

## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities  
2 Generally) of the Pennsylvania Consolidated Statutes, in  
3 firearms and other dangerous articles, further providing for  
4 limitation on the regulation of firearms and ammunition; and,  
5 in preemptions, providing for regulation of firearms and  
6 ammunition.

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

9 Section 1. Section 6120 of Title 18 of the Pennsylvania  
10 Consolidated Statutes, amended November 6, 2014 (P.L.2921,  
11 No.192), amendment declared unconstitutional, 141 A.3d 426 (Pa  
12 2016), is amended to read:

13 § 6120. Limitation on the regulation of firearms and  
14 ammunition.

15 (a) General rule.--No county, municipality or township may  
16 in any manner regulate the lawful ownership, possession,  
17 transfer or transportation of firearms, ammunition or ammunition  
18 components when carried or transported for purposes not  
19 prohibited by the laws of this Commonwealth.

1 (a.1) No right of action.--

2 (1) No political subdivision may bring or maintain an  
3 action at law or in equity against any firearms or ammunition  
4 manufacturer, trade association or dealer for damages,  
5 abatement, injunctive relief or any other relief or remedy  
6 resulting from or relating to either the lawful design or  
7 manufacture of firearms or ammunition or the lawful marketing  
8 or sale of firearms or ammunition to the public.

9 (2) Nothing in this subsection shall be construed to  
10 prohibit a political subdivision from bringing or maintaining  
11 an action against a firearms or ammunition manufacturer or  
12 dealer for breach of contract or warranty as to firearms or  
13 ammunition purchased by the political subdivision.

14 (a.4) Relief.--The following shall apply:

15 (1) A person adversely affected by any manner of  
16 ordinance, resolution, rule, practice or other action  
17 promulgated or enforced by a municipality in violation of  
18 subsection (a) or 53 Pa.C.S. § 306(a) (relating to regulation  
19 of firearms and ammunition) or 2962(g) (relating to  
20 limitation on municipal powers), may seek declarative and  
21 injunctive relief and the actual damages attributable to the  
22 violation in an appropriate court.

23 (2) If a person adversely affected under paragraph (1)  
24 is a defendant in a proceeding asserting a defense under  
25 subsection (a) or 53 Pa.C.S. § 306(a) or 2962(g) or is a  
26 plaintiff who provided 60 days' prior written notice of the  
27 person's intention to file a claim under this subsection to  
28 the defendant, the court shall award reasonable expenses to  
29 the person adversely affected if the defense or a claim under  
30 paragraph (1) results in:

1           (i) a final determination by a court in favor of the  
2           person adversely affected; or

3           (ii) rescission or repeal of the challenged manner  
4           of regulation or enforcement after suit has been filed  
5           under paragraph (1) but prior to a final determination by  
6           a court.

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

10          "Dealer." The term shall include any person engaged in the  
11 business of selling at wholesale or retail a firearm or  
12 ammunition.

13          "Firearms." This term shall have the meaning given to it in  
14 section 5515 (relating to prohibiting of paramilitary training)  
15 but shall not include air rifles as that term is defined in  
16 section 6304 (relating to sale and use of air rifles).

17          "Person adversely affected." Any of the following:

18           (1) A person who has standing under the laws of this  
19           Commonwealth to bring a claim under subsection (a.4)(1).

20           (2) A resident of this Commonwealth who may legally  
21           possess a firearm under the laws of the United States and  
22           this Commonwealth.

23           (3) A membership organization, the members of which  
24           include a person described under paragraph (1) or (2).

25          "Political subdivision." The term shall include any home  
26 rule charter municipality, county, city, borough, incorporated  
27 town, township or school district.

28          "Reasonable expenses." The term includes, but is not limited  
29 to, attorney fees, expert witness fees, court costs and  
30 compensation for loss of income.

1 Section 2. Title 53 is amended by adding a section to read:

2 § 306. Regulation of firearms and ammunition.

3 (a) Preemption.--The General Assembly has always intended  
4 and continues to intend to occupy the entire field of regulation  
5 of firearms, ammunition, firearms components and ammunition  
6 components in this Commonwealth, including the purchase, sale,  
7 transfer, taxation, manufacture, ownership, possession,  
8 transportation and reporting of loss or theft of firearms,  
9 ammunition, firearms components and ammunition components in  
10 this Commonwealth, to the exclusion of any existing or future  
11 ordinance, resolution, regulation, rule, practice or other  
12 action adopted by a municipality. The Commonwealth, by this  
13 section, preempts and supersedes any manner of ordinance,  
14 resolution, regulation, rule, practice or other action  
15 promulgated or enforced by a municipality of firearms,  
16 ammunition, firearms components or ammunition components in this  
17 Commonwealth, and any such action is declared null and void.

18 (b) Continuing effect.--The provisions of section 2962(g)  
19 (relating to limitation on municipal powers) and 18 Pa.C.S. §  
20 6120(a) (relating to limitation on the regulation of firearms  
21 and ammunition) shall continue to preempt and supersede a local  
22 ordinance, resolution, regulation, rule, practice or other  
23 action insofar as the local ordinance, resolution, regulation,  
24 rule, practice or other action is inconsistent with the  
25 provisions of section 2962(g) or 18 Pa.C.S. § 6120(a).

26 Section 3. Within 30 days of the effective date of this  
27 section, the Attorney General of this Commonwealth shall notify  
28 in writing all municipalities of the provisions of 53 Pa.C.S. §  
29 306 and amendments to 18 Pa.C.S. § 6120.

30 Section 4. This act shall take effect as follows:

1           (1) The following shall take effect in 90 days:  
2           (i) The addition of 53 Pa.C.S. § 306.  
3           (ii) The amendment of 18 Pa.C.S. § 6120.  
4           (2) The remainder of this act shall take effect  
5 immediately.