

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 176 Session of 2011

INTRODUCED BY WASHINGTON, GREENLEAF, KITCHEN, TARTAGLIONE,  
WILLIAMS AND STACK, FEBRUARY 11, 2011

REFERRED TO JUDICIARY, FEBRUARY 11, 2011

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities  
2 Generally) of the Pennsylvania Consolidated Statutes,  
3 providing for a limit on handgun purchases and sales in  
4 cities of the first class; establishing the Violence  
5 Prevention Fund; further providing for limitation on the  
6 regulation of firearms and ammunition and for limitation on  
7 municipal powers.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 18 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a section to read:

12 § 6111.6. Limit on handgun purchases and sales in cities of the  
13 first class.

14 (a) Purchase of handgun.--No person may purchase more than  
15 one handgun in a city of the first class within any 30-day  
16 period.

17 (b) Sale of handgun.--No person may sell or cause to be sold  
18 to a person in a city of the first class more than one handgun  
19 within any 30-day period.

20 (c) Exceptions.--This section shall not apply to the

1 following:

2 (1) A licensed firearm dealer who is purchasing the  
3 handguns in the ordinary course of business.

4 (2) A licensed firearm collector.

5 (3) A law enforcement agency or an agency authorized to  
6 perform law enforcement duties.

7 (4) State and local correctional facilities.

8 (5) A private security company licensed to do business  
9 within this Commonwealth.

10 (6) The purchase or sale of antique firearms.

11 (7) A person whose handgun is stolen or irretrievably  
12 lost if:

13 (i) the person provides the seller with an official  
14 copy of the police report of the lost or stolen handgun  
15 or a summary of the report on a form provided by the  
16 Pennsylvania State Police;

17 (ii) the police report or summary contains the name  
18 and address of the handgun owner, the description of the  
19 handgun, the location of the loss or theft, the date of  
20 the loss or theft and the date the loss or theft was  
21 reported to the law enforcement agency;

22 (iii) the date of the loss or theft as reflected on  
23 the police report or summary occurred within 30 days of  
24 the person's attempt to replace the handgun; and

25 (iv) the seller attaches an official copy of the  
26 police report or summary of the report to the original  
27 sales receipt or other document evidencing the original  
28 sale and retains it for a period prescribed by regulation  
29 of the Pennsylvania State Police.

30 (d) Grading.--

1       (1) Except as set forth in paragraph (2), a person who  
2       is convicted of violating subsection (a) or (b) commits a  
3       misdemeanor of the third degree.

4       (2) A second or subsequent offense under subsection (a)  
5       or (b) shall constitute a felony of the third degree.

6       (e) Disposition of fines collected.--The court imposing and  
7       collecting a fine under subsection (d) shall transfer the fines  
8       collected to the State Treasurer for deposit in the Violence  
9       Prevention Fund under subsection (f).

10      (f) Violence Prevention Fund.--There is established in the  
11      General Fund a nonlapsing, restricted receipt account to be  
12      known as the Violence Prevention Fund. Money in the fund is  
13      hereby appropriated to the Pennsylvania Commission on Crime and  
14      Delinquency solely for purposes of violence prevention and youth  
15      violence prevention, including youth education and activities  
16      designed to prevent violence and grants to law enforcement  
17      agencies for equipment and training designed to prevent gun-  
18      related injuries.

19      (g) Notice.--A seller shall notify each prospective  
20      purchaser that the purchase of more than one handgun in a 30-day  
21      period is prohibited under this section and of the applicable  
22      penalties.

23      (h) Handgun purchase history check.--In addition to any  
24      other duty prescribed by this section, a seller of a handgun  
25      shall request the Pennsylvania State Police to conduct a handgun  
26      purchase history check to investigate whether the prospective  
27      handgun purchaser is in compliance with this section. A handgun  
28      purchase history check shall be conducted in accordance with the  
29      procedures governing other background checks under this  
30      subchapter. A handgun purchase history check shall be conducted

1 at the same time any criminal history, juvenile delinquency or  
2 mental health records check is required for a firearm purchase  
3 under this subchapter. Information related to a handgun purchase  
4 provided to the Pennsylvania State Police by a seller may be  
5 retained by the Pennsylvania State Police as necessary to  
6 monitor compliance with this section.

7 (i) Expiration.--This section shall expire seven years after  
8 it takes effect unless extended by statute.

9 (j) Definitions.--As used in this section, the following  
10 words and phrases shall have the meanings given to them in this  
11 subsection:

12 "Handgun." Either of the following:

13 (1) A firearm which has a short stock and is designed to  
14 be held and fired by the use of a single hand.

15 (2) Any combination of parts from which a firearm  
16 described under paragraph (1) can be assembled.

17 "Licensed firearm collector." A person who collects firearms  
18 and is licensed as a collector under 18 U.S.C. § 923 (relating  
19 to licensing).

20 "Licensed firearm dealer." A person who is licensed as a  
21 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

22 "Purchase." The term does not include the exchange or  
23 replacement of a handgun by a seller for a handgun purchased  
24 from the seller by the same person seeking the exchange or  
25 replacement within the 30-day period immediately preceding the  
26 date of exchange or replacement.

27 Section 2. Section 6120(a) of Title 18 is amended and the  
28 section is amended by adding a subsection to read:

29 § 6120. Limitation on the regulation of firearms and  
30 ammunition.

1 (a) General rule.--[No] Except as set forth in subsection  
2 (a.2) and notwithstanding 53 Pa.C.S. § 2962(g) (relating to  
3 limitation on municipal powers), no county, municipality or  
4 township may in any manner regulate the lawful ownership,  
5 possession, transfer or transportation of firearms, ammunition  
6 or ammunition components when carried or transported for  
7 purposes not prohibited by the laws of this Commonwealth.

8 \* \* \*

9 (a.2) Exception.--

10 (1) The governing body of a municipality may enact an  
11 ordinance that adopts the provisions of section 6111.6  
12 (relating to limit on handgun purchases and sales in cities  
13 of the first class).

14 (2) Prior to adopting the ordinance, the governing body  
15 shall adopt a proposed ordinance which shall include all of  
16 the following information:

17 (i) The provisions of section 6111.6.

18 (ii) The content of the ordinance that will be  
19 enacted, including the effective date.

20 (iii) A statement that the proposed ordinance is  
21 being adopted pursuant to and subject to the requirements  
22 of this section.

23 (3) The governing body must give public notice of its  
24 intent to adopt the proposed ordinance and hold at least one  
25 public hearing on the proposed ordinance prior to adoption.  
26 Publication of the notice shall be made by advertisement once  
27 a week for three weeks in a newspaper of general circulation  
28 within the municipality if there is such a newspaper and, if  
29 there is not, then the publication shall be made in a  
30 newspaper of general circulation within the county in which

1     the advertising municipality is located.

2             (4) For purposes of this subsection, the term  
3     "municipality" shall mean a city, borough or township. The  
4     term shall not include a city of the first class.

5     \* \* \*

6     Section 3. Section 2962(g) of Title 53 is amended to read:

7     § 2962. Limitation on municipal powers.

8     \* \* \*

9     (g) Regulation of firearms.--[A] Except as set forth in 18  
10  Pa.C.S. § 6120(a.2) (relating to limitation on the regulation of  
11  firearms and ammunition), a municipality shall not enact any  
12  ordinance or take any other action dealing with the regulation  
13  of the transfer, ownership, transportation or possession of  
14  firearms.

15     \* \* \*

16     Section 4. This act shall take effect in 60 days.