
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2170 Session of
2018

INTRODUCED BY SCHWEYER, FRANKEL, SCHLOSSBERG, SIMS, HAGGERTY,
P. COSTA, THOMAS, DAVIS, SOLOMON, KINSEY, DEAN, McCLINTON,
A. DAVIS, V. BROWN, YOUNGBLOOD, D. MILLER, NEILSON,
CALTAGIRONE, DONATUCCI, HILL-EVANS, J. McNEILL, M. QUINN,
WARREN, MADDEN, GAINNEY AND STEPHENS, MARCH 27, 2018

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for definitions and for
4 possession of firearm by minor.

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

7 Section 1. Section 6102 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:
9 § 6102. Definitions.

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

16 "Assault weapon." Any of the following:

17 (1) A semiautomatic rifle that has an ability to accept

1 a detachable 44 magazine and has at least one of the
2 following characteristics:

3 (i) A part or combination of parts designed and
4 intended to accelerate the rate of fire of the
5 semiautomatic firearm to simulate the rate of fire of a
6 machinegun.

7 (ii) A folding or telescoping stock.

8 (iii) A pistol grip that protrudes conspicuously
9 beneath the action of the semiautomatic rifle.

10 (iv) A thumbhole stock, a second handgrip or a
11 protruding grip that can be held by the nontrigger hand.

12 (v) A bayonet mount, a flash suppressor, muzzle
13 break or muzzle compensator.

14 (vi) A threaded barrel designed to accommodate a
15 flash suppressor, muzzle break or muzzle compensator.

16 (vii) A grenade launcher.

17 (2) A semiautomatic shotgun that has at least one of the
18 following characteristics:

19 (i) A folding or telescoping stock.

20 (ii) A thumbhole stock.

21 (iii) A second handgrip or a protruding grip that
22 can be held by the nontrigger hand.

23 (iv) A fixed magazine capacity in excess of seven
24 rounds.

25 (v) An ability to accept a detachable magazine.

26 (vi) A revolving cylinder.

27 * * *

28 "Machinegun." As defined in section 201 of the Internal
29 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 5845).

30 "Peace officer." Any of the following:

1 (1) A person who by virtue of the person's office or
2 public employment is vested by law with a duty to maintain
3 public order or make arrests for criminal offenses, whether
4 the duty extends to all criminal offenses or is limited to
5 specific criminal offenses.

6 (2) A person on active State duty under 51 Pa.C.S. § 508
7 (relating to active duty for emergency).

8 (3) A member of a park police department of a county of
9 the third class.

10 * * *

11 "Weapon-carrying officer." A county probation or parole
12 officer who is authorized to carry a weapon in connection with
13 performance of the duties of the officer's employment.

14 Section 2. Section 6110.1 of Title 18 is amended to read:

15 § 6110.1. Possession of firearm or assault weapon by minor.

16 (a) Firearm.--Except as provided in subsection (b), a person
17 under 18 years of age shall not possess or transport a firearm
18 anywhere in this Commonwealth.

19 (a.1) Assault weapon.--Except as provided in subsection
20 (b.1), a person under 21 years of age shall not purchase,
21 possess or transport an assault weapon.

22 (b) [Exception] Firearm exception.--Subsection (a) shall not
23 apply to a person under 18 years of age:

24 (1) who is under the supervision of a parent,
25 grandparent, legal guardian or an adult acting with the
26 expressed consent of the minor's custodial parent or legal
27 guardian and the minor is engaged in lawful activity,
28 including safety training, lawful target shooting, engaging
29 in an organized competition involving the use of a firearm or
30 the firearm is unloaded and the minor is transporting it for

1 a lawful purpose; or

2 (2) who is lawfully hunting or trapping in accordance
3 with 34 Pa.C.S. (relating to game).

4 (b.1) Assault weapon exception.--Subsection (a.1) shall not
5 apply to a person under 21 years of age:

6 (1) who is a member of the armed services;

7 (2) who is an authorized weapon-carrying officer; or

8 (3) who is a vested peace officer.

9 (c) Responsibility of adult.--Any person who knowingly and
10 intentionally delivers or provides to the minor a firearm in
11 violation of subsection (a), or to a person under 21 years of
12 age an assault weapon in violation of subsection (a.1), commits
13 a felony of the third degree.

14 (d) Forfeiture.--Any firearm in the possession of a person
15 under 18 years of age or assault weapon in the possession of a
16 person under 21 years of age in violation of this section shall
17 be promptly seized by the arresting law enforcement officer and
18 upon conviction or adjudication of delinquency shall be
19 forfeited or, if stolen, returned to the lawful owner.

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