

# **SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE**

**BILL NO.** Senate Bill 448

**PRINTER NO.** 1164

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

March 18, 2021

**PRIME SPONSOR**

Senator Langerholc

**DESCRIPTION**

Senate Bill 448 amends Title 18 and Title 53 regarding the limitation and regulation of firearms and ammunition by municipalities.

This bill provides that a person adversely affected by an ordinance, resolution, rule, practice or other action promulgated or enforced by a county, municipality or township in violation of the limitations placed by the state may seek declarative and injunctive relief and damages.

A 'person adversely affected' is defined as a resident of the Commonwealth who may legally possess a firearm, a person who has standing pursuant to the law or a membership organization in which such person is a member.

A 'person adversely affected' who seeks to challenge a local firearm regulation must provide a 60-day written notice of the intention to challenge the regulation in order to be entitled to reasonable expenses if successful. A defendant who successfully defends against a municipal firearm regulation later found to be preempted by state law is also entitled to reasonable expenses. 'Reasonable expenses' include attorney fees, expert witness fees, court costs and compensation for lost income.

Senate Bill 448 also amends Title 53 to add a new section stating that the General Assembly has always intended and continues to intend to be the sole regulator of firearms, ammunition, magazines, accessories, firearm components and ammunition components in the Commonwealth including the purchase, sale, transfer, taxation, manufacture, ownership, possession, use, discharge, transportation and reporting of loss or theft of firearms, ammunition or components in the Commonwealth to the exclusion of any future or existing regulation or action adopted by a municipality.

**FISCAL IMPACT:**

Senate Bill 448 will have no fiscal impact on Commonwealth funds. Local governments may experience financial impacts to the extent any ordinance, resolution, rule or practice is successfully challenged in court and the municipality is required to pay reasonable expenses.