

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 48

Session of  
2007

INTRODUCED BY C. WILLIAMS AND KITCHEN, FEBRUARY 7, 2007

REFERRED TO JUDICIARY, FEBRUARY 7, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for prohibition and  
3 registration of certain assault weapons; and imposing  
4 penalties.

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

7 Section 1. Chapter 61 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER B.1

10 ASSAULT WEAPONS BAN

11 Sec.

12 6151. Definitions.

13 6152. Manufacture, possession and transfer of assault  
14 weapons.

15 6153. Possession of assault weapon components.

16 6154. Registration of assault weapons.

17 6155. Fees.

18 § 6151. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Assault weapon." The term includes the following:

(1) Any semiautomatic pistol or semiautomatic or pump-action rifle that is capable of accepting a detachable magazine and that also possesses any of the following:

(i) If the firearm is a rifle, a pistol grip located at the rear of the trigger.

(ii) If the firearm is a rifle, a stock in any configuration, including, but not limited to, a thumbhole stock, a folding stock or a telescoping stock, that allows the bearer of the firearm to grasp the firearm with the trigger hand such that the web of the trigger hand, between the thumb and forefinger, can be placed below the top of the external portion of the trigger during firing.

(iii) If the firearm is a pistol, a shoulder stock of any type or configuration, including, but not limited to, a folding stock or a telescoping stock.

(iv) A barrel shroud.

(v) A muzzle break or muzzle compensator.

(vi) Any feature capable of functioning as a protruding grip that can be held by the hand that is not the trigger hand.

(2) Any pistol that is capable of accepting a detachable magazine at any location outside of the pistol grip.

(3) Any semiautomatic pistol or any semiautomatic, center-fire rifle with a fixed magazine that has the capacity to accept more than ten rounds of ammunition.

1           (4) Any shotgun capable of accepting a detachable  
2           magazine.

3           (5) Any shotgun with a revolving cylinder.

4           (6) Any conversion kit or other combination of parts  
5           from which a firearm described in paragraphs 1 through 5 can  
6           be assembled if the parts are in the possession or under the  
7           control of any person.

8           "Barrel shroud." A covering, other than a slide, that is  
9           attached to or that substantially or completely encircles the  
10          barrel of a firearm and that allows the bearer of the firearm to  
11          hold the barrel with the nonshooting hand while firing the  
12          firearm, without burning that hand. The term does not include an  
13          extension of the stock along the bottom of the barrel that does  
14          not substantially or completely encircle the barrel.

15          Commissioner." The Commissioner of the Pennsylvania State  
16          Police.

17          "Conversion kit." Any part or combination of parts designed  
18          and intended for use in converting a firearm into an assault  
19          weapon.

20          "Detachable magazine." A magazine the function of which is  
21          to deliver one or more ammunition cartridges into the firing  
22          chamber of a firearm and which can be removed from the firearm  
23          without the use of any tool, including a bullet or ammunition  
24          cartridge.

25          "Muzzle brake." A device attached to the muzzle of a weapon  
26          that utilizes escaping gas to reduce recoil.

27          "Muzzle compensator." A device attached to the muzzle of a  
28          weapon that utilizes escaping gas to control muzzle movement.

29          § 6152. Manufacture, possession and transfer of assault  
30          weapons.

1     (a) Offense defined.--No person shall manufacture, possess,  
2 purchase, sell or otherwise transfer any assault weapon or any  
3 assault weapon conversion kit, except as provided under  
4 subsection (b).

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

7         (1) The possession of an unloaded assault weapon for the  
8 purpose of permanently relinquishing it to a law enforcement  
9 agency in this Commonwealth pursuant to regulations adopted  
10 for such purpose by the commissioner. Any assault weapon  
11 relinquished pursuant to this subsection shall be destroyed.

12         (2) The transfer of any assault weapon by a licensed  
13 manufacturer or dealer to a law enforcement agency in this  
14 Commonwealth for use by that agency or its employees for law  
15 enforcement purposes.

16         (3) The possession of an assault weapon that was legally  
17 possessed on the effective date of this subchapter if the  
18 person legally possessing the assault weapon has complied  
19 with all of the requirements of section 6154 (relating to  
20 registration of assault weapons).

21         (4) The possession of an assault weapon that has been  
22 permanently disabled so that it is incapable of discharging a  
23 projectile.

24     (c) Public nuisance.--Any assault weapon or assault weapon  
25 conversion kit, the manufacture, possession, purchase, sale or  
26 other transfer of which is prohibited under subsection (a), is a  
27 public nuisance.

28     (d) Penalty.--Any person who violates subsection (a) commits  
29 a felony of the first degree.

30     § 6153. Possession of assault weapon components.

1     (a) Offense defined.--No person shall possess or have under  
2 the person's control both of the following at the same time,  
3 except as provided under subsection (b):

4         (1) a semiautomatic or pump-action rifle or  
5 semiautomatic pistol capable of accepting a detachable  
6 magazine; and

7         (2) any magazine capable of use with that firearm that  
8 contains more than ten rounds of ammunition.

9     (b) Exceptions.--Subsection (a) shall not apply to any  
10 person while lawfully doing either of the following:

11         (1) engaging in shooting at a duly licensed, lawfully  
12 operated shooting range; or

13         (2) participating in a sporting event officially  
14 sanctioned by a club or organization established in whole or  
15 in part for the purpose of sponsoring sport shooting events.

16     (c) Penalty.--Any person who violates subsection (a) commits  
17 a felony of the first degree.

18     § 6154. Registration of assault weapons.

19     (a) Grandfathered assault weapons.--A person may continue to  
20 possess an assault weapon that the person legally possessed on  
21 the effective date of this subchapter if the person does all of  
22 the following:

23         (1) Within 90 days following the effective date of this  
24 subchapter, submits to a background check identical to the  
25 background check conducted in connection with the purchase of  
26 a firearm from a licensed gun dealer.

27         (2) Unless the person is prohibited by law from  
28 possessing a firearm, immediately registers the assault  
29 weapon with the Pennsylvania State Police pursuant to  
30 regulations adopted for such purpose by the commissioner.

1       (3) Safely and securely stores the assault weapon  
2       pursuant to regulations adopted for such purpose by the  
3       commissioner.

4       (4) Annually renews both the registration and the  
5       background check.

6       (5) Possesses the assault weapon only on property owned  
7       or immediately controlled by the person, while engaged in the  
8       legal use of the assault weapon at a duly licensed firing  
9       range or while traveling to or from either of these locations  
10       for the purpose of engaging in the legal use of the assault  
11       weapon, provided that the assault weapon is stored unloaded  
12       and in a separate locked container during transport.

13       (b) Inherited assault weapons.--Notwithstanding any other  
14       provision of this subchapter, any person who, after the  
15       effective date of this subchapter, acquires title to an assault  
16       weapon by inheritance, bequest or succession shall, within 30  
17       days of acquiring title, do one of the following:

18       (1) comply with all of the requirements of subsection  
19       (a);

20       (2) dispose of the assault weapon pursuant to section  
21       6152(b)(1) (relating to manufacture, possession and transfer  
22       of assault weapons); or

23       (3) permanently disable the assault weapon so that it is  
24       incapable of discharging a projectile.

25       (c) Compliance check.--The Pennsylvania State Police may, no  
26       more than once per year, conduct an inspection to ensure  
27       compliance with this subsection.

28       (d) Penalty.--Any person who violates subsection (a) or (b)  
29       commits a felony of the third degree.

30       § 6155. Fees.

1     The Pennsylvania State Police may charge a fee for each  
2     registration and for each registration renewal under section  
3     6154 (relating to registration of assault weapons). Such fee  
4     shall not exceed the costs incurred by the Pennsylvania State  
5     Police in administering the registration program established  
6     under section 6154.

7     Section 2. This act shall take effect in 60 days.