
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 475 Session of
2013

INTRODUCED BY GABLER, SCAVELLO, DAY, SONNEY, BLOOM, BARRAR, M.
K. KELLER, METZGAR, SACCONI, DUNBAR, BROOKS, F. KELLER,
MAJOR, STERN, MOUL, KRIEGER, REED, HAHN, HICKERNELL, AUMENT,
PICKETT, D. COSTA, CUTLER, CAUSER, GILLEN, KAUFFMAN, HESS, S.
H. SMITH, METCALFE, TALLMAN, ROCK, EVERETT, EMRICK, RAPP,
FLECK, READSHAW, MARSHALL, GROVE, SWANGER, MILLARD, MILLER,
SANKEY, C. HARRIS, REGAN AND STEVENSON, FEBRUARY 4, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 2013

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
14 Pennsylvania certain powers as they were understood at the
15 time that Pennsylvania was admitted to statehood in 1787. The

1 guaranty of those powers is a matter of contract between the
2 Commonwealth and people of Pennsylvania and the United States
3 as of the time that the compact with the United States was
4 agreed upon and adopted by Pennsylvania and the United States
5 in 1787.

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

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

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

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

5 Section 3. Definitions.

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

9 "Borders of Pennsylvania." The geographic boundaries of
10 Pennsylvania.

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

14 "Generic and insignificant parts." The term includes
15 springs, screws, nuts and pins.

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

19 Section 4. Prohibitions.

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

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

1 manufacturing or consumer accessories or ammunition, and their
2 importation into Pennsylvania and incorporation into a firearm,
3 a firearm accessory or ammunition manufactured in Pennsylvania
4 shall not subject the firearm, firearm accessory or ammunition
5 to Federal regulation.

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

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

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

25 (d) Exceptions.--This section does not apply to any of the
26 following:

27 (1) A firearm that cannot be carried and used by one
28 person.

29 (2) A firearm that has a bore diameter greater than 1
30 and 1/2 inches and that uses smokeless powder, not black

1 powder, as a propellant.

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

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

7 Section 5. Marketing of firearms.

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

11 Section 6. Applicability.

12 This act shall apply to firearms, firearms accessories and
13 ammunition that are manufactured and retained in Pennsylvania
14 after July 1, 2013.

15 Section 20. Effective date.

16 This act shall take effect in 60 days.