
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1433 Session of
2008

INTRODUCED BY HUGHES, A. WILLIAMS, C. WILLIAMS, WASHINGTON AND
KITCHEN, JUNE 6, 2008

REFERRED TO JUDICIARY, JUNE 6, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions;
3 providing for personalized firearms; and prohibiting certain
4 sales of firearms.

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

7 Section 1. The definition of "firearm" in section 6102 of
8 Title 18 of the Pennsylvania Consolidated Statutes is amended
9 and the section is amended by adding a definition to read:

10 § 6102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this subchapter which are applicable to specific
13 provisions of this subchapter, the following words and phrases,
14 when used in this subchapter shall have, unless the context
15 clearly indicates otherwise, the meanings given to them in this
16 section:

17 * * *

18 "Firearm." Any pistol or revolver with a barrel length less

1 than 15 inches, any shotgun with a barrel length less than 18
2 inches or any rifle with a barrel length less than 16 inches, or
3 any pistol, revolver, rifle or shotgun with an overall length of
4 less than 26 inches. The barrel length of a firearm shall be
5 determined by measuring from the muzzle of the barrel to the
6 face of the closed action, bolt or cylinder, whichever is
7 applicable. The term includes a personalized firearm.

8 * * *

9 "Personalized firearm." A firearm which incorporates within
10 its design, and as part of its original manufacture, technology
11 which automatically limits its operational use and which cannot
12 be readily deactivated, so that it may only be fired by an
13 authorized user. The technology limiting the firearm's
14 operational use may include radio frequency tagging, touch
15 memory, remote control, fingerprint, magnetic encoding and other
16 automatic user identification systems utilizing biometric,
17 mechanical or electronic systems. No make or model of a firearm
18 shall be deemed to be a "personalized firearm" unless the
19 Commissioner of Pennsylvania State Police has determined,
20 through testing or other reasonable means, that the firearm
21 meets any reliability standards that the manufacturer may
22 require for its commercially available firearms that are not
23 personalized or, if the manufacturer has no such reliability
24 standards, the firearm meets the reliability standards generally
25 used in the industry for commercially available firearms.

26 * * *

27 Section 2. Title 18 is amended by adding sections to read:
28 § 6128. Personalized firearms.

29 (a) Report.--No later than six months after the effective
30 date of this section, the commissioner shall report to the

1 Governor and the General Assembly as to the availability of
2 personalized firearms for retail sale purposes. If the
3 commissioner determines that personalized firearms are not
4 available for retail sale purposes, the Attorney General, every
5 six months thereafter, shall report to the Governor and the
6 General Assembly as to the availability of personalized firearms
7 for retail sale purposes until such time as the commissioner
8 shall deem that personalized firearms are available for retail
9 sale purposes and so report to the Governor and the General
10 Assembly. In making this determination, the commissioner may
11 consult with any other neutral and detached public or private
12 entity that may have useful information and expertise to assist
13 in determining whether, through performance and other relevant
14 indicators, a firearm meets the definition of a "personalized
15 firearm" as defined under section 6102 (relating to
16 definitions). For purposes of this subsection, personalized
17 firearms shall be deemed available for retail sale purposes if
18 at least one manufacturer has delivered at least one production
19 model of a personalized firearm to a licensed importer or
20 licensed dealer in this Commonwealth or any other state. The
21 term "production model" means a firearm which is the product of
22 a regular manufacturing process that produces multiple copies of
23 the same firearm model and shall not include a prototype or
24 other unique specimen that is offered for sale.

25 (b) Duty of commissioner.--No later than one year from the
26 date the commissioner reports to the Governor and the General
27 Assembly that personalized firearms are available for retail
28 sale purposes pursuant to subsection (a), the commissioner shall
29 promulgate a list of personalized firearms that may be sold
30 within this Commonwealth. The list shall identify those

1 personalized firearms by manufacturer, model and caliber and
2 shall be made available to all licensed importers and licensed
3 dealers within this Commonwealth.

4 (c) Update.--Whenever a firearm is determined to be a
5 personalized firearm, the commissioner shall report the
6 determination in writing to the Governor and the General
7 Assembly within 60 days. The commissioner shall promptly amend
8 and supplement the list created pursuant to subsection (b) to
9 include firearms which meet the definition of personalized
10 firearm or to remove previously approved firearms, if
11 appropriate. Licensed importers and licensed dealers in this
12 Commonwealth shall be immediately notified of any changes to the
13 list. The commissioner shall promulgate guidelines governing the
14 manner in which notice shall be provided.

15 (d) Guidelines.--The commissioner shall promulgate
16 guidelines establishing the process through which firearm
17 manufacturers may demonstrate that their firearms meet the
18 definition of personalized firearm and request that their
19 firearm be added to the list. The guidelines may require that
20 the firearm manufacturer:

21 (1) deliver one or more firearms to the commissioner or
22 designee for testing;

23 (2) pay a reasonable application fee; and

24 (3) pay any reasonable costs incurred in, or associated
25 with, the testing and independent scientific analysis of the
26 firearm, including any analysis of the technology the
27 manufacturer has incorporated within the firearm's design to
28 limit its operational use, that is conducted to determine
29 whether the firearm meets the definition of personalized
30 firearm.

1 § 6129. Prohibition on sales.

2 (a) General rule.--Notwithstanding any other provision of
3 law to the contrary, beginning on the first day of the sixth
4 month following the preparation and delivery of the list of
5 personalized firearms which may be sold in this Commonwealth
6 pursuant to section 6128 (relating to personalized firearms), no
7 licensed importer, licensed manufacturer or licensed dealer
8 shall transport into this Commonwealth, sell, expose for sale,
9 possess with the intent of selling, assign or otherwise transfer
10 any firearm unless it is a personalized firearm.

11 (b) Exception.--The provisions of this section shall not
12 apply to the sale of antique firearms or to firearms to be sold,
13 transferred, assigned and delivered for official use to any of
14 the following:

15 (1) law enforcement officers;

16 (2) Federal law enforcement officers and any other
17 Federal officers and employees required to carry firearms in
18 the performance of their official duties; and

19 (3) members of the armed forces of the United States or
20 the Pennsylvania National Guard

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