

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2497 Session of
2006

INTRODUCED BY FRANKEL, THOMAS, BISHOP, CURRY, JAMES, MANDERINO,
McGEEHAN, PISTELLA, ROEBUCK AND YOUNGBLOOD, MARCH 13, 2006

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 2006

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions and
3 for sale and transfer of firearms.

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

6 Section 1. Section 6102 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding definitions to read:

8 § 6102. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this subchapter which are applicable to specific
11 provisions of this subchapter, the following words and phrases,
12 when used in this subchapter shall have, unless the context
13 clearly indicates otherwise, the meanings given to them in this
14 section:

15 "Assault weapon." The term includes the following:

16 (1) Any semiautomatic pistol or semiautomatic or pump-
17 action rifle that is capable of accepting a detachable
18 magazine and that also possesses any of the following:

1 (i) If the firearm is a rifle, a pistol grip located
2 at the rear of the trigger.

3 (ii) If the firearm is a rifle, a stock in any
4 configuration, including, but not limited to, a thumbhole
5 stock, a folding stock or a telescoping stock, that
6 allows the bearer of the firearm to grasp the firearm
7 with the trigger hand such that the web of the trigger
8 hand, between the thumb and forefinger, can be placed
9 below the top of the external portion of the trigger
10 during firing.

11 (iii) If the firearm is a pistol, a shoulder stock
12 of any type or configuration, including, but not limited
13 to, a folding stock or a telescoping stock.

14 (iv) A barrel shroud.

15 (v) A muzzle break or muzzle compensator.

16 (vi) Any feature capable of functioning as a
17 protruding grip that can be held by the hand that is not
18 the trigger hand.

19 (2) Any pistol that is capable of accepting a detachable
20 magazine at any location outside of the pistol grip.

21 (3) Any semiautomatic pistol or any semiautomatic,
22 center-fire rifle with a fixed magazine that has the capacity
23 to accept more than ten rounds of ammunition.

24 (4) Any shotgun capable of accepting a detachable
25 magazine.

26 (5) Any shotgun with a revolving cylinder.

27 (6) Any conversion kit or other combination of parts
28 from which a firearm described in paragraphs (1) through (5)
29 can be assembled if the parts are in the possession or under
30 the control of any person.

1 "Barrel shroud." A covering, other than a slide, that is
2 attached to or that substantially or completely encircles the
3 barrel of a firearm and that allows the bearer of the firearm to
4 hold the barrel with the nonshooting hand while firing the
5 firearm, without burning that hand. The term does not include an
6 extension of the stock along the bottom of the barrel that does
7 not substantially or completely encircle the barrel.

8 * * *

9 "Conversion kit." Any part or combination of parts designed
10 and intended for use in converting a firearm into an assault
11 weapon.

12 * * *

13 "Detachable magazine." A magazine the function of which is
14 to deliver one or more ammunition cartridges into the firing
15 chamber of a firearm and which can be removed from the firearm
16 without the use of any tool, including a bullet or ammunition
17 cartridge.

18 * * *

19 "Muzzle brake." A device attached to the muzzle of a weapon
20 that utilizes escaping gas to reduce recoil.

21 "Muzzle compensator." A device attached to the muzzle of a
22 weapon that utilizes escaping gas to control muzzle movement.

23 * * *

24 Section 2. Section 6111(f) of Title 18 is amended to read:
25 § 6111. Sale or transfer of firearms.

26 * * *

27 (f) Application of section.--

28 (1) For the purposes of this section only, except as
29 provided by [paragraph (2)] paragraphs (2) and (2.1),

30 "firearm" shall mean any weapon which is designed to or may

1 readily be converted to expel any projectile by the action of
2 an explosive or the frame or receiver of any such weapon.

3 (2) The provisions contained in subsections (a) and (c)
4 shall only apply to [pistols]:

5 (i) Pistols or revolvers with a barrel length of
6 less than 15 inches[, any].

7 (ii) Any shotgun with a barrel length of less than
8 18 inches[, any].

9 (iii) Any rifle with a barrel length of less than 16
10 inches [or any].

11 (iv) Any firearm with an overall length of less than
12 26 inches.

13 (v) Any assault weapon.

14 (2.1) Notwithstanding any other provisions of this
15 section, for purposes of subsection (b) an assault weapon
16 shall be considered a firearm as defined in section 6102.

17 (3) The provisions contained in subsection (a) shall not
18 apply to any law enforcement officer whose current
19 identification as a law enforcement officer shall be
20 construed as a valid license to carry a firearm or any person
21 who possesses a valid license to carry a firearm under
22 section 6109 (relating to licenses).

23 (4) (i) The provisions of subsection (a) shall not
24 apply to any person who presents to the seller or
25 transferor a written statement issued by the official
26 described in subparagraph (iii) during the ten-day period
27 ending on the date of the most recent proposal of such
28 transfer or sale by the transferee or purchaser stating
29 that the transferee or purchaser requires access to a
30 firearm because of a threat to the life of the transferee

1 or purchaser or any member of the household of that
2 transferee or purchaser.

3 (ii) The issuing official shall notify the
4 applicant's local police authority that such a statement
5 has been issued. In counties of the first class the chief
6 of police shall notify the police station or substation
7 closest to the applicant's residence.

8 (iii) The statement issued under subparagraph (ii)
9 shall be issued by the district attorney, or his
10 designee, of the county of residence if the transferee or
11 purchaser resides in a municipality where there is no
12 chief of police. Otherwise, the statement shall be issued
13 by the chief of police in the municipality in which the
14 purchaser or transferee resides.

15 * * *

16 Section 3. This act shall take effect in 60 days.