

(The veto of House Bill 185 was overridden by the General Assembly on October 4, 1994, and became Act 1994-84.)

Veto No. 1994-3

HB 185

July 8, 1994

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I am returning herewith, without my approval, House Bill 185, Printer's No.2105, entitled "An act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons and for limitation on municipal regulation of firearms and ammunition."

This bill amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to prohibit counties and municipalities from adopting ordinances which regulate the sale, ownership, possession, transfer or transportation of firearms, offensive weapons, ammunition or ammunition components. In effect, this bill invalidates ordinances recently adopted by the City of Philadelphia and City of Pittsburgh which ban the sale or possession of semi-automatic assault weapons within city limits and preempts local regulation of firearms and offensive weapons.

I cannot approve this legislation. As I have said before, until such time as the Commonwealth enacts a Statewide ban on assault weapons, local governments should have the right to enact ordinances which ban assault weapons. Moreover, ordinances already in existence at the local level should not be invalidated until the General Assembly addresses the issue of prohibiting the sale of assault weapons. Invalidating existing ordinances, such as those adopted in Philadelphia and Pittsburgh, without concurrent enactment of a Statewide regulation deprives local governments of an additional resource for insuring the safety and protection of their citizens and the security of their neighborhoods and only facilitates the ease with which persons may obtain instruments of death.

In the spring of this year, I sent House Bill 2600 to the General Assembly. This legislation would ban only the most dangerous assault weapons, impose new standards of responsibility for gun ownership and restrict the possession of firearms by children. Let me make clear what I have said before: House Bill 2600 is not antigun legislation. It is antiassault weapon legislation. It strikes a balance between the rights of sportsmen and legitimate target shooters on the one hand and the need to protect the people of this Commonwealth from violence on the other.

It is imperative to remove from the streets of this Commonwealth weapons which are popular with violent criminals, which are instruments of death in the hands of assassins and which serve no purpose other than to promote

senseless and random violence which paralyzes neighborhoods and inflicts carnage. House Bill 2600 meets this objective. It takes those weapons off the streets and out of the hands of persons who would use them. I have no doubt that an overwhelming majority of Pennsylvanians support enactment of a law which would regulate assault weapons in the manner proposed by me in House Bill 2600. In fact, numerous public opinion surveys show that over 75% of the voters of this Commonwealth favor a Statewide ban on assault weapons.

I encourage the General Assembly to enact House Bill 2600. It is our responsibility as the elected representatives of the people to do all that we can to insure that they are safe on our streets, in our public buildings and parks, in our schools, on our playgrounds and in their homes. Most importantly, and overall, we have a duty to insure that fundamental respect for human life does not disappear from our society. House Bill 185 does nothing to foster these goals. In fact, House Bill 185 sends the exact opposite message: life is cheap.

It is argued by some that House Bill 185 must be enacted to avoid patchwork regulation by municipalities. I disagree. The ordinances in Pittsburgh and Philadelphia are designed to deal with the unique situation of escalating random urban violence which has already taken the lives of many people, including many innocent children. I see no evidence whatsoever of any rush to enact similar local ordinances around the Commonwealth.

Nevertheless, if the General Assembly would send to me for approval a Statewide ban of assault weapons, such as the one contained in House Bill 2600, and include with it a provision for preempting local action, I would certainly approve it. Such an approach is the only sensible answer to the assault weapons crisis facing the Commonwealth.

Throughout my public service I have always been and continue to be a strong supporter of the Second Amendment guarantee of the right to bear arms. This right does not guarantee the right to own a machine gun or an antitank weapon, which are already banned by existing law. Nor in my opinion does this right include the right to own an assault weapon which has no redeeming social purpose and whose only purpose is to take a human life.

For all of these reasons, I hereby disapprove this bill and return it to the General Assembly without my signature.

ROBERT P. CASEY