

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2038 Session of
1993

INTRODUCED BY JOSEPHS, THOMAS, ROBINSON, HUGHES, LINTON AND
FAJT, OCTOBER 4, 1993

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 4, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, revising the law relating to firearms;
3 providing for registration and permits; and imposing
4 penalties.

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

7 Section 1. Chapter 61 of Title 18 of the Pennsylvania
8 Consolidated Statutes is repealed.

9 Section 2. Title 18 is amended by adding a chapter to read:

10 CHAPTER 61

11 FIREARMS AND OTHER DANGEROUS ARTICLES

12 Subchapter

13 A. Assault Weapons

14 B. Handguns

15 C. Provisions Applicable to Assault Weapons and
16 Handguns

17 D. Firearms Generally

18 E. Other Dangerous Articles

1 SUBCHAPTER A

2 ASSAULT WEAPONS

3 Sec.

4 6101. Definitions.

5 6102. Pennsylvania Firearms Board.

6 6103. Grandfather provision.

7 6104. Registration of assault weapons.

8 6105. Offenses.

9 6106. Exemptions.

10 6107. Penalties.

11 § 6101. Definitions.

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

15 "Assault weapon." The term includes, but is not limited to,
16 all of the following:

17 (1) All of the following specified rifles:

18 (i) Avtomat Kalashnikovs (AK) series.

19 (ii) UZI and Galil.

20 (iii) Beretta AR-70 (SC-70).

21 (iv) GETME G3.

22 (v) Colt AR-15 series and CAR-15 series.

23 (vi) Daweoo K-1, K2, Max 1 and Max 2.

24 (vii) Fabrique Nationale FN/FAL, FN/LAR and FNC.

25 (viii) FAMAS MAS223.

26 (ix) Heckler & Koch HK-91, H-93, HK-94 and PSG-1.

27 (x) MAC 10 and MAC 11.

28 (xi) SKS with detachable magazine.

29 (xii) SIG AMT, SIG 500 series and SIG PE-57.

30 (xiii) Springfield Armory BM59 and SAR-48.

1 (xiv) Sterling MK-6 and SAR.
2 (xv) Steyr AUG.
3 (xvi) Valmet M62, M71S and M78.
4 (xvii) Armalite AR-180 Carbine.
5 (xviii) Bushmaster Assault Rifle (armgun).
6 (xix) Calico M-900 Assault Carbine.
7 (xx) Mandall THE TAC-1 Carbine.
8 (xxi) Plainfield Machine Company Carbine.
9 (xxii) PHK M-68 Carbine.
10 (xxiii) Weaver Arm Nighthawk.
11 (2) All of the following specified pistols:
12 (i) UZI.
13 (ii) Encom MP-9 and MP-45.
14 (iii) MAC 10 and MAC 11.
15 (iv) INTRATEC TEC-9.
16 (v) Mitchell Arms Spectre Auto.
17 (vi) Sterling MK-7.
18 (vii) Calico M-900.
19 (3) All of the following specified shotguns:
20 (i) Franchi SPAS 12 and LAW 12.
21 (ii) Gilbert Equipment Company Striker 12 and SWD.
22 (4) Any ammunition clip designed to accommodate more
23 than fifteen rounds of ammunition.
24 (5) Any other weapon declared to be an assault weapon by
25 the Pennsylvania Firearms Board.
26 "Board." The Pennsylvania Firearms Board.
27 "Commissioner." The Commissioner of the Pennsylvania State
28 Police.
29 "Firearm." Any weapon, including a starter gun, which will
30 or is designed to or may readily be converted to expel a

1 projectile by the action of an explosive or the expansion of gas
2 therein.

3 § 6102. Pennsylvania Firearms Board.

4 (a) Establishment.--There is hereby established a
5 Pennsylvania Firearms Board consisting of the following five
6 persons:

7 (1) The Governor or his designee, who shall be the
8 chairman of the board.

9 (2) The Attorney General or his designee.

10 (3) The Commissioner of the Pennsylvania State Police or
11 his designee.

12 (4) The Executive Director of the Pennsylvania Game
13 Commission or his designee.

14 (5) A person appointed by the Governor from a list of
15 persons submitted by the Pennsylvania District Attorney's
16 Association.

17 (b) Designation of representatives.--The officials
18 responsible for designating representatives to the board shall
19 do so within 60 days of the effective date of this subchapter,
20 within 60 days of assuming office and within 30 days of any
21 vacancy occurring on the board.

22 (c) Meetings.--The board shall meet quarterly.

23 (d) Compensation.--Members of the board shall receive no
24 compensation for their services, but those members of the board
25 or their designees who are not officials of the Commonwealth
26 shall receive reimbursement for their necessary and proper
27 expenses for their attendance at meetings.

28 (e) Powers and duties.--The board shall have the power and
29 its duty shall be to advise the commissioner as to what weapons
30 in addition to or in diminution of those enumerated in section

1 6101 (relating to definitions) should be considered assault
2 weapons for the purposes of this subchapter, and to further
3 advise the commissioner on all matters relating to the control
4 of assault weapons. The board shall submit its recommendations
5 to the commissioner, and the commissioner, either upon the
6 recommendations of the board or upon his own volition, shall
7 have the authority to promulgate such regulations relating to
8 assault weapons as he may deem necessary. Regulations shall be
9 promulgated as provided in 45 Pa.C.S. Part II (relating to
10 publication and effectiveness of Commonwealth documents).

11 (f) Determination of assault weapon.--In determining whether
12 the weapon is an assault weapon, the board and the commissioner
13 shall consider the following:

14 (1) The purpose of this subchapter is to prohibit the
15 sale, production, manufacture, transfer or possession of
16 those weapons which are designed principally for combat or
17 warfare purposes.

18 (2) In determining whether a weapon is principally
19 designed for combat or warfare purposes, the board and the
20 commissioner shall consider whether the weapon has any of the
21 following features:

22 (i) Ability to accept a silencer.

23 (ii) Ability to accept a bayonet.

24 (iii) Ability to accept a detachable magazine.

25 (iv) Flash suppressor.

26 (v) Folding stock.

27 (vi) Pistol grip.

28 (vii) Barrel length of less than 22 inches.

29 (viii) Barrel shroud designed to cool barrel during
30 rapid fire.

1 (ix) Bipods.

2 (x) Grenade launcher.

3 (xi) Night sights.

4 (xii) Ability to accept a centerfire cartridge case
5 having a length of 2.25 inches or less.

6 (3) The board or the commissioner may also consider the
7 marketing, promoting and advertising of the weapon, both
8 within this Commonwealth and elsewhere, and whether the
9 weapon is a semi-automatic version of a machine gun.

10 (4) Any manufacturer that considers itself to be
11 aggrieved by a decision of the board or the commissioner
12 shall have the right to appeal therefrom in accordance with
13 Title 2 (relating to administrative law and procedure).

14 § 6103. Grandfather provision.

15 Persons who lawfully possess assault weapons on the effective
16 date of this subchapter may continue to lawfully possess those
17 weapons if they have the assault weapons registered in
18 accordance with this subchapter.

19 § 6104. Registration of assault weapons.

20 (a) Establishment of system.--The commissioner shall
21 establish a system for registering assault weapons.

22 (b) Duration of registration.--Registration shall remain
23 valid for one year.

24 (c) Fee.--There shall be an annual registration fee of \$35
25 for the first assault weapon and \$20 for each additional assault
26 weapon, which shall be paid at the time of registration and
27 utilized as provided in section 6145 (relating to revenue from
28 registration of assault weapons and handguns).

29 (d) Physical presentation required.--Owners of assault
30 weapons shall be required to physically present their assault

1 weapon to the Pennsylvania State Police in order to obtain
2 initial registration and each year thereafter to renew the
3 registration.

4 (e) Information to be obtained.--The Pennsylvania State
5 Police shall photograph the owner and record the owner's name,
6 physical description, home address, Social Security number,
7 Pennsylvania driver's license number if the owner possesses a
8 driver's license, current employer's name and address, and the
9 assault weapon's make, model and serial number. If the
10 manufacturer has not incorporated a permanent serial number into
11 the weapon, the Pennsylvania State Police shall require that the
12 weapon be marked with a permanent identification number.

13 (f) Registration cards.--Upon payment of the required fee,
14 the Pennsylvania State Police shall issue a registration card to
15 each qualified applicant. The registration card shall contain a
16 sealed color photograph of the registrant, the registrant's name
17 and home address, an appropriate designation of the registered
18 weapons and their serial numbers. New registration cards shall
19 be issued at intervals of not more than four years, and each
20 annual renewal shall be reflected by a stamp, sticker or other
21 means on the exterior of the card, as determined by the
22 commissioner.

23 (g) Reports of theft or loss.--Registrants must report any
24 theft or loss of the assault weapon to the Pennsylvania State
25 Police within 24 hours of discovering the loss or within 30 days
26 of the theft or loss, whichever is shorter.

27 (h) Registration only to suitable persons.--The commissioner
28 shall not issue a registration to any applicant who is found not
29 to be a suitable person, as defined in section 6121 (relating to
30 definitions).

1 § 6105. Offenses.

2 (a) Sale, purchase, manufacture, production or transfer
3 prohibited.--It shall be unlawful to offer for sale, sell,
4 purchase, manufacture, produce or transfer an assault weapon
5 within this Commonwealth.

6 (b) Possession of unregistered assault weapon.--It shall be
7 unlawful to possess an assault weapon within this Commonwealth
8 unless the weapon is duly registered in accordance with this
9 subchapter, the registration is current and valid and the
10 registered weapon is in the custody of the owner-registrant.

11 (c) Prohibited clips.--It shall be unlawful to insert into
12 any weapon an ammunition clip containing more than 15 rounds of
13 ammunition. Any assault weapon containing such a clip shall be
14 deemed to be unregistered regardless of its registration status.

15 (d) Carrying registered assault weapon.--It shall be
16 unlawful to carry a registered assault weapon outside the
17 owner's place of abode, fixed place of business or a rod and gun
18 club, except when:

19 (1) Transporting the weapon to or from the Pennsylvania
20 State Police for registration purposes.

21 (2) If the owner has a license to hunt or fish in this
22 Commonwealth, carrying the assault weapon while actually
23 hunting or fishing or going to places where he desires to
24 hunt or fish or returning from such places.

25 (e) Prohibited conduct during emergency.--Irrespective of
26 whether the assault weapon is registered, it shall be unlawful
27 to carry an assault weapon upon the public streets or upon any
28 public property during an emergency proclaimed by a State or
29 municipal or government executive unless that person is actively
30 engaged in the defense of his life or property from peril or

1 threat.

2 § 6106. Exemptions.

3 (a) Members of certain organizations.--Members of the
4 following organizations may lawfully possess assault weapons in
5 connection their official duties without complying with this
6 subchapter:

7 (1) Members of the armed forces of the United States.

8 (2) Law enforcement officers of agencies of the United
9 States.

10 (3) Members of the Pennsylvania National Guard.

11 (4) Members of the Pennsylvania State Police Force.

12 (5) Police officers, as defined by section 2(3) of the
13 act of June 18, 1974 (P.L.359, No.120), referred to as the
14 Municipal Police Education and Training Law.

15 (6) The sheriff of each county and his deputies.

16 (7) Persons appointed as policemen pursuant to 22
17 Pa.C.S. Ch. 5 (relating to private police).

18 (8) Persons appointed as railroad or street railway
19 policemen pursuant to 22 Pa.C.S. Ch. 33 (relating to railroad
20 and street railway police).

21 (9) Constables who are authorized to carry weapons by
22 the president judge of the court of common pleas of the
23 judicial district in which they serve.

24 (b) Exemptions issued by Secretary of Commerce.--A resident
25 of this Commonwealth or a partnership, corporation or other
26 business organization qualified to do business in this
27 Commonwealth may apply to the Secretary of Commerce of the
28 Commonwealth for an exemption from the prohibition of offering
29 for sale, selling, manufacturing, producing or transferring
30 assault weapons within this Commonwealth. The secretary shall

1 issue exemptions to applicants if he is satisfied that all such
2 assault weapons shall be sold or transferred exclusively to the
3 following:

4 (1) The armed forces of the United States.

5 (2) The National Guards of the states of the United
6 States.

7 (3) Duly authorized law enforcement agencies of the
8 Federal, State and local governments.

9 (4) Foreign nations, if authorized pursuant to Federal
10 law.

11 § 6107. Penalties.

12 (a) Possession during commission of offense.--It shall be a
13 felony of the first degree to possess an assault weapon during
14 the commission of any offense enumerated in this title or the
15 act of April 14, 1972 (P.L.233, No.64), known as The Controlled
16 Substance, Drug, Device and Cosmetic Act.

17 (b) Possession of more than six assault weapons.--It shall
18 be a felony of the first degree to possess more than six assault
19 weapons.

20 (c) Purchase or possession to facilitate commission of
21 offense.--It shall be a felony of the first degree to purchase
22 or possess an assault weapon for the purpose of facilitating the
23 commission of any offense enumerated in this title or The
24 Controlled Substance, Drug, Device and Cosmetic Act.

25 (d) Selling, giving or transfer for use in facilitation of
26 offense.--It shall be a felony of the first degree to sell, give
27 or transfer an assault weapon with knowledge that it will be
28 utilized in the facilitation of any offense enumerated in The
29 Controlled Substance, Drug, Device and Cosmetic Act.

30 (e) Selling, giving or transferring within this

1 Commonwealth.--It shall be a misdemeanor of the first degree to
2 sell, give or transfer an assault weapon within this
3 Commonwealth.

4 (f) Possession of unregistered assault weapon.--It shall be
5 a misdemeanor of the first degree to be in possession of an
6 unregistered assault weapon within this Commonwealth.

7 (g) Carrying assault weapon during emergency.--It shall be a
8 misdemeanor of the first degree to carry an assault weapon upon
9 the public streets or upon any public property during an
10 emergency proclaimed by a State or municipal governmental
11 executive unless that person is actively engaged in the defense
12 of his property from peril or threat.

13 SUBCHAPTER B

14 HANDGUNS

15 Sec.

16 6121. Definitions.

17 6122. Permits.

18 6123. Registration of handguns.

19 6124. Exemptions.

20 6125. Proof of permit.

21 6126. Offenses and penalties.

22 § 6121. Definitions.

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

26 "Handgun." Any pistol or revolver with a barrel of less than
27 12 inches, any shotgun with a barrel of less than 24 inches or
28 any rifle with a barrel of less than 15 inches.

29 "Special need." The applicant has a specific and credible
30 reason to fear injury.

1 "Suitable person." A person 18 years of age or older who
2 does not fit any of the following categories:

3 (1) An individual whose character and reputation is such
4 that he will be likely to act in a manner dangerous to public
5 safety.

6 (2) An individual who has been convicted of a crime of
7 violence as defined in section 6144 (relating to crimes of
8 violence).

9 (3) An individual who is not of sound mind or who,
10 within the past five years, was involuntarily committed to a
11 mental institution as a result of having demonstrated violent
12 or dangerous behavior.

13 (4) An individual who is addicted to a narcotic drug or
14 controlled substance.

15 (5) An habitual drunkard.

16 Nothing in this definition shall be construed to authorize
17 anyone involved in making a determination of whether an
18 applicant is a "suitable person" within the meaning of this
19 subchapter, including the commissioner, anyone acting at his
20 direction or anyone involved in judicial review of his
21 determination to infringe upon an applicant's right to privacy
22 or the confidentiality of medical, psychological or school
23 records, as otherwise protected by law, including, but not
24 limited to, the protections afforded by 42 Pa.C.S §§ 5929
25 (relating to physicians not to disclose information), 5944
26 (relating to confidential communications to psychiatrists or
27 licensed psychologists) and 5945 (relating to confidential
28 communications to school personnel).

29 § 6122. Permits.

30 (a) Permit required.--A person must have a permit to

1 purchase or possess a handgun.

2 (b) Issuance.--Permits shall be issued by the Pennsylvania
3 State Police.

4 (c) Applicant requirements.--In order to obtain and maintain
5 a permit, a person must be a suitable person to possess a
6 handgun and either:

7 (1) be a member of a rod and gun club; or

8 (2) demonstrate that he has a special need to possess a
9 handgun.

10 (d) Permits issued to members of rod and gun clubs.--A
11 permit issued to a member of a rod and gun club shall identify
12 the club by name and address and require that the permit
13 holder's handguns be maintained at all times under lock and key
14 at that club.

15 (e) Regulations.--The commissioner shall:

16 (1) Promulgate regulations relating to rod and gun clubs
17 and the security those clubs provide for handguns maintained
18 on their premises.

19 (2) Periodically inspect rod and gun clubs to determine
20 whether they are in compliance with those regulations.

21 (3) Refuse to issue a permit to a member of a club that
22 is not in compliance of those regulations.

23 (f) Permits issued to persons demonstrating a special
24 need.--A permit issued to a person who has demonstrated a
25 special need to possess a handgun may be issued with appropriate
26 restrictions depending upon the circumstance relating to the
27 special need of the applicant. The restrictions may pertain to
28 the number of handguns the applicant may possess, whether the
29 applicant may carry the handgun concealed on his person, whether
30 the applicant must maintain the handgun in a specified location

1 and other similar conditions.

2 (g) Duration of permits.--Permits may be issued by the
3 commissioner for periods of up to two years, depending upon the
4 circumstances relating to the special need of the applicant.

5 (h) Annual registration fee.--There shall be an annual
6 registration fee of \$35 for the first handgun and \$20 for each
7 additional handgun, which fee shall be paid at the time of
8 registration and utilized as provided in section 6145 (relating
9 to revenue from registration of assault weapons and handguns).
10 The commissioner shall waive the registration fee if the
11 applicant does not have the financial capacity to pay the fee.

12 (i) Permit cards.--Upon payment of the required fee, an
13 applicant shall be issued a permit card containing a sealed
14 color photograph of the holder, his name and home address, an
15 appropriate designation of the registered weapon, its serial
16 number and the expiration date of the permit.

17 (j) Recourse of persons not granted permits.--Anyone who
18 applies for a handgun permit which is not granted within 15 days
19 may file a petition for mandamus in the court of common pleas of
20 the county in which the applicant resides. The court shall
21 review the matter on an "abuse of discretion" standard.

22 § 6123. Registration of handguns.

23 Within nine months after the effective date of this
24 subchapter, all handguns within this Commonwealth must be
25 registered with the Pennsylvania State Police. The procedure for
26 registering a handgun shall be the same as the procedure for
27 registering an assault weapon, as provided in section 6104
28 (relating to registration of assault weapons).

29 § 6124. Exemptions.

30 Members of the following organizations may lawfully possess

handguns in connection with their official duties without
complying with this subchapter:

(1) Members of the armed forces of the United States.

(2) Law enforcement officers of agencies of the United
States.

(3) Members of the Pennsylvania National Guard.

(4) Members of the Pennsylvania State Police Force.

(5) Police officers, as defined by section 2(3) of the
act of June 18, 1974 (P.L.359, No.120), referred to as the
Municipal Police Education and Training Law.

(6) The sheriff of each county and his deputies.

(7) Persons appointed as policemen pursuant to 22
Pa.C.S. Ch. 5 (relating to private police).

(8) Persons appointed as railroad or street railway
policemen pursuant to 22 Pa.C.S. Ch. 33 (relating to railroad
and street railway police).

(9) Constables who are authorized to carry weapons by
the president judge of the court of common pleas of the
judicial district in which they serve.

§ 6125. Proof of permit.

When carrying a handgun outside his place of abode an
individual who has been issued a permit to carry a handgun
shall, upon lawful demand of a law enforcement officer, produce
the permit for inspection.

§ 6126. Offenses and penalties.

(a) Unlawful sale or transfer.--It shall be a felony of the
third degree to offer to sell, give or transfer a handgun within
this Commonwealth to a person who does not have a permit to
purchase and possess a handgun.

(b) Unlawful purchase or possession.--It shall be a felony

1 of the third degree for a person who does not have a permit to
2 purchase and possess a handgun to purchase, offer to purchase or
3 possess a handgun.

4 (c) Violation of restrictions.--It shall be a felony of the
5 third degree to possess a handgun in a manner that violates the
6 restrictions placed on a permit to purchase or possess a
7 handgun.

8 (d) Possession during commission of offense.--It shall be a
9 felony of the first degree to possess a handgun during the
10 commission of any offense enumerated in this title or the act of
11 April 14, 1972 (P.L.233, No.64), known as The Controlled
12 Substance, Drug, Device and Cosmetic Act.

13 (e) Possession of more than six unregistered handguns.--It
14 shall be a felony of the first degree to possess more than six
15 unregistered handguns.

16 (f) Purchase or possession to facilitate commission of
17 offense.--It shall be a felony of the first degree to purchase
18 or possess a handgun for the purpose of facilitating the
19 commission of any offense enumerated in this title or The
20 Controlled Substance, Drug, Device and Cosmetic Act.

21 (g) Selling, giving or transfer for use in facilitation of
22 drug offense.--It shall be a felony of the first degree to sell,
23 give or transfer a handgun with knowledge that it will be
24 utilized in the facilitation of any offense enumerated in The
25 Controlled Substance, Drug, Device and Cosmetic Act.

26 (h) Selling, giving or transfer for use in facilitation of
27 Crimes Code offense.--It shall be a misdemeanor of the first
28 degree to sell, give or transfer a handgun with knowledge that
29 it will be utilized in the facilitation of any offense
30 enumerated in this title.

1 (i) Selling, giving or transfer of unregistered handguns.--
2 It shall be a misdemeanor of the first degree to sell, give or
3 transfer an unregistered handgun within this Commonwealth.

4 (j) Possession of unregistered handguns.--It shall be a
5 misdemeanor of the first degree to be in possession of an
6 unregistered handgun within this Commonwealth.

7 (k) Possession except as authorized by permit.--It shall be
8 a misdemeanor of the first degree to possess a handgun within
9 this Commonwealth except as authorized by permit.

10 SUBCHAPTER C

11 PROVISIONS APPLICABLE TO ASSAULT WEAPONS AND HANDGUNS

12 Sec.

13 6141. Loans on or lending or giving assault weapons or
14 handguns prohibited.

15 6142. False evidence of identity.

16 6143. Altering or obliterating marks of identification.

17 6144. Crimes of violence.

18 6145. Revenue from registration of assault weapons and
19 handguns.

20 § 6141. Loans on or lending or giving assault weapons or
21 handguns prohibited.

22 No person shall make any loan secured by mortgage, deposit or
23 pledge of an assault weapon or handgun; nor shall any person
24 lend or give an assault weapon or handgun to another or
25 otherwise deliver an assault weapon or handgun contrary to the
26 provisions of this chapter.

27 § 6142. False evidence of identity.

28 No person shall, in purchasing or otherwise securing delivery
29 of an assault weapon or handgun or in applying for registration
30 or a permit for the same, give false information or offer false

1 evidence of his identity. The furnishing of false information or
2 offering false evidence of identity is a violation of section
3 4904 (relating to unsworn falsification to authorities).

4 § 6143. Altering or obliterating marks of identification.

5 (a) Offense defined.--No person shall change, alter, remove
6 or obliterate the name of the maker, model, manufacturer's
7 number or other mark of identification on any assault weapon or
8 handgun.

9 (b) Presumption.--Possession of any assault weapon or
10 handgun, upon which any such mark shall have been changed,
11 altered, removed or obliterated, shall be prima facie evidence
12 that the possessor has changed, altered, removed or obliterated
13 the same.

14 § 6144. Crimes of violence.

15 (a) Additional punishment.--A person who commits or attempts
16 to commit a crime of violence when armed with an assault weapon
17 or a handgun contrary to the provisions of Subchapter A
18 (relating to assault weapons) or B (relating to handguns) may,
19 in addition to the punishment provided for the crime, be
20 punished also as provided for in this chapter.

21 (b) Evidence of intent.--In the trial of a person for
22 committing or attempting to commit a crime of violence, any of
23 the following shall be evidence of the person's intention to
24 commit the crime of violence, namely:

25 (1) The person was in possession of an assault weapon
26 not registered in his name.

27 (2) The person was in possession of a handgun without a
28 permit to possess that handgun.

29 (3) The person was in possession of a handgun not
30 registered in his name.

(c) Definition.--As used in this chapter, "crime of violence" shall mean any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, kidnapping and terroristic threats.

§ 6145. Revenue from registration of assault weapons and handguns.

All revenue generated by registration fees for assault weapons and handguns is hereby appropriated to the Pennsylvania State Police on a continuing basis. The funds shall be used first to subsidize the cost of administering the registration program. Any surplus funds shall be distributed to the spouses and children of State and local police officers who are killed or permanently disabled in the line of duty. The commissioner shall annually determine whether there is surplus revenue from registration fees and, if so, the amount of the surplus, and he shall arrange for the disbursement of those funds on a per capita basis to beneficiaries, or, in the case of minor beneficiaries, to their legal guardians, to whom it shall be entrusted until the minor reaches his majority.

SUBCHAPTER D

FIREARMS GENERALLY

Sec.

6161. Purchase of firearms in contiguous states.

6162. Limitation on municipal regulation of firearms and ammunition.

6163. Certain bullets prohibited.

6164. Carrying loaded weapons other than assault weapons or handguns.

6165. Dealers.

1 6166. Persons to whom delivery shall not be made.

2 6167. Sale of firearms.

3 6168. Antique firearms.

4 6169. Violation penalty.

5 6170. Rules and regulations.

6 6171. Judicial review.

7 § 6161. Purchase of firearms in contiguous states.

8 (a) General rule.--It is lawful for a person residing in
9 this Commonwealth, including a corporation or other business
10 entity maintaining a place of business in this Commonwealth, to
11 purchase or otherwise obtain a rifle or shotgun in a state
12 contiguous to this Commonwealth and to receive or transport such
13 rifle or shotgun into this Commonwealth.

14 (b) Applicability of section.--

15 (1) This section applies to residents of this
16 Commonwealth who obtain rifles or shotguns from a state
17 contiguous to this Commonwealth in compliance with the Gun
18 Control Act of 1968 (Public Law 90-618, 82 Stat. 1213), State
19 laws and local ordinances.

20 (2) This section shall not apply to or be construed to
21 affect in any way the purchase, receipt or transportation of
22 rifles and shotguns by federally licensed firearms
23 manufacturers, importers, dealers or collectors.

24 (c) Definitions.--

25 (1) As used in this section, the term "a state
26 contiguous to this Commonwealth" means any state having a
27 common border with this Commonwealth.

28 (2) The other terms used in this section shall have the
29 meanings ascribed to them by the Gun Control Act of 1968.

30 § 6162. Limitation on municipal regulation of firearms and

1 ammunition.

2 (a) General rule.--No county, municipality or township may
3 in any manner regulate the lawful ownership, possession,
4 transfer or transportation of firearms, ammunition or ammunition
5 components when carried or transported for purposes not
6 prohibited by the laws of this Commonwealth.

7 (b) Definition.--As used in this section, the term
8 "firearms" shall not include air rifles as defined in section
9 6304 (relating to sale and use of air rifles).

10 § 6163. Certain bullets prohibited.

11 (a) Offense defined.--It is unlawful for any person to
12 possess, use or attempt to use a KTW teflon-coated bullet or
13 other armor-piercing ammunition while committing or attempting
14 to commit a crime of violence as defined in section 6144
15 (relating to crimes of violence).

16 (b) Grading.--An offense under this section constitutes a
17 felony of the third degree.

18 (c) Sentencing.--Any person who is convicted in any court of
19 this Commonwealth of a crime of violence and who uses or
20 carries, in the commission of that crime, a firearm loaded with
21 KTW ammunition or any person who violates this section shall, in
22 addition to the punishment provided for the commission of the
23 crime, be sentenced to a term of imprisonment for not less than
24 five years. Notwithstanding any other provision of law, the
25 court shall not suspend the sentence of any person convicted of
26 a crime subject to this subsection nor place him on probation,
27 nor shall the term of imprisonment run concurrently with any
28 other term of imprisonment including that imposed for the crime
29 in which the KTW ammunition was being used or carried. No person
30 sentenced under this subsection shall be eligible for parole.

1 (d) Definition.--As used in this section, the term "armor-
2 piercing ammunition" means ammunition which, when or if fired
3 from any assault weapon, as defined in section 6101 (relating to
4 definitions), or handgun, as defined in section 6121 (relating
5 to definitions), that is used or attempted to be used in
6 violation of subsection (a) under the test procedure of the
7 National Institute of Law Enforcement and Criminal Justice
8 Standard for the Ballistics Resistance of Police Body Armor,
9 promulgated December 1978, is determined to be capable of
10 penetrating bullet-resistant apparel or body armor meeting the
11 requirements of Type IIA of Standard NILECJ-STD-0101.01 as
12 formulated by the United States Department of Justice and
13 published in December of 1978.

14 § 6164. Carrying loaded weapons other than assault weapons or
15 handguns.

16 (a) Offense defined.--No person shall carry a loaded pistol,
17 revolver, shotgun or rifle, other than an assault weapon or
18 handgun, in any vehicle.

19 (b) Applicability.--The provisions of this section shall not
20 apply to persons exempted under Subchapter A (relating to
21 assault weapons) or B (relating to handguns), nor shall the
22 provisions of this section be construed to permit persons to
23 carry assault weapons or handguns in a vehicle where such
24 conduct is prohibited by Subchapter A or B.

25 (c) Penalty.--A person who violates the provisions of this
26 section commits a summary offense.

27 § 6165. Dealers.

28 (a) License required.--No retail dealer shall sell, or
29 otherwise transfer or expose for sale or transfer, or have in
30 his possession with intent to sell or transfer, any firearm

1 without being licensed as provided in this subchapter.

2 (b) Grant of licenses.--The commissioner shall grant, to
3 reputable applicants, licenses, in a form prescribed by the
4 commissioner, effective for not more than one year from date of
5 issue, permitting the licensee to sell firearms directly to the
6 consumer, subject to the following conditions in addition to
7 those specified elsewhere in this chapter, for breach of any of
8 which the license shall be forfeited and the licensee subject to
9 punishment as provided in this chapter:

10 (1) The business shall be carried on only in the
11 building designated by the license.

12 (2) The license, or a copy thereof, certified by the
13 issuing authority, shall be displayed on the premises where
14 it can easily be read.

15 (3) No firearm shall be sold in violation of this
16 chapter.

17 (4) No firearm shall be sold under any circumstances
18 unless the purchaser is personally known to the seller or
19 shall present clear evidence of his identity.

20 (5) A true record in triplicate shall be made of every
21 firearm sold, in a book kept for the purpose, the form of
22 which shall be prescribed by the commissioner, and shall be
23 personally signed by the purchaser and by the person
24 effecting the sale, each in the presence of the other, and
25 shall contain all information prescribed by the commissioner.

26 (6) No handgun or imitation thereof, or placard
27 advertising the sale thereof, shall be displayed in any part
28 of any premise where it can readily be seen from the outside.
29 In the event that the commissioner shall find a clear and
30 present danger to public safety within this Commonwealth or

1 any area thereof, firearms shall be stored by the licensee
2 during the hours when the licensee is closed for business,
3 safeguarded pursuant to regulations to be established by the
4 commissioner.

5 (c) Fee.--The fee for issuing a dealer's license shall be
6 \$100, which fee shall be paid to the Pennsylvania State Police.
7 All revenue generated by dealer fees shall be used first to
8 subsidize the costs of administering the dealer licensing
9 program. Any surplus revenue shall be distributed in the same
10 manner as provided for in section 6145 (relating to revenue from
11 registration of assault weapons and handguns).

12 (d) Revocation.--Any license may be revoked by the
13 commissioner upon written notice to the holder thereof.

14 § 6166. Persons to whom delivery shall not be made.

15 In addition to the prohibitions set forth in Subchapters A
16 (relating to assault weapons) and B (relating to handguns), no
17 person shall deliver a firearm to any person under the age of 18
18 years or to one he has reasonable cause to believe has been
19 convicted of a crime of violence or is a drug addict, an
20 habitual drunkard or of unsound mind.

21 § 6167. Sale of firearms.

22 (a) Time and manner of delivery.--No seller shall deliver a
23 firearm to the purchaser thereof until 48 hours shall have
24 elapsed from the time of the application for the purchase
25 thereof, and, when delivered, the firearm shall be securely
26 wrapped and shall be unloaded.

27 (b) Statement to be signed by purchaser.--At the time of
28 applying for the purchase of a firearm, the purchaser shall sign
29 in quadruplicate and deliver to the seller a statement
30 containing his full name, address, occupation, race, place of

1 birth, the date and hour of application, the caliber, length of
2 barrel, make, model and manufacturer's number of the firearm to
3 be purchased, and a statement that he has never been convicted
4 in this Commonwealth, or elsewhere, of a crime of violence. The
5 seller shall, within six hours after such application, sign and
6 attach his address and forward by registered or certified mail
7 one copy of the statement to the chief or head of the police
8 force or police department of the city or the sheriff of the
9 county of the place of business of the seller, the duplicate,
10 duly signed by the seller, shall, within seven days, be sent by
11 him, with his address, to the commissioner, the triplicate he
12 shall retain for six years, and the quadruplicate with the
13 proper signature and address of the seller shall, within six
14 hours after the application, be forwarded by registered or
15 certified mail to the chief or head of the police force or
16 police department of the city or to the sheriff of the county of
17 which the buyer is a resident.

18 (c) Exemption.--This section shall not apply to sales at
19 wholesale.

20 § 6168. Antique firearms.

21 (a) General rule.--This chapter shall not apply to antique
22 firearms.

23 (b) Exception.--Subsection (a) shall not apply to the extent
24 that such antique firearms, reproductions or replicas of
25 firearms are assault weapons or handguns as defined in this
26 chapter and are suitable for use.

27 (c) Definition.--For purposes of this section, "antique
28 firearm" means:

29 (1) any firearm, including any firearm with a matchlock,
30 flintlock, percussion cap or similar type of ignition system,

1 manufactured on or before 1898; and

2 (2) any replica of any firearm described in paragraph
3 (1) if such replica:

4 (i) is not designed or redesigned for using rim-fire
5 or conventional center-fire fixed ammunition; or

6 (ii) uses rim-fire or conventional center-fire fixed
7 ammunition which is no longer manufactured in the United
8 States and which is not readily available in the ordinary
9 channels of commercial trade.

10 § 6169. Violation penalty.

11 Any offense under this chapter for which a penalty is not
12 specifically provided constitutes a misdemeanor of the first
13 degree.

14 § 6170. Rules and regulations.

15 The commissioner shall have the authority to promulgate all
16 rules and regulations he may deem necessary to carry out the
17 provisions of this chapter.

18 § 6171. Judicial review.

19 Any action of the commissioner under this chapter shall be
20 subject to judicial review in the manner and within the time
21 provided by Title 2 (relating to administrative law and
22 procedure). A judgment sustaining a refusal to grant a license
23 or permit shall not bar, after one year, a new application, nor
24 shall a judgment in favor of the petitioner prevent the
25 commissioner from thereafter revoking or refusing to renew such
26 license or permit for any proper cause which may thereafter
27 occur. The court shall have full power to dispose of all costs.

28 SUBCHAPTER E

29 OTHER DANGEROUS ARTICLES

30 6181. Carrying explosives on conveyances.

1 6182. Shipping explosives.

2 § 6181. Carrying explosives on conveyances.

3 (a) Offense defined.--A person commits a misdemeanor of the
4 second degree if he enters into or upon any railroad train,
5 locomotive, tender or car thereof, or into or upon any
6 automobile or other conveyance used for the carrying of freight
7 or passengers, having in his custody or about his person any
8 nitroglycerine or other explosive, other than as freight
9 regularly shipped as such.

10 (b) Powers of crew.--The conductor or person having charge
11 and control of any railroad train, coach or other conveyance for
12 the carriage of freight or passengers may arrest any person
13 found violating the provisions of this section and detain the
14 person until reaching some place where the person may be
15 delivered to a constable or other police authority.

16 (c) Venue.--It shall be lawful to prosecute such offenders
17 in any county through which the public conveyance passes,
18 without reference to the place where the offenders were
19 arrested.

20 § 6182. Shipping explosives.

21 (a) Offense defined.--A person commits a misdemeanor of the
22 third degree if he knowingly delivers or causes to be delivered
23 to any transportation company, or to any person engaged in the
24 business of transportation, any explosive material adapted for
25 blasting, or for any other purpose for which such articles may
26 be used, under any false or deceptive invoice or description, or
27 without informing the carrier, at or before the time when the
28 delivery is made, of the true nature of the same, and without
29 having the keg, barrel, can or package containing the same
30 plainly marked with the name of the explosive material therein

1 contained, together with the word "dangerous."

2 (b) Damages.--Any person convicted of an offense under this
3 section shall, in addition to any other penalty, be responsible
4 for all damages to persons or property directly or indirectly
5 resulting from the explosion of any such article.

6 (c) Opening of suspected containers.--Any person engaged in
7 the business of transportation, upon affidavit made of the fact
8 that any container tendered for transportation, not in
9 compliance with the provisions of this section is believed to
10 contain explosive material, may require the container to be
11 opened and refuse to receive any such container unless the
12 requirement is complied with.

13 (d) Disposition of explosives.--If the container is opened
14 and found to contain any explosive material, the container and
15 its contents shall be forthwith removed to any lawful place for
16 the storing of explosives. After conviction of the offender, or
17 after three months from the removal, the container, with its
18 contents, shall be sold at public sale, after the expiration of
19 ten days from notice of the time and place of the sale,
20 published in one newspaper in the county where the seizure shall
21 have been made. The proceeds of the sale, after deducting
22 therefrom the expenses of removal, storage, advertisement and
23 sale, shall be paid into the treasury of the county.

24 Section 3. All licenses to carry firearms, sportsman firearm
25 permits and dealer licenses issued prior to the effective date
26 of this act shall expire at the end of the period for which they
27 were issued.

28 Section 4. This act shall take effect as follows:

29 (1) The addition of 18 Pa.C.S. § 6170 shall take effect
30 immediately.

1 (2) The remainder of this act shall take effect in six
2 months.