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House of Representatives
Commonwealth of Pennsylvania
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STATE GOVERNMENT COMMITTEE
CHAIRMAN

MEMORANDUM

TO: All House Members

FROM: Representative Daryl D. Metcalfe
12th Legislative District

DATE: March 3, 2011

RE: Cosponsorship Request
Regulation of Firearms and Ammunition

Commonwealth law already provides, in most circumstances, for preemption of local firearm laws. Section 6120 of the Crimes Code specifically prohibits local regulation of the ownership, possession, transfer or transportation of firearms, ammunition or ammunition components in conflict with statewide law. This section implements the statewide constitutional right recognized by Article I, Section 21 of the Pennsylvania Constitution, which reads as follows:

“The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.”

Despite these clear constitutional and statutory limitations, some of our local officials have gone out of their way to enact piecemeal local restrictions regarding the ownership and possession of firearms. The end result is that citizens are forced to incur significant expenses to hire attorneys to challenge these illegal and unconstitutional ordinances.

In the near future, I plan to introduce legislation to clarify that any party who successfully challenges one of these illegal local firearm ordinances will be entitled to reimbursement from the offending jurisdiction for:

- actual damages,
- reasonable attorney fees, and
- costs.

If you would like to be added as a cosponsor of this legislation, please contact Jessica Smith at 783-1707 or via email at jasmith@pahousegop.com.

Thank you.

DDM/jas