
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 77 Session of
2015

INTRODUCED BY TALLMAN, KNOWLES, JAMES, MILLARD, DIAMOND, SAYLOR,
GABLER, KORTZ, BAKER, KAUFFMAN, MCGINNIS, A. HARRIS, BARRAR,
BLOOM, MULLERY, D. COSTA, GROVE AND METCALFE,
JANUARY 21, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 2015

AN ACT

1 Prohibiting the regulation of firearms by an executive order,
2 rule or regulation of the President of the United States or a
3 Federal executive agency.

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

6 Section 1. Short title of act.

7 This act shall be known and may be cited as the Firearm
8 Regulation Prohibition Act.

9 Section 2. Definitions.

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

13 "Borders of Pennsylvania." The geographic boundaries of
14 Pennsylvania.

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

1 "Generic and insignificant parts." The term includes
2 springs, screws, nuts and pins.

3 "Manufactured." The creation of a firearm, a firearm
4 accessory or ammunition from basic materials for functional
5 usefulness.

6 Section 3. Legislative findings.

7 The General Assembly finds and declares as follows:

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

19 (2) The 9th Amendment to the Constitution of the United
20 States guarantees to the people rights not granted in the
21 Constitution and reserves to the people of Pennsylvania
22 certain rights as they were understood at the time that
23 Pennsylvania was admitted to statehood in 1787. The guaranty
24 of those rights is a matter of contract between the
25 Commonwealth and people of Pennsylvania and the United States
26 as of the time that the compact with the United States was
27 agreed upon and adopted by Pennsylvania and the United States
28 in 1787.

29 (3) The 2nd Amendment to the Constitution of the United
30 States reserves to the people the right to keep and bear arms

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

7 (4) Section 21 of Article I of the Constitution of
8 Pennsylvania clearly secures to Pennsylvania citizens, and
9 prohibits government interference with, the right of
10 individual Pennsylvania citizens to keep and bear arms.

11 (5) The Federal and State constitutional guaranties
12 enumerated under paragraphs (1), (2), (3) and (4) are
13 inviolate and not subject to abrogation by unilateral
14 proclamation under a claim of Presidential executive
15 authority.

16 Section 4. Firearm regulation.

17 (a) Prohibition.--A personal firearm, a firearm accessory or
18 ammunition, that is manufactured commercially or privately in
19 Pennsylvania and that remains within the borders of Pennsylvania
20 shall not be subject to regulation purporting to derive from an
21 executive order, rule or regulation of the President of the
22 United States or a Federal executive agency.

23 (b) Applicability.--This section shall apply to a firearm, a
24 firearm accessory or ammunition, that is manufactured in
25 Pennsylvania from basic materials and that can be manufactured
26 without the inclusion of any significant parts imported from
27 another state. Generic and insignificant parts that have other
28 manufacturing or consumer accessories or ammunition, and their
29 importation into Pennsylvania and incorporation into a firearm,
30 a firearm accessory or ammunition, that is manufactured in

1 Pennsylvania shall not subject the firearm, firearm accessory or
2 ammunition to Federal regulation.

3 (c) Enforcement.--A person who restricts or attempts to
4 restrict the sale, transfer, possession or use of a firearm
5 manufactured commercially or privately in Pennsylvania and that
6 remains within the borders of Pennsylvania, under color of
7 authority of a Federal executive order, rule or regulation that
8 is inconsistent with the laws of this Commonwealth, commits a
9 felony of the third degree and shall, upon conviction, be
10 sentenced to a term of imprisonment of not less than one year.

11 Section 5. Effective date.

12 This act shall take effect immediately.