

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for the sale of toy or imitation firearms  
4 and imposing penalties.

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

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

9 § 6128. Sale of toy or imitation firearms.

10 (a) General rule.--No person, firm or corporation or any  
11 agent or employee thereof shall import, manufacture, sell, hold  
12 for sale or distribute within this Commonwealth any toy or  
13 imitation firearm which substantially duplicates or can be  
14 reasonably perceived to be an actual firearm unless:

15 (1) The entire exterior surface of the toy or imitation  
16 firearm is colored white, bright red, bright orange, bright  
17 yellow, bright green, bright blue, bright pink or bright  
18 purple, either singly or as the predominant color, in

1 combination with other colors in any pattern.

2 (2) The toy or imitation firearm is constructed entirely  
3 of transparent or translucent materials which permits  
4 unmistakable observation of the toy or imitation firearm's  
5 complete contents.

6 (3) The barrel of the toy or imitation firearm, other  
7 than the barrel of any toy or imitation firearm that is a  
8 water gun, is closed with the same material from which the  
9 toy or imitation firearm is made for a distance of not less  
10 than one-half inch from the front end of the barrel.

11 (4) The toy or imitation firearm has legibly stamped on  
12 its exterior the name of the manufacturer or some trade name,  
13 mark or brand by which the manufacturer can be readily  
14 identified.

15 (5) The toy or imitation firearm does not have a laser  
16 pointer attached.

17 (b) Exceptions.--Subsection (a) shall not apply to any of  
18 the following:

19 (1) The possession or display of toy or imitation  
20 firearms by a manufacturer or dealer solely for subsequent  
21 transportation in interstate commerce.

22 (2) Any toy or imitation firearm that will be used only  
23 for or in the production of television programs or theatrical  
24 or motion picture presentations.

25 (3) Antique firearms as defined in section 6118  
26 (relating to antique firearms).

27 (c) Penalties.--In addition to any other sanction or penalty  
28 imposed by this chapter, any person, firm or corporation or any  
29 agent or employee thereof that violates this section shall be  
30 liable in civil damages in the amount of \$1,000 per occurrence

1 or three times the actual damages incurred as a result of the  
2 violation, whichever is greater, as well as reasonable attorney  
3 fees.

4 (d) Definitions.--For purposes of this section, the term  
5 "toy or imitation firearm" shall mean any device or object made  
6 of plastic, wood, metal or any other material which  
7 substantially duplicates or can be perceived to be an actual  
8 firearm, air rifle, pellet gun or B-B gun.

9 Section 2. This act shall take effect in 120 days.