

Pennsylvania General Assembly

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Bill Information - History

Senate Bill 1330; Regular Session 2015-2016

Sponsors: [ALLOWAY](#), [SCARNATI](#), [RESCHENTHALER](#), [WHITE](#), [EICHELBURGER](#), [WAGNER](#), [FOLMER](#), [BARTOLOTTA](#), [VULAKOVICH](#), [HUTCHINSON](#), [RAFFERTY](#), [GORDNER](#), [AUMENT](#), [MENSCH](#), [YAW](#), [VOGEL](#), [STEFANO](#), [BREWSTER](#) and [WARD](#)

Printer's No.(PN): [1978](#)*

Short Title: An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for regulation of firearms and ammunition.

Actions: [PN 1978](#) Referred to [LOCAL GOVERNMENT](#), June 24, 2016
Reported as committed, [June 27, 2016](#)
First consideration, June 27, 2016
Laid on the table, July 13, 2016

* denotes current Printer's Number

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Pennsylvania General Assembly

07/28/2016 11:53 AM

<http://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2015&sInd=0&body=S&type=B&bn=1330>

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Bill Information




Regular Session 2015-2016 Senate Bill 1330

Short Title: An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in preemptions, providing for regulation of firearms and ammunition.

Prime Sponsor: [Senator ALLOWAY](#)

Last Action: Laid on the table, July 13, 2016 [Senate]

Memo: [Pennsylvania Preemption Statute Regarding Firearms and Ammunition](#)

Printer's No.: **Printer's No.** **Text** **(H) Amendments** **(S) Amendments** **(H) Fiscal Note** **(S) Fiscal Note**
1978*   

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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1330 Session of
2015

INTRODUCED BY ALLOWAY, SCARNATI, RESCHENTHALER, WHITE,
EICHELBERGER, WAGNER, FOLMER, BARTOLOTTA, VULAKOVICH,
HUTCHINSON, RAFFERTY, GORDNER AND AUMENT, JUNE 24, 2016

REFERRED TO LOCAL GOVERNMENT, JUNE 24, 2016

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in preemptions, providing for
3 regulation of firearms and ammunition.

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

6 Section 1. The General Assembly finds that:

7 (1) It is proper for law-abiding people to protect
8 themselves, their families and others from intruders and
9 attackers without fear of prosecution or civil action for
10 acting in defense of themselves and others.

11 (2) Section 21 of Article I of the Constitution of
12 Pennsylvania guarantees that the "right of the citizens to
13 bear arms in defense of themselves and the State shall not be
14 questioned."

15 (3) Commonwealth law currently limits regulation of
16 firearms, ammunition and ammunition components by political
17 subdivisions in order to further the right guaranteed by
18 section 21 of Article I of the Constitution of Pennsylvania.

1 (4) Unlawful regulation of firearms, ammunition and
2 ammunition components by political subdivisions and the
3 threat of citation, prosecution or other legal process posed
4 by such regulation interfere with this right.

5 (5) Such interference with the right guaranteed by
6 section 21 of Article I of the Constitution of Pennsylvania
7 unduly inhibits law-abiding people from protecting
8 themselves, their families and others from intruders and
9 attackers and from other legitimate uses of constitutionally
10 protected arms, including hunting and sporting activities.

11 Section 2. Title 53 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section to read:

13 § 305. Regulation of firearms and ammunition.

14 (a) General rule.--The provisions of section 2962(g)
15 (relating to limitation on municipal powers) and 18 Pa.C.S. §
16 6120(a) (relating to limitation on the regulation of firearms
17 and ammunition) shall preempt and supersede any local ordinance
18 or rule insofar as the local ordinance or rule is inconsistent
19 with the provisions of section 2962(g) or 18 Pa.C.S. § 6120(a).

20 (b) Relief.--The following shall apply:

21 (1) A person adversely affected by any manner of
22 regulation promulgated or enforced in violation of section
23 2962(g) or 18 Pa.C.S. § 6120(a) may seek declarative and
24 injunctive relief and the actual and consequential damages
25 attributable to the violation in an appropriate court.

26 (2) The court shall award reasonable expenses to a
27 person adversely affected if an action under paragraph (1)
28 results in:

29 (i) a final determination by a court in favor of the
30 person adversely affected; or

1 (ii) rescission or repeal of the challenged manner
2 of regulation or enforcement after suit has been filed
3 under paragraph (1) but prior to a final determination by
4 a court.

5 (c) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Perpetrator." A person against whom an actor is justified
9 in using force as provided by 18 Pa.C.S. § 505 (relating to use
10 of force in self-protection), 506 (relating to use of force for
11 the protection of other persons), 507 (relating to use of force
12 for the protection of property), 508 (relating to use of force
13 in law enforcement) or 509 (relating to use of force by persons
14 with special responsibility for care, discipline or safety of
15 others).

16 "Person adversely affected." Any of the following:

17 (1) A person who has standing under the laws of this
18 Commonwealth to bring an action under subsection (b)(1).

19 (2) A resident of this Commonwealth who may legally
20 possess a firearm under the laws of this Commonwealth and the
21 United States and either:

22 (i) is subject to any manner of regulation alleged
23 to be promulgated or enforced in violation of section
24 2962(g) or of 18 Pa.C.S. § 6120(a) whether or not
25 specific enforcement action has been initiated or
26 threatened against the person or another person; or

27 (ii) would be, if the person were present in the
28 political subdivision in question, subject to any manner
29 of regulation alleged to be promulgated or enforced in
30 violation of section 2962(g) or 18 Pa.C.S. § 6120(a)

1 whether or not specific enforcement action has been
2 initiated or threatened against the person or another
3 person.

4 (3) A membership organization, the members of which X
5 include a person described under paragraph (1) or (2).

6 "Reasonable expenses." The term includes, but is not limited
7 to, attorney fees, expert witness fees, court costs and
8 compensation for loss of income.

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