

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1545 Session of 2015

INTRODUCED BY CRUZ, YOUNGBLOOD, D. COSTA, V. BROWN, THOMAS,
BOYLE, SCHLOSSBERG AND COHEN, SEPTEMBER 29, 2015

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 29, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for the sale of toy or imitation firearms
4 and imposing penalties.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 6128. Sale of toy or imitation firearms.

10 (a) General rule.--No person, firm or corporation or any
11 agent or employee thereof shall import, manufacture, sell, hold
12 for sale or distribute within this Commonwealth any toy or
13 imitation firearm which substantially duplicates or can be
14 reasonably perceived to be an actual firearm unless:

15 (1) The entire exterior surface of the toy or imitation
16 firearm is colored white, bright red, bright orange, bright
17 yellow, bright green, bright blue, bright pink or bright
18 purple, either singly or as the predominant color, in
19 combination with other colors in any pattern.

1 (2) The toy or imitation firearm is constructed entirely
2 of transparent or translucent materials which permits
3 unmistakable observation of the toy or imitation firearm's
4 complete contents.

5 (3) The barrel of the toy or imitation firearm, other
6 than the barrel of any toy or imitation firearm that is a
7 water gun, is closed with the same material from which the
8 toy or imitation firearm is made for a distance of not less
9 than one-half inch from the front end of the barrel.

10 (4) The toy or imitation firearm has legibly stamped on
11 its exterior the name of the manufacturer or some trade name,
12 mark or brand by which the manufacturer can be readily
13 identified.

14 (5) The toy or imitation firearm does not have a laser
15 pointer attached.

16 (b) Exceptions.--Subsection (a) shall not apply to any of
17 the following:

18 (1) The possession or display of toy or imitation
19 firearms by a manufacturer or dealer solely for subsequent
20 transportation in interstate commerce.

21 (2) Any toy or imitation firearm that will be used only
22 for or in the production of television programs or theatrical
23 or motion picture presentations.

24 (3) Antique firearms as defined in section 6118
25 (relating to antique firearms).

26 (c) Penalties.--In addition to any other sanction or penalty
27 imposed by this chapter, any person, firm or corporation or any
28 agent or employee thereof that violates this section shall be
29 liable in civil damages in the amount of \$1,000 per occurrence
30 or three times the actual damages incurred as a result of the

1 violation, whichever is greater, as well as reasonable attorney
2 fees.

3 (d) Definitions.--For purposes of this section, the term
4 "toy or imitation firearm" shall mean any device or object made
5 of plastic, wood, metal or any other material which
6 substantially duplicates or can be perceived to be an actual
7 firearm, air rifle, pellet gun or B-B gun.

8 Section 2. This act shall take effect in 120 days.