

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1042 Session of
2007

INTRODUCED BY WASHINGTON, KITCHEN, TARTAGLIONE, STACK AND
C. WILLIAMS, AUGUST 2, 2007

REFERRED TO JUDICIARY, AUGUST 2, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes,
3 providing for a limit on handgun purchases and sales in
4 cities of the first class; establishing the Violence
5 Prevention Fund; further providing for limitation on the
6 regulation of firearms and ammunition and for limitation on
7 municipal powers.

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

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

12 § 6111.6. Limit on handgun purchases and sales in cities of the
13 first class.

14 (a) Purchase of handgun.--No person may purchase more than
15 one handgun in a city of the first class within any 30-day
16 period.

17 (b) Sale of handgun.--No person may sell or cause to be sold
18 to a person in a city of the first class more than one handgun
19 within any 30-day period.

20 (c) Exceptions.--This section shall not apply to the

1 following:

2 (1) A licensed firearm dealer who is purchasing the
3 handguns in the ordinary course of business.

4 (2) A licensed firearm collector.

5 (3) A law enforcement agency or an agency authorized to
6 perform law enforcement duties.

7 (4) State and local correctional facilities.

8 (5) A private security company licensed to do business
9 within this Commonwealth.

10 (6) The purchase or sale of antique firearms.

11 (7) A person whose handgun is stolen or irretrievably
12 lost if:

13 (i) the person provides the seller with an official
14 copy of the police report of the lost or stolen handgun
15 or a summary of the report on a form provided by the
16 Pennsylvania State Police;

17 (ii) the police report or summary contains the name
18 and address of the handgun owner, the description of the
19 handgun, the location of the loss or theft, the date of
20 the loss or theft and the date the loss or theft was
21 reported to the law enforcement agency;

22 (iii) the date of the loss or theft as reflected on
23 the police report or summary occurred within 30 days of
24 the person's attempt to replace the handgun; and

25 (iv) the seller attaches an official copy of the
26 police report or summary of the report to the original
27 sales receipt or other document evidencing the original
28 sale and retains it for a period prescribed by regulation
29 of the Pennsylvania State Police.

30 (d) Grading.--

1 (1) Except as set forth in paragraph (2), a person who
2 is convicted of violating subsection (a) or (b) commits a
3 misdemeanor of the third degree.

4 (2) A second or subsequent offense under subsection (a)
5 or (b) shall constitute a felony of the third degree.

6 (e) Disposition of fines collected.--The court imposing and
7 collecting a fine under subsection (d) shall transfer the fines
8 thus collected to the State Treasurer for deposit in the
9 Violence Prevention Fund under subsection (f).

10 (f) Violence Prevention Fund.--There is established in the
11 General Fund a nonlapsing, restricted receipt account to be
12 known as the Violence Prevention Fund. Money in the fund is
13 hereby appropriated to the Pennsylvania Commission on Crime and
14 Delinquency solely for purposes of violence prevention and youth
15 violence prevention, including youth education and activities
16 designed to prevent violence and grants to law enforcement
17 agencies for equipment and training designed to prevent gun-
18 related injuries.

19 (g) Notice.--A seller shall notify each prospective
20 purchaser that the purchase of more than one handgun in a 30-day
21 period is prohibited under this section and of the applicable
22 penalties.

23 (h) Handgun purchase history check.--In addition to any
24 other duty prescribed by this section, a seller of a handgun
25 shall request the Pennsylvania State Police to conduct a handgun
26 purchase history check to investigate whether the prospective
27 handgun purchaser is in compliance with this section. A handgun
28 purchase history check shall be conducted in accordance with the
29 procedures governing other background checks under this
30 subchapter. A handgun purchase history shall be conducted at the

1 same time any criminal history, juvenile delinquency or mental
2 health records check is required for a firearm purchase under
3 this subchapter. Information related to a handgun purchase
4 provided to the Pennsylvania State Police by a seller may be
5 retained by the Pennsylvania State Police as necessary to
6 monitor compliance with this section.

7 (i) Expiration.--This section shall expire seven years after
8 it takes effect unless extended by statute.

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

12 "Handgun." Either of the following:

13 (1) A firearm which has a short stock and is designed to
14 be held and fired by the use of a single hand.

15 (2) Any combination of parts from which a firearm
16 described under paragraph (1) can be assembled.

17 "Licensed firearm collector." A person who collects firearms
18 and is licensed as a collector under 18 U.S.C. § 923 (relating
19 to licensing).

20 "Licensed firearm dealer." A person who is licensed as a
21 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

22 "Purchase." Does not include the exchange or replacement of
23 a handgun by a seller for a handgun purchased from the seller by
24 the same person seeking the exchange or replacement within the
25 30-day period immediately preceding the date of exchange or
26 replacement.

27 Section 2. Section 6120(a) of Title 18 is amended and the
28 section is amended by adding a subsection to read:

29 § 6120. Limitation on the regulation of firearms and
30 ammunition.

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

8 * * *

9 (a.2) Exception.--

10 (1) The governing body of a municipality may enact an
11 ordinance that adopts the provisions of section 6111.6
12 (relating to limit on handgun purchases and sales in cities
13 of the first class).

14 (2) Prior to adopting the ordinance, the governing body
15 shall adopt a proposed ordinance which shall include all of
16 the following information:

17 (i) The provisions of section 6111.6.

18 (ii) The content of the ordinance that will be
19 enacted, including the effective date.

20 (iii) A statement that the proposed ordinance is
21 being adopted pursuant to and subject to the requirements
22 of this section.

23 (3) The governing body must give public notice of its
24 intent to adopt the proposed ordinance and hold at least one
25 public hearing on the proposed ordinance prior to adoption.
26 Publication of the notice shall be made by advertisement once
27 a week for three weeks in a newspaper of general circulation
28 within the municipality if there is such a newspaper and, if
29 there is not, then the publication shall be made in a
30 newspaper of general circulation within the county in which

1 the advertising municipality is located.

2 (4) For purposes of this subsection, the term
3 "municipality" shall mean a city, borough or township. The
4 term shall not include a city of the first class.

5 * * *

6 Section 3. Section 2962(g) of Title 53 is amended to read:

7 § 2962. Limitation on municipal powers.

8 * * *

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

15 * * *

16 Section 4. This act shall take effect in 60 days.