

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 18**Session of
2007

INTRODUCED BY D. EVANS, JAMES, MYERS, PARKER, BISHOP, COHEN,
CRUZ, CURRY, FRANKEL, GALLOWAY, JOSEPHS, KIRKLAND, LEACH,
M. O'BRIEN, PASHINSKI AND ROEBUCK, JANUARY 30, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes, further
3 providing for limitation on the regulation of firearms and
4 ammunition and for limitation on municipal powers.

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

7 Section 1. Section 6120(a) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 6120. Limitation on the regulation of firearms and
11 ammunition.

12 (a) General rule.--[No] Except as set forth in subsection
13 (a.2) and notwithstanding 53 Pa.C.S. § 2962(g) (relating to
14 limitation on municipal powers), no county, municipality or
15 township may in any manner regulate the lawful ownership,
16 possession, transfer or transportation of firearms, ammunition
17 or ammunition components when carried or transported for
18 purposes not prohibited by the laws of this Commonwealth.

1 * * *

2 (a.2) Exception.--

3 (1) A county, municipality or township may enact an
4 ordinance under paragraph (2) upon approval of the electorate
5 in a public referendum as follows:

6 (i) The referendum question shall be in
7 substantially the following form:

8 Do you favor the governing body of (county,
9 municipality or township) enacting an ordinance to
10 regulate firearms or ammunition within the (county,
11 municipality or township) pursuant to 18 Pa.C.S. §
12 6120(a.2)?

13 (ii) Adoption of a referendum in May of 2005 by the
14 electorate of a city of the first class shall authorize
15 enactment of an ordinance regulating firearms or
16 ammunition.

17 (2) A county, municipality or township may enact
18 ordinances limited to the following enumerated purposes:

19 (i) Regulating the discharge of firearms within its
20 boundaries.

21 (ii) Restricting areas in which firearms may be
22 sold, although businesses selling firearms may not be
23 treated more restrictively than other businesses in the
24 same area.

25 (iii) Prohibiting or limiting firearms in or
26 reasonably around publicly owned county, municipality or
27 township grounds or buildings, including areas in
28 municipal or county parks or recreation areas.

29 (iv) Prohibiting or limiting unaccompanied minors
30 from possession except on the property of parents,

1 grandparents or guardians.

2 (v) Regulating firing ranges.

3 (vi) Regulating possession of firearms by municipal
4 employees while in the scope of their employment.

5 (vii) Regulating the brandishing or the display of a
6 firearm on public roads, sidewalks, alleys or other
7 public property or places of public accommodation, or the
8 manner by which a person may carry a firearm.

9 (viii) Regulating firearms in the times of
10 insurrection or civil unrest.

11 (ix) Restricting air rifles as defined under section
12 6304(g) (relating to sale and use of air rifles). Nothing
13 in this subparagraph shall be construed as permitting the
14 regulation of air rifles in a manner less restrictive
15 than permitted under section 6304.

16 (x) Regulating pawn shops or secondhand shops.

17 (xi) Limiting or prohibiting an individual without a
18 license to carry a firearm from possessing or carrying a
19 firearm within reasonably defined zones surrounding
20 schools, playgrounds, universities, colleges, bars,
21 convention centers or other places of general public
22 accommodations.

23 (xii) Regulating the storage or transportation of
24 explosives except that the regulations may not prohibit
25 the safe storage or transportation of ammunition.

26 (xiii) Regulating the storage of firearms.

27 Regulations under this subparagraph may not circumvent 53
28 Pa.C.S. § 2962(g).

29 (xiv) Regulating possession of firearms by a person
30 that contracts with the municipality while in the

1 performance of their duties specified in the contract.

2 (3) A city of the first class may adopt ordinances doing
3 any of the following:

4 (i) Limiting the ownership, possession, transfer or
5 transportation of assault weapons within the city limits.

6 (ii) Requiring background checks or waiting periods
7 on the purchase of firearms in addition to that required
8 by State law.

9 (iii) Limiting the number of firearms that may be
10 purchased in a specific period of time.

11 * * *

12 Section 2. Section 2962(g) of Title 53 is amended to read:

13 § 2962. Limitation on municipal powers.

14 * * *

15 (g) Regulation of firearms.--[A] Except as set forth in 18
16 Pa.C.S § 6120(a.2) (relating to limitation on the regulation of
17 firearms and ammunition), a municipality shall not enact any
18 ordinance or take any other action dealing with the regulation
19 of the transfer, ownership, transportation or possession of
20 firearms.

21 * * *

22 Section 3. This act shall take effect in 60 days.