



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1243

PRINTERS NO. 4179

PRIME SPONSOR: Stephens

### COST / (SAVINGS)

FUND	FY 2014/15	FY 2015/16
General Fund	\$0	\$0

**SUMMARY:** House Bill 1243 amends the Crimes Code concerning the regulation of firearms and ammunition. It would take effect in 60 days.

**ANALYSIS:** House Bill 1243 amends the Crimes Code by requiring the PA State Police to send existing mental health data to the National Instant Criminal Background Check System (NICS), which is utilized to check the backgrounds of individuals attempting to acquire a firearm nationwide. The bill additionally requires ongoing submissions of this data to NICS within 72 hours of the State Police receiving it.

This legislation also amends the Crimes Code concerning limitations on the regulation of firearms and ammunition. It establishes that a person adversely affected by any county, township, or municipal regulation on firearms or ammunition promulgated or enforced in violation of state limitations on such regulations, may seek injunctive and declarative relief, as well as damages. The amendment establishes that a "person adversely affected" who brings or maintains a civil action in such cases is entitled to "reasonable expenses," defined as attorney fees, expert witness fees, court costs, and compensation for loss of income.

Furthermore, the amendment clarifies and defines who has lawful standing to file suit claiming that an ordinance, resolution, rule or practice violates the state preemption statute by defining the term "person adversely affected" to include any resident of the Commonwealth who may legally possess a firearm under Federal and State law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring an action. The term also includes any membership organization in which such a person is a member.

**FISCAL IMPACT:** Enactment of this legislation will have no adverse impact on Commonwealth funds. It could impact local government finances to the extent that any local government has an ordinance, resolution, rule or practice successfully challenged in court and is required to pay damages.

**PREPARED BY:** Jeff Miller  
House Appropriations Committee (R)

**DATE:** September 24, 2014

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*