

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2565** Session of  
2000

INTRODUCED BY JAMES, MICHLOVIC, FRANKEL, 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

REFERRED TO COMMITTEE ON JUDICIARY, MAY 17, 2000

AN ACT

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

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

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

7 SUBCHAPTER D

8 ASSAULT WEAPONS

9 Sec.

10 6181. Definitions.

11 6182. Determination by court.

12 6183. Registration.

13 6184. Relinquishment of weapons.

14 6185. Licensed gun dealers.

15 6186. Penalties.

16 6187. Application of subchapter.

17 § 6181. Definitions.

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

4 "Assault weapon."

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

7 RIFLES

8 Algimec AGM 1 type

9 Australian SAR

10 Avtomat Kalashnikov (AK) series

11 Beretta AR-70 (SC-70)

12 Beretta BM59

13 Bushmaster Assault Rifle (armgun)

14 Calico M-900 type

15 CETME G3

16 Chartered Industries SR-88 type

17 CAR-15 series

18 Daewoo AR-100 type

19 Daewoo K-1

20 Daewoo K-2

21 Daewoo Max 1

22 Daewoo Max 2

23 Demro TAC-1 carbine type

24 Encom MP-9 carbine type

25 Encom MP-45 carbine type

26 FAMAS MAS223

27 G3SA type

28 Galil type

29 Heckler & Koch MP-5

30 Mandall the TAC-1 Carbine

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

1           Steyr-AUG semiautomatic type

2           USAS 12 semiautomatic type

3           PISTOLS

4           UZI Pistol

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

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

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

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

17 "Commissioner." The Commissioner of the Pennsylvania State  
18 Police.

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

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

27 § 6182. Determination by court.

28 (a) General rule.--Upon request by the commissioner filed in  
29 a verified petition in the Commonwealth Court, the court shall  
30 issue a declaration of temporary suspension of the manufacture,

1 sale, distribution, transportation or importation into this  
2 Commonwealth, or the giving or lending of a firearm alleged to  
3 be an assault weapon because the firearm is either of the  
4 following:

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

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

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

1 (c) Notice.--

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

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

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

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

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

14 § 6183. Registration.

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

27 (b) Certain sales, transfers, etc.--No assault weapon  
28 possessed under this section may be sold or transferred on or  
29 after 90 days following the effective date of this subchapter,  
30 to anyone within this Commonwealth other than to a licensed gun

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

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

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

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

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

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

27 (5) While attending any exhibition, display or  
28 educational project which is about firearms and which is  
29 sponsored by, conducted under the auspices of or approved by  
30 a law enforcement agency or a nationally or State recognized



entity that fosters proficiency in, or promotes education about, firearms.

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

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

#### § 6184. Relinquishment of weapons.

Any individual may arrange in advance to relinquish an assault weapon to a police or sheriff's department.

#### § 6185. Licensed gun dealers.

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

#### § 6186. Penalties.

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