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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1523 Session of  
2011

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INTRODUCED BY METCALFE, AUMENT, BENNINGHOFF, CALTAGIRONE,  
CAUSER, COX, CREIGHTON, CUTLER, ELLIS, GABLER, GEORGE,  
GIBBONS, GRELL, GROVE, HARRIS, HESS, HUTCHINSON, KAUFFMAN,  
F. KELLER, KNOWLES, KORTZ, KOTIK, KRIEGER, LONGIETTI,  
MALONEY, METZGAR, MILLARD, MILLER, MOUL, MUSTIO, PERRY,  
PETRARCA, PYLE, RAPP, READSHAW, ROAE, ROCK, SACCONI, STABACK,  
STEVENSON, SWANGER, TALLMAN, TURZAI, VULAKOVICH, WHITE AND  
CHRISTIANA, MAY 11, 2011

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 2011

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for limitation on the regulation  
4 of firearms and ammunition.

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

7 Section 1. Section 6120(b) of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended and the section is amended by  
9 adding a subsection to read:

10 § 6120. Limitation on the regulation of firearms and  
11 ammunition.

12 \* \* \*

13 (a.2) Remedies for unlawful regulation.--Notwithstanding any  
14 other provision of law, a party who brings or maintains an  
15 action at law or in equity against a county, municipality or  
16 township that has regulated the lawful ownership, possession,

1 transfer or transportation of firearms, ammunition or ammunition  
2 components in violation of subsection (a) or 53 Pa.C.S. §  
3 2962(g) (relating to limitation on municipal powers), shall be  
4 entitled to:

5 (1) Reimbursement of actual damages and reasonable  
6 attorney fees and costs incurred if, within 30 days of  
7 commencement of the action but prior to a final determination  
8 by a court in favor of either party, the county, municipality  
9 or township rescinds or repeals the ordinance, resolution or  
10 other practice at issue in the action.

11 (2) Prejudgment liquidated damages if, after the  
12 expiration of the 30-day period in paragraph (1) but prior to  
13 a final determination by a court in favor of either party,  
14 the county, municipality or township rescinds or repeals the  
15 ordinance, resolution or other practice at issue in the  
16 action.

17 (3) Postjudgment liquidated damages upon a final  
18 determination by a court in favor of the party who brings or  
19 maintains the action.

20 (b) Definitions.--As used in this section, the following  
21 words and phrases shall have the meanings given to them in this  
22 subsection:

23 "Dealer." The term shall include any person engaged in the  
24 business of selling at wholesale or retail a firearm or  
25 ammunition.

26 "Firearms." This term shall have the meaning given to it in  
27 section 5515 (relating to prohibiting of paramilitary training)  
28 but shall not include air rifles as that term is defined in  
29 section 6304 (relating to sale and use of air rifles).

30 "Political subdivision." The term shall include any home

1 rule charter municipality, county, city, borough, incorporated  
2 town, township or school district.

3 "Postjudgment liquidated damages." A sum equal to three  
4 times the actual damages, reasonable attorney fees and costs  
5 incurred by a party who successfully brings or maintains an  
6 action described under subsection (a.2).

7 "Prejudgment liquidated damages." A sum equal to two times  
8 the actual damages, reasonable attorney fees and costs incurred  
9 by a party who brings or maintains an action described under  
10 subsection (a.2).

11 Section 2. This act shall take effect immediately.