
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 17 Session of
2018

INTRODUCED BY FONTANA, FARNESE, KILLION, COSTA, LEACH, BLAKE,
STREET, HUGHES, DINNIMAN AND HAYWOOD, MARCH 22, 2018

REFERRED TO JUDICIARY, MARCH 22, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for assault weapons and large capacity
4 magazines.

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 § 6105.2. Assault weapons and large capacity magazines.

10 (a) General rule.--Except as otherwise provided in
11 subsection (h), no person shall possess, manufacture, import,
12 sell or transfer an assault weapon or large capacity magazine.

13 (b) Certificate of possession.--

14 (1) Upon application by an individual 21 years of age or
15 older within 120 days of the effective date of this section,
16 a certificate of possession may be issued by the Pennsylvania
17 State Police to the owner of an assault weapon for possession
18 and use in accordance with this section.

19 (2) An individual issued a certificate of possession

1 under this section may possess, use, manufacture or otherwise
2 control an assault weapon as follows:

3 (i) At the domicile or business of the individual
4 owning the assault weapon.

5 (ii) At the domicile of another property owner with
6 the permission of that property owner.

7 (iii) At a bona fide target or shooting range
8 operated by a business or club to which the individual is
9 a customer, member or guest of a customer or member.

10 (iv) At a firearms exhibition, display or
11 educational project and the assault weapon is not loaded.

12 (v) In a motor vehicle if the individual is at or
13 traveling to or from a place listed in subparagraph (i),
14 (ii), (iii) or (iv) and if, while traveling to or from
15 the place, the assault weapon is not loaded and is kept
16 in a secure case or a compartment of the vehicle that is
17 not accessible to the occupants of the vehicle.

18 (3) A certificate of possession issued under this
19 section shall be valid throughout this Commonwealth and shall
20 be in a form prescribed by the Pennsylvania State Police. The
21 certificate shall include all of the following:

22 (i) The name, address, date of birth, race, sex,
23 citizenship, height, weight, color of hair, color of eyes
24 and signature of the certificate holder.

25 (ii) A number, of which the first two numbers shall
26 be a county location code, corresponding to the
27 certificate holder's residence, followed by numbers
28 issued in numerical sequence.

29 (iii) A photograph of the certificate holder in a
30 form compatible with the Commonwealth Photo Imaging

1 Network.

2 (iv) The expiration date of the certificate of
3 possession.

4 (v) Any other information required by the
5 Pennsylvania State Police.

6 (c) Application for certificate of possession.--

7 (1) The Pennsylvania State Police shall develop and
8 provide a form, not to exceed one page, that details the
9 following information for each assault weapon for which a
10 certificate of possession is requested and may be issued:

11 (i) The information listed in subsection (b) (3) (i),
12 telephone number and thumbprint.

13 (ii) A description of the assault weapon, including
14 the manufacturer's name, model number and serial number.

15 (iii) Identification marks or unique characteristics
16 of the assault weapon.

17 (iv) Proof of lawful purchase or ownership if
18 available.

19 (2) Upon receipt of the form, the Pennsylvania State
20 Police shall do all of the following:

21 (i) Conduct a criminal background, juvenile
22 delinquency and mental health records background check
23 following the procedures set forth in section 6111
24 (relating to sale or transfer of firearms) to determine
25 whether the person is eligible to possess an assault
26 weapon under this section.

27 (ii) Investigate whether the applicant's character
28 and reputation are such that the applicant is not likely
29 to act in a manner dangerous to public safety.

30 (iii) Issue the certificate of possession within 30

1 days of application.

2 (iv) Collect the fee under subsection (e).

3 (d) Term of certificate of possession.--

4 (1) A certificate of possession issued under this
5 section shall be valid throughout this Commonwealth for a
6 period of five years unless extended under paragraph (4) or
7 sooner revoked.

8 (2) At least 60 days prior to the expiration of a
9 certificate of possession, the Pennsylvania State Police
10 shall send to the certificate holder an application for
11 renewal of the certificate of possession. Failure to receive
12 a renewal application shall not relieve a certificate holder
13 from the responsibility to renew a certificate of possession.

14 (3) A certificate of possession may be renewed for an
15 additional period of five years if not sooner revoked.

16 (4) Notwithstanding paragraph (1) or any other provision
17 of law to the contrary, a certificate of possession that is
18 held by a member of the United States Armed Forces or the
19 Pennsylvania National Guard on Federal active duty and
20 deployed outside this Commonwealth that is scheduled to
21 expire during the period of deployment shall be extended
22 until 90 days after the end of the deployment.

23 (5) Possession of a certificate of possession, together
24 with a copy of the person's military orders showing the dates
25 of deployment, including the date that the deployment ends,
26 shall constitute, during the extension period specified in
27 paragraph (4), a defense to any charge filed under this
28 section.

29 (e) Fee.--

30 (1) The fee for the issuance or renewal of a certificate

1 of possession is \$15. The fee shall include the renewal
2 notice processing.

3 (2) No fee other than that provided by this subsection
4 may be assessed by the Pennsylvania State Police for the
5 performance of any background check made under this section.

6 (3) The fee is payable to the Pennsylvania State Police
7 at the time the application for issuance or renewal is
8 submitted.

9 (4) Except for an administrative fee of \$5, all other
10 fees shall be refunded if the application is denied but shall
11 not be refunded if a license is issued and subsequently
12 revoked.

13 (f) Revocation.--

14 (1) A certificate of possession may be revoked by the
15 Pennsylvania State Police or other law enforcement officer
16 for good cause, including information provided by other law
17 enforcement agencies.

18 (2) Notice of revocation shall be in writing and shall
19 state the specific reason for revocation. Notice shall be
20 sent by certified mail to the individual whose certificate is
21 revoked, and, at that time, notice shall also be provided to
22 the Pennsylvania State Police by electronic means, including
23 e-mail or facsimile transmission, that the certificate is no
24 longer valid.

25 (3) An individual whose certificate of possession is
26 revoked shall surrender the certificate as well as any
27 assault weapons for which a certificate has been issued to
28 the Pennsylvania State Police within five days of receipt of
29 the notice.

30 (4) An individual whose certificate is revoked may

1 appeal to the court of common pleas for the judicial district
2 in which the individual resides.

3 (g) Duties of Pennsylvania State Police.--The Pennsylvania
4 State Police shall do all of the following:

5 (1) Develop procedures for the processing of
6 applications for and approval of certificates of possession.

7 (2) Design the certificate of possession form.

8 (3) Conduct background checks on applicants for the
9 issuance of a certificate of possession.

10 (4) Maintain a registry of certificates of possession
11 issued. A registry maintained by the Pennsylvania State
12 Police under this section shall not be subject to the act of
13 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
14 Law.

15 (5) Notify certificate of possession holders of the
16 pending expiration of certificates of possession and issue
17 renewal forms.

18 (6) Initiate revocation of certificates of possession
19 and revoke certificates of possession for cause as provided
20 in this section.

21 (7) Collect fees as provided in subsection (e) to
22 administer this program and maintain the registry.

23 (h) Exceptions.--The provisions of subsection (a) shall not
24 apply to:

25 (1) Any of the following in the performance of official
26 duties:

27 (i) Law enforcement officers.

28 (ii) State parole agents.

29 (iii) A county probation or parole officer who is
30 authorized to carry a weapon in connection with

1 performance of the duties of the officer's employment.

2 (iv) A chief administrator, deputy warden or
3 corrections officer of a State or county correctional
4 institution.

5 (v) Constables.

6 (vi) Members of the armed forces of the United
7 States or of the National Guard or organized reserves.

8 (vii) Officers or employees of the United States
9 duly authorized to carry an assault weapon.

10 (2) An agent, messenger or other employee of a common
11 carrier, bank or business firm whose duties require the
12 protection of money, valuables and other property in the
13 discharge of the individual's duties.

14 (3) Any licensed person engaged in the business of
15 manufacturing, repairing or dealing in assault weapons, or
16 the agent or representative of the person, having an assault
17 weapon in the person's possession or using or carrying an
18 assault weapon in the usual and ordinary course of business.

19 (4) A person lawfully engaged in the interstate
20 transportation of an assault weapon in compliance with 18
21 U.S.C. § 926A (relating to interstate transportation of
22 firearms).

23 (5) A person who is the lawful owner of an assault
24 weapon on or before the effective date of this section and
25 who is issued a certificate of possession by the Pennsylvania
26 State Police under this section and regulations of the
27 Pennsylvania State Police.

28 (i) Penalties.--

29 (1) Except as provided in paragraph (2) or (3), a person
30 who violates this section commits a misdemeanor of the first

1 degree.

2 (2) An individual who violates subsection (f)(3) commits
3 a misdemeanor of the third degree.

4 (3) A second or subsequent offense under this section is
5 a felony of the third degree.

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

9 "Assault weapon." Includes all of the following:

10 (1) A semiautomatic center fire rifle capable of
11 accepting detachable magazines and a pistol grip protruding
12 conspicuously below the weapon's action, a thumbhole stock or
13 folding or telescopic stock, a flash suppressor, grenade
14 launcher or flare launcher or a forward pistol grip.

15 (2) A semiautomatic center fire rifle with an overall
16 length of less than 30 inches.

17 (3) A semiautomatic center fire rifle with a fixed
18 magazine capable of holding more than 10 rounds of
19 ammunition.

20 (4) A semiautomatic pistol capable of accepting
21 detachable magazines and a threaded barrel, a second
22 handgrip, a capacity to accept a detachable magazine at some
23 location outside the pistol grip or a shroud attached to, or
24 partially or completely encircling, the barrel allowing the
25 bearer to fire the weapon without burning the bearer's hand,
26 except for a slide enclosing the barrel.

27 (5) A semiautomatic pistol with a fixed magazine having
28 the capacity to accept more than 10 rounds.

29 (6) A semiautomatic shotgun having a folding or
30 telescoping stock, a pistol grip protruding conspicuously

1 beneath the action of the weapon, a thumbhole stock or a
2 vertical handgrip.

3 (7) A semiautomatic shotgun with the ability to accept
4 detachable magazines.

5 (8) A shotgun with a revolving cylinder.

6 (9) A part or combination of parts designed or intended
7 to convert a firearm into an assault weapon or any
8 combination of parts from which an assault weapon may be
9 readily assembled if those parts are in the possession of or
10 under the control of the same person.

11 (10) The following specified semiautomatic firearms:
12 Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP
13 Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-
14 47 type; Barrett Light-Fifty model 82A1; Beretta AR-70;
15 Bushmaster Auto Rifle and Auto Pistol; Calico models M-900,
16 M-950 and 100-P; Chartered Industries of Singapore SR-88;
17 Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2;
18 Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL,
19 FN/LAR or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT;
20 Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil
21 AR and ARM; Goncz High-Tech Carbine and High-Tech Long
22 Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes
23 MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9
24 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-
25 14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT
26 and 500 series; Spectre Auto Carbine and Auto Pistol;
27 Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and
28 MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving
29 cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and
30 Pistol; Weaver Arms Nighthawk; Wilkinson "Linda" Pistol.

1 (11) The following specified semiautomatic centerfire
2 rifles or copies or duplicates with the capability of such
3 rifles that were in production prior to or on April 4, 2013:
4 AK-47; AK-74; AKM; AKS-74U; ARM; MAADI AK47; MAK90; MISR;
5 NHM90 and NHM91; Norinco 56, 56S, 84S and 86S; Poly
6 Technologies AKS and AK47; SA 85; SA 93; VEPR; WASR-10; WUM;
7 Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-15;
8 Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles,
9 Bushmaster MOE Rifles; Colt Match Target Rifles; Armalite
10 M15; Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48,
11 K8 and K9 Rifles; DPMS Tactical Rifles; Smith and Wesson
12 M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles;
13 Barrett REC7; Beretta Storm; Calico Liberty 50, 50 Tactical,
14 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles;
15 Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec Sub-2000, SU
16 Rifles and RFB; Remington Tactical Rifle Model 7615; SAR-8,
17 SAR-4800 and SR9; SLG 95; SLR 95 or 96; TNW M230 and M2HB;
18 Vector Arms UZI; Galil and Galil Sporter; Daewoo AR 100 and
19 AR 110C; Fabrique Nationale/FN 308 Match and L1A1 Sporter;
20 HK USC; IZHMAASH Saiga AK; SIG Sauer 551-A1, 556, 516, 716 and
21 M400 Rifles; Valmet M62S, M71S and M78S; Wilkinson Arms Linda
22 Carbine; and Barrett M107A1.

23 (12) The following specified semiautomatic pistols or
24 copies or duplicates with the capability of such pistols that
25 were in production prior to or on April 4, 2013: Centurion 39
26 AK; Draco AK-47; HCR AK-47; I.O. Inc. Hellpup AK-47; Mini-
27 Draco AK-47; Yugo Krebs Krink; American Spirit AR-15;
28 Bushmaster Carbon 15; Doublestar Corporation AR; DPMS AR-15;
29 Olympic Arms AR-15; Rock River Arms LAR 15; Calico Liberty
30 III and III Tactical Pistols; Masterpiece Arms MPA Pistols

1 and Velocity Arms VMA Pistols; Intratec TEC-DC9 and AB-10;
2 Colefire Magnum; German Sport 522 PK and Chiappa Firearms
3 Mfour-22; DSA SA58 PKP FAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16
4 Pistol; Sig Sauer P516 and P556 Pistols; and Thompson TA5
5 Pistols.

6 (13) The following semiautomatic shotguns or copies or
7 duplicates with the capability of such shotguns that were in
8 production prior to or on April 4, 2013: All IZHMAISH Saiga 12
9 Shotguns.

10 "Large capacity magazine." A detachable ammunition-feeding
11 device with the capacity to accept more than 10 rounds of
12 ammunition. The term does not include any of the following:

13 (1) a feeding device that has been permanently altered
14 so that it cannot accommodate more than 10 rounds;

15 (2) a .22 caliber tube ammunition-feeding device; or

16 (3) a tubular magazine that is contained in a lever-
17 action firearm.

18 Section 2. This act shall take effect in 60 days.