove the weapon  
9 from the city. A person who lawfully possessed in a city a  
10 firearm which was subsequently declared to be an assault weapon  
11 under section 6182 (relating to determination by court) may  
12 alternatively register the firearm within 90 days of that  
13 declaration.

14 (c) Conditions of possession.--A person who has registered  
15 an assault weapon under this section may possess it in a city  
16 only under the following conditions unless a permit allowing  
17 additional uses is first obtained:

18 (1) At that person's residence, place of business or  
19 other property owned by that person or on property owned by  
20 another with the owner's express permission.

21 (2) While on the premises of a target range of a public  
22 or private club or organization organized for the purpose of  
23 practicing shooting at targets.

24 (3) While on a target range which holds a regulatory or  
25 business license for the purpose of practicing shooting at  
26 that target range.

27 (4) While on the premises of a shooting club.

28 (5) While attending any exhibition, display or  
29 educational project which is about firearms and which is  
30 sponsored by, conducted under the auspices of or approved by



1 a law enforcement agency or a nationally or State recognized  
2 entity that fosters proficiency in, or promotes education  
3 about, firearms.

4 (6) While transporting the assault weapon between any of  
5 the places mentioned in this subsection.

6 No person who is under 18 years of age and no person who is  
7 prohibited from possessing a firearm by this chapter may  
8 register or possess an assault weapon in a city. The  
9 registration procedures shall provide the option of joint  
10 registration for assault weapons owned by family members  
11 residing in the same household.

12 § 6184. Relinquishment of weapons.

13 Any individual may arrange in advance to relinquish an  
14 assault weapon to the police or sheriff.

15 § 6185. Licensed gun dealers.

16 Any licensed gun dealer who lawfully possesses an assault  
17 weapon under this subchapter, in addition to the uses allowed  
18 hereunder, may transport the weapon between dealers or out of  
19 the city, display it at any gun show licensed by a State or  
20 local governmental entity, sell it to a resident outside the  
21 city or sell it to a person who has been issued a permit  
22 pursuant to this subchapter. Any transporting allowed by this  
23 section must be done as required by this subchapter.

24 § 6186. Penalties.

25 (a) Unlawful manufacture, importation, etc.--Any person who  
26 within the city manufactures or causes to be manufactured,  
27 distributes, transports or imports, keeps for sale or offers or  
28 exposes for sale or gives or lends any assault weapon, except as  
29 provided by this subchapter, commits a felony of the third  
30 degree.

1       (b) Unlawful possession.--Any person possessing an assault  
2 weapon in violation of this subchapter commits a misdemeanor of  
3 the first degree for a first offense and a felony of the third  
4 degree for each subsequent offense.

5   § 6187. Application of subchapter.

6       This subchapter shall not apply to the use or possession of  
7 assault weapons by State or local law enforcement agencies, the  
8 military forces of this Commonwealth or the armed forces of the  
9 United States.

10      Section 2. This act shall take effect in 60 days.