

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 764 Session of
2005

INTRODUCED BY FRANKEL, BEBKO-JONES, BISHOP, COHEN, CRUZ, CURRY,
D. EVANS, GERBER, JAMES, JOSEPHS, KIRKLAND, LEACH, LEDERER,
MELIO, MYERS, PISTELLA, ROEBUCK, ROONEY, STETLER, STURLA,
THOMAS, WASHINGTON, WHEATLEY AND YOUNGBLOOD, MARCH 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for prohibition and
3 registration of certain assault weapons; 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 amended by adding a subchapter to read:

9 SUBCHAPTER B.1

10 ASSAULT WEAPONS BAN

11 Sec.

12 6151. Definitions.

13 6152. Manufacture, possession and transfer of assault
14 weapons.

15 6153. Possession of assault weapon components.

16 6154. Registration of assault weapons.

17 6155. Fees.

18 § 6151. 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." The term includes the following:

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

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

10 (ii) If the firearm is a rifle, a stock in any
11 configuration, including, but not limited to, a thumbhole
12 stock, a folding stock or a telescoping stock, that
13 allows the bearer of the firearm to grasp the firearm
14 with the trigger hand such that the web of the trigger
15 hand, between the thumb and forefinger, can be placed
16 below the top of the external portion of the trigger
17 during firing.

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

21 (iv) A barrel shroud.

22 (v) A muzzle break or muzzle compensator.

23 (vi) Any feature capable of functioning as a
24 protruding grip that can be held by the hand that is not
25 the trigger hand.

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

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

1 (4) Any shotgun capable of accepting a detachable
2 magazine.

3 (5) Any shotgun with a revolving cylinder.

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

8 "Barrel shroud." A covering, other than a slide, that is
9 attached to or that substantially or completely encircles the
10 barrel of a firearm and that allows the bearer of the firearm to
11 hold the barrel with the nonshooting hand while firing the
12 firearm, without burning that hand. The term does not include an
13 extension of the stock along the bottom of the barrel that does
14 not substantially or completely encircle the barrel.

15 Commissioner." The Commissioner of the Pennsylvania State
16 Police.

17 "Conversion kit." Any part or combination of parts designed
18 and intended for use in converting a firearm into an assault
19 weapon.

20 "Detachable magazine." A magazine the function of which is
21 to deliver one or more ammunition cartridges into the firing
22 chamber of a firearm and which can be removed from the firearm
23 without the use of any tool, including a bullet or ammunition
24 cartridge.

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

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

29 § 6152. Manufacture, possession and transfer of assault
30 weapons.

1 (a) Offense defined.--No person shall manufacture, possess,
2 purchase, sell or otherwise transfer any assault weapon, or any
3 assault weapon conversion kit, except as provided under
4 subsection (b).

5 (b) Exceptions.--Subsection (a) shall not apply to any of
6 the following:

7 (1) The possession of an unloaded assault weapon for the
8 purpose of permanently relinquishing it to a law enforcement
9 agency in this Commonwealth pursuant to regulations adopted
10 for such purpose by the commissioner. Any assault weapon
11 relinquished pursuant to this subsection shall be destroyed.

12 (2) The transfer of any assault weapon by a licensed
13 manufacturer or dealer to a law enforcement agency in this
14 Commonwealth for use by that agency or its employees for law
15 enforcement purposes.

16 (3) The possession of an assault weapon that was legally
17 possessed on the effective date of this act, if the person
18 legally possessing the assault weapon has complied with all
19 of the requirements of section 6154 (relating to registration
20 of assault weapons).

21 (4) The possession of an assault weapon that has been
22 permanently disabled so that it is incapable of discharging a
23 projectile.

24 (c) Public nuisance.--Any assault weapon or assault weapon
25 conversion kit, the manufacture, possession, purchase, sale or
26 other transfer of which is prohibited under subsection (a), is a
27 public nuisance.

28 (d) Penalty.--Any person who violates subsection (a) commits
29 a felony of the first degree.

30 § 6153. Possession of assault weapon components.

1 (a) Offense defined.--No person shall possess or have under
2 the person's control both of the following at the same time,
3 except as provided under subsection (b):

4 (1) a semiautomatic or pump-action rifle or
5 semiautomatic pistol capable of accepting a detachable
6 magazine; and

7 (2) any magazine capable of use with that firearm that
8 contains more than ten rounds of ammunition.

9 (b) Exceptions.--Subsection (a) shall not apply to any
10 person while lawfully doing either of the following:

11 (1) engaging in shooting at a duly licensed, lawfully
12 operated shooting range; or

13 (2) participating in a sporting event officially
14 sanctioned by a club or organization established in whole or
15 in part for the purpose of sponsoring sport shooting events.

16 (c) Penalty.--Any person who violates subsection (a) commits
17 a felony of the first degree.

18 § 6154. Registration of assault weapons.

19 (a) Grandfathered assault weapons.--A person may continue to
20 possess an assault weapon that the person legally possessed on
21 the effective date of this subchapter, if the person does all of
22 the following:

23 (1) Within 90 days following the effective date of this
24 subchapter, submits to a background check identical to the
25 background check conducted in connection with the purchase of
26 a firearm from a licensed gun dealer.

27 (2) Unless the person is prohibited by law from
28 possessing a firearm, immediately registers the assault
29 weapon with the Pennsylvania State Police pursuant to
30 regulations adopted for such purpose by the commissioner.

1 (3) Safely and securely stores the assault weapon
2 pursuant to regulations adopted for such purpose by the
3 commissioner.

4 (4) Annually renews both the registration and the
5 background check.

6 (5) Possesses the assault weapon only on property owned
7 or immediately controlled by the person, while engaged in the
8 legal use of the assault weapon at a duly licensed firing
9 range or while traveling to or from either of these locations
10 for the purpose of engaging in the legal use of the assault
11 weapon, provided that the assault weapon is stored unloaded
12 and in a separate locked container during transport.

13 (b) Inherited assault weapons.--Notwithstanding any other
14 provision of this subchapter, any person who, after the
15 effective date of this subchapter, acquires title to an assault
16 weapon by inheritance, bequest or succession shall, within 30
17 days of acquiring title, do one of the following:

18 (1) comply with all of the requirements of subsection
19 (a);

20 (2) dispose of the assault weapon pursuant to section
21 6152(b)(1) (relating to manufacture, possession and transfer
22 of assault weapons); or

23 (3) permanently disable the assault weapon so that it is
24 incapable of discharging a projectile.

25 (c) Compliance check.--The Pennsylvania State Police may, no
26 more than once per year, conduct an inspection to ensure
27 compliance with this subsection.

28 (d) Penalty.--Any person who violates subsection (a) or (b)
29 commits a felony of the third degree.

30 § 6155. Fees.

1 The Pennsylvania State Police may charge a fee for each
2 registration and for each registration renewal under section
3 6154 (relating to registration of assault weapons). Such fee
4 shall not exceed the costs incurred by the Pennsylvania State
5 Police in administering the registration program established
6 under section 6154.

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