
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 752 Session of
2011

INTRODUCED BY GABLER, BENNINGHOFF, AUMENT, BAKER, BARRAR, BEAR, BLOOM, BOBACK, BOYD, BROOKS, CALTAGIRONE, CAUSER, CHRISTIANA, CLYMER, CREIGHTON, CUTLER, DAY, DENLINGER, EVANKOVICH, EVERETT, FABRIZIO, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GODSHALL, GOODMAN, GROVE, HARHART, HARRIS, HEFFLEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, M.K. KELLER, KNOWLES, KORTZ, KRIEGER, MAJOR, MARSHALL, METCALFE, METZGAR, MILLARD, MILLER, MOUL, MURT, OBERLANDER, PAYNE, PETRARCA, PICKETT, PYLE, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, SACCONI, S. H. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, VULAKOVICH AND WHITE, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 2011

AN ACT

1 Prohibiting certain firearms, firearm accessories or ammunition
2 from being subject to Federal law or Federal regulation.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Firearms
7 Freedom Act.

8 Section 2. Findings and declarations.

9 The General Assembly finds and declares as follows:

10 (1) The 10th Amendment to the Constitution of the United
11 States guarantees to the states and their people all powers
12 not granted to the Federal Government elsewhere in the
13 Constitution and reserves to the Commonwealth and people of

1 Pennsylvania certain powers as they were understood at the
2 time that Pennsylvania was admitted to statehood in 1787. The
3 guaranty of those powers is a matter of contract between the
4 Commonwealth and people of Pennsylvania and the United States
5 as of the time that the compact with the United States was
6 agreed upon and adopted by Pennsylvania and the United States
7 in 1787.

8 (2) The 9th Amendment to the Constitution of the United
9 States guarantees to the people rights not granted in the
10 Constitution and reserves to the people of Pennsylvania
11 certain rights as they were understood at the time that
12 Pennsylvania was admitted to statehood in 1787. The guaranty
13 of those rights is a matter of contract between the
14 Commonwealth and people of Pennsylvania and the United States
15 as of the time that the compact with the United States was
16 agreed upon and adopted by Pennsylvania and the United States
17 in 1787.

18 (3) The regulation of intrastate commerce is vested in
19 the states under the 9th and 10th Amendments to the
20 Constitution of the United States, particularly if not
21 expressly preempted by Federal law. Congress has not
22 expressly preempted state regulation of intrastate commerce
23 pertaining to the manufacture on an intrastate basis of
24 firearms, firearms accessories and ammunition.

25 (4) The 2nd Amendment to the Constitution of the United
26 States reserves to the people the right to keep and bear arms
27 as that right was understood at the time that Pennsylvania
28 was admitted to statehood in 1787, and the guaranty of the
29 right is a matter of contract between the Commonwealth and
30 people of Pennsylvania and the United States as of the time

1 that the compact with the United States was agreed upon and
2 adopted by Pennsylvania and the United States in 1787.

3 (5) Section 21 of Article I of the Constitution of
4 Pennsylvania clearly secures to Pennsylvania citizens, and
5 prohibits government interference with, the right of
6 individual Pennsylvania citizens to keep and bear arms.

7 Section 3. Definitions.

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

11 "Borders of Pennsylvania." The geographic boundaries of
12 Pennsylvania.

13 "Firearms accessories." Items that are used in conjunction
14 with or mounted on a firearm but are not essential to the basic
15 function of a firearm.

16 "Generic and insignificant parts." The term includes
17 springs, screws, nuts and pins.

18 "Manufactured." The creation of a firearm, a firearm
19 accessory or ammunition from basic materials for functional
20 usefulness.

21 Section 4. Prohibitions.

22 (a) Federal law.--A personal firearm, a firearm accessory or
23 ammunition that is manufactured commercially or privately in
24 Pennsylvania and that remains within the borders of Pennsylvania
25 shall not be subject to Federal law or Federal regulation,
26 including registration, under the authority of Congress to
27 regulate interstate commerce.

28 (b) Applicability.--This section shall apply to a firearm, a
29 firearm accessory or ammunition that is manufactured in
30 Pennsylvania from basic materials and that can be manufactured

1 without the inclusion of any significant parts imported from
2 another state. Generic and insignificant parts that have other
3 manufacturing or consumer accessories or ammunition, and their
4 importation into Pennsylvania and incorporation into a firearm,
5 a firearm accessory or ammunition manufactured in Pennsylvania
6 shall not subject the firearm, firearm accessory or ammunition
7 to Federal regulation.

8 (c) Declarations.--The General Assembly declares as follows:

9 (1) That a personal firearm, a firearm accessory or
10 ammunition that is manufactured commercially or privately in
11 Pennsylvania and that remains within the borders of
12 Pennsylvania has not traveled in interstate commerce.

13 (2) That basic materials are not subject to
14 Congressional authority to regulate firearms, firearms
15 accessories and ammunition under interstate commerce as if
16 they were actually firearms, firearms accessories or
17 ammunition and that the authority of Congress to regulate
18 interstate commerce in basic materials does not include
19 authority to regulate firearms, firearms accessories and
20 ammunition made in Pennsylvania from those materials.
21 Firearms accessories that are imported into Pennsylvania from
22 another state and that are subject to Federal regulation as
23 being in interstate commerce do not subject a firearm to
24 Federal regulation under interstate commerce because they are
25 attached to or used in conjunction with a firearm in
26 Pennsylvania.

27 (d) Exceptions.--This section shall not apply to any of the
28 following:

29 (1) A firearm that cannot be carried and used by one
30 person.

1 (2) A firearm that has a bore diameter greater than 1
2 and 1/2 inches and that uses smokeless powder, not black
3 powder, as a propellant.

4 (3) Ammunition with a projectile that explodes using an
5 explosion of chemical energy after the projectile leaves the
6 firearm.

7 (4) A firearm that discharges two or more projectiles
8 with one activation of the trigger or other firing device.

9 Section 5. Marketing of firearms.

10 A firearm manufactured or sold in Pennsylvania under this act
11 must have the words "Made in Pennsylvania" clearly stamped on a
12 central metallic part.

13 Section 6. Applicability.

14 This act shall apply to firearms, firearms accessories and
15 ammunition that are manufactured and retained in Pennsylvania
16 after July 1, 2011.

17 Section 20. Effective date.

18 This act shall take effect in 60 days.