INTRODUCED BY DOWLING, METCALFE, GREINER, HERSHEY, RYAN, KAUFFMAN, ECKER, DIAMOND, DUNBAR, ROTHMAN, KEEFER, SAYLOR, ROWE, JOZWIAK, OBERLANDER, IRVIN, BERNSTINE, JAMES, SCHLEGEL CULVER, MOUL, O'NEAL, KNOWLES, COOK, FEE, BOROWICZ, WHEELAND, COX, MUSTELLO, STRUZZI, SMITH, SCHEMEL, HAMM, JONES, HELM, B. MILLER, PUSKARIC, HICKERNELL, STAATS, METZGAR, KAIL, ORTITAY, ZIMMERMAN, GILLEN, MALONEY, HEFFLEY, MARSHALL, BONNER, SAINATO, LEWIS, R. MACKENZIE, SNYDER, PYLE, GROVE, CAUSER, PEIFER, BROOKS, E. NELSON, EMRICK, ARMANINI, WARNER, KLUNK, RADER, RAPP, DAVANZO, PENNYCUICK, STAMBAUGH, SILVIS, GAYDOS, WENTLING, MILLARD, SCHMITT, KERWIN, OWLETT, TOPPER, SANKEY, GLEIM AND ROAE, MARCH 19, 2021

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 7, 2021

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in
2 firearms and other dangerous articles, further providing for
3 limitation on the regulation of firearms and ammunition; and,
4 in preemptions, providing for regulation of firearms and
5 ammunition.
6
7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:
9
10 Section 1. Section 6120 of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:
12
13 § 6120. Limitation on the regulation of firearms and
14 ammunition.
15 (a) General rule.--No county, municipality or township may
16 in any manner regulate the lawful ownership, possession,
transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(a.1) No right of action.--

(1) No political subdivision may bring or maintain an action at law or in equity against any firearms or ammunition manufacturer, trade association or dealer for damages, abatement, injunctive relief or any other relief or remedy resulting from or relating to either the lawful design or manufacture of firearms or ammunition or the lawful marketing or sale of firearms or ammunition to the public.

(2) Nothing in this subsection shall be construed to prohibit a political subdivision from bringing or maintaining an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision.

(a.4) Relief.--The following shall apply:

(1) A person adversely affected by any manner of ordinance, resolution, rule, practice or other action promulgated or enforced by a county, municipality or township in violation of subsection (a) or 53 Pa.C.S. § 306(a) (relating to regulation of firearms and ammunition) or 2962(g) (relating to limitation on municipal powers), may seek declarative and injunctive relief and the actual damages attributable to the violation in an appropriate court.

(2) If a person adversely affected under paragraph (1) is a plaintiff who provided 60 days' prior written notice of the person's intention to file a claim under this subsection to the defendant, the court shall award reasonable expenses to the person adversely affected if the claim under paragraph
(1) results in:

   (i) a final determination by a court in favor of the
       person adversely affected; or
   
   (ii) rescission or repeal of the challenged manner
       of regulation or enforcement after suit has been filed
       under paragraph (1) but prior to a final determination by
       a court.

(3) If a person is a defendant in a proceeding asserting
a defense under subsection (a) or 53 Pa.C.S. § 306(a) or
2962(g), the court shall award reasonable expenses payable by
the county, municipality or township to the person if the
defense results in the withdrawal or dismissal of the
proceeding, an entry of nolle prosequi or an acquittal on the
basis of the defense.

(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).

"Person adversely affected." Any of the following:

   (1) A person who has standing under the laws of this
       Commonwealth to bring a claim under subsection (a.4)(1).
   
   (2) A resident of this Commonwealth who may legally
       possess a firearm under the laws of the United States and
       this Commonwealth.
(3) A membership organization, the members of which include a person described under paragraph (1) or (2).

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

"Reasonable expenses." The term includes, but is not limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

Section 2. Title 53 is amended by adding a section to read:

§ 306. Regulation of firearms and ammunition.

(a) Preemption.--The General Assembly has always intended and continues to intend to occupy the entire field of regulation of firearms, ammunition, magazines, accessories, firearms components and ammunition components in this Commonwealth, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, use, discharge, transportation and reporting of loss or theft of firearms, ammunition, firearms components and ammunition components in this Commonwealth, to the exclusion of any existing or future ordinance, resolution, regulation, rule, practice or other action adopted by a municipality. The Commonwealth, by this section, preempts and supersedes any manner of ordinance, resolution, regulation, rule, practice or other action promulgated or enforced by a municipality of firearms, ammunition, firearms components or ammunition components in this Commonwealth, and any such action is declared null and void.

(b) Continuing effect.--The provisions of section 2962(g) (relating to limitation on municipal powers) and 18 Pa.C.S. § 6120(a) (relating to limitation on the regulation of firearms and ammunition) shall continue to preempt and supersede a local
ordinance, resolution, regulation, rule, practice or other
action insofar as the local ordinance, resolution, regulation,
rule, practice or other action is inconsistent with the
provisions of section 2962(g) or 18 Pa.C.S. § 6120(a).

Section 3. Within 30 days of the effective date of this
section, the Attorney General of this Commonwealth shall notify
in writing STATE ASSOCIATIONS FOR all municipalities of the
provisions of 53 Pa.C.S. § 306 and amendments to 18 Pa.C.S. §
6120.

Section 4. This act shall take effect as follows:

(1) The following shall take effect in 90 days:


(2) The remainder of this act shall take effect immediately.