
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1858 Session of
2019

INTRODUCED BY SHUSTERMAN, SAPPEY, SCHLOSSBERG, BRIGGS, KINSEY,
CALTAGIRONE, WILLIAMS, SIMS, SANCHEZ, WARREN, ISAACSON,
OTTEN, FRANKEL, CIRESI, McCLINTON, DALEY, KIM, MADDEN,
FITZGERALD, JOHNSON-HARRELL, STURLA, COMMITTA AND ULLMAN,
SEPTEMBER 23, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 23, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for definitions and for sale or
4 transfer of firearms; and providing for semi-automatic
5 assault rifle safety certificate; and establishing the Semi-
6 Automatic Assault Rifle Safety and Enforcement Fund.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 6102 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 6102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this subchapter which are applicable to specific
14 provisions of this subchapter, the following words and phrases,
15 when used in this subchapter shall have, unless the context
16 clearly indicates otherwise, the meanings given to them in this
17 section:

18 * * *

1 "Rifle." A weapon designed or redesigned, made or remade,
2 and intended to be fired from the shoulder and designed or
3 redesigned and made or remade to use the energy of an explosive
4 to fire only a single projectile through a rifled bore for each
5 single pull of the trigger.

6 * * *

7 "Semi-automatic assault rifle." A semi-automatic rifle
8 capable of holding more than five rounds of ammunition in a
9 fixed or detachable magazine.

10 "Semi-automatic rifle." Any repeating rifle that utilizes a
11 portion of the energy of a firing cartridge to extract the fired
12 cartridge case and chamber the next round and requires a
13 separate pull of the trigger to fire each cartridge.

14 * * *

15 Section 2. Section 6111 of Title 18 is amended by adding a
16 subsection to read:

17 § 6111. Sale or transfer of firearms.

18 * * *

19 (c.1) Semi-automatic assault rifles.--No person shall sell
20 or transfer a semi-automatic assault rifle unless the recipient
21 of the semi-automatic assault rifle holds a semi-automatic
22 assault rifle safety certificate issued by the Pennsylvania
23 State Police in accordance with subchapter E (relating to semi-
24 automatic assault rifle safety certificate). The certificate
25 shall be presented at the time of sale or transfer.

26 * * *

27 Section 3. Chapter 61 of Title 18 is amended by adding a
28 subchapter to read:

29 SUBCHAPTER E

30 SEMI-AUTOMATIC ASSAULT RIFLE SAFETY CERTIFICATE

1 Sec.

2 6191. Definitions.

3 6192. Semi-automatic assault rifle safety certificate.

4 6193. Pennsylvania State Police.

5 6194. Issuance of semi-automatic assault rifle safety

6 certificate and objective test, renewal, fees and

7 expiration.

8 6195. Violations and penalties.

9 6196. Immunity from liability.

10 § 6191. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Applicant." An individual who applies for a semi-automatic
15 assault rifle safety certificate.

16 "Certificate" or "semi-automatic assault rifle safety
17 certificate." A certificate issued by the Pennsylvania State
18 Police in accordance with this subchapter indicating that the
19 holder has successfully completed semi-automatic assault rifle
20 safety training.

21 "Certified instructors" or "instructor." A person certified
22 as a semi-automatic assault rifle safety instructor under this
23 subchapter.

24 "Fund." The Semi-Automatic Assault Rifle Safety and
25 Enforcement Fund established under section 6194 (relating to
26 issuance of semi-automatic assault rifle safety certificate and
27 objective test, renewal, fees and expiration).

28 "Law enforcement agency." The term includes:

29 (1) The Pennsylvania State Police.

30 (2) A municipal police department.

1 (3) The Office of Attorney General.

2 (4) The Federal Bureau of Investigation or other Federal
3 law enforcement agency.

4 (5) A police department of another state or
5 jurisdiction.

6 "Peace officer." As defined in 18 Pa.C.S. § 501 (relating to
7 definitions).

8 "Semi-automatic assault rifle." As defined in section 6102
9 (relating to definitions).

10 "Written authorization." A verifiable written certification
11 from the head of a law enforcement agency that identifies the
12 purchaser or transferee of a semi-automatic assault rifle
13 transaction as an employee of the law enforcement agency,
14 identifies the employee as an individual authorized to conduct
15 the transaction and authorizes the transaction for the exclusive
16 use of the law enforcement agency by which the person is
17 employed.

18 § 6192. Semi-automatic assault rifle safety certificate.

19 (a) Certificate required.--Notwithstanding any provision of
20 this chapter or any other law or regulation to the contrary, no
21 person may:

22 (1) purchase or receive a semi-automatic assault rifle,
23 except an antique semi-automatic assault rifle that has been
24 modified to render it permanently inoperable, without a valid
25 semi-automatic assault rifle safety certificate; or

26 (2) sell, deliver, loan or transfer a semi-automatic
27 assault rifle, except an antique semi-automatic assault rifle
28 that has been modified to render it permanently inoperable,
29 to person who does not have a valid semi-automatic assault
30 rifle safety certificate.

1 (b) Exception for peace officers.--A peace officer shall be
2 exempt from the certificate requirement under subsection (a).

3 (c) Other exemptions by operation of law.--The following
4 persons who take title to or possession of a semi-automatic
5 assault rifle by operation of law in a representative capacity,
6 until or unless they transfer title ownership of the semi-
7 automatic assault rifle to themselves in a personal capacity,
8 shall be exempt from the certificate requirement of subsection
9 (a):

10 (1) The executor or administrator of an estate.

11 (2) A secured creditor or an agent or employee of a
12 secured creditor when a semi-automatic assault rifle is
13 possessed as collateral for, or as a result of, a default
14 under a security agreement under 13 Pa.C.S. (relating to
15 commercial code).

16 (3) A writ server who is directed to execute a writ or
17 serve other court documents under 42 Pa.C.S. (relating to
18 judiciary and judicial procedure).

19 (4) A receiver performing the functions of a receiver
20 under the laws of this Commonwealth.

21 (5) A trustee in bankruptcy performing the duties of a
22 trustee.

23 (6) An assignee for the benefit of creditors performing
24 the functions of an assignee.

25 § 6193. Pennsylvania State Police.

26 (a) Administration and enforcement.--The Pennsylvania State
27 Police shall administer and enforce the provisions of this
28 subchapter.

29 (b) Duties of Pennsylvania State Police.--To carry out the
30 provisions of this subchapter, the Pennsylvania State Police

1 shall:

2 (1) Develop a program for the certification of persons
3 to provide semi-automatic assault rifle safety instruction to
4 individuals seeking semi-automatic assault rifle safety
5 certification in accordance with the provisions of this
6 subchapter.

7 (2) Develop a semi-automatic assault rifle safety manual
8 and make the manual available to firearm dealers licensed
9 under sections 6112 (relating to retail dealer required to be
10 licensed) and 6113 (relating to licensing of dealers). Each
11 firearm dealer shall make the manual available to the general
12 public. A firearm dealer may make the manual available to the
13 public by including the manual or essential portions of the
14 manual in a pamphlet developed by the dealer that summarizes
15 the Commonwealth's firearms law by posting the instructions
16 manual or essential portions of the manual on the dealer's
17 publicly accessible Internet website or by providing a link
18 to the Pennsylvania State Police's publicly accessible
19 Internet website on the dealer's publicly accessible Internet
20 website.

21 (3) Establish a link on the Pennsylvania State Police's
22 publicly accessible Internet website for dealers and other
23 persons to download the semi-automatic assault rifle safety
24 manual.

25 (4) Develop audiovisual materials for use by certified
26 instructors to conduct semi-automatic assault rifle safety
27 training.

28 (5) Solicit input from a reputable association or
29 organization, including a law enforcement association that
30 has as one of its objectives the promotion of semi-automatic

1 assault rifle safety, in the development of audiovisual
2 materials and other instructional materials.

3 (6) Prescribe a minimum level of skill, knowledge and
4 competency to be required of semi-automatic assault rifle
5 safety instructors.

6 (7) Develop guidelines to govern the certification of
7 persons as semi-automatic assault rifle safety training
8 instructors.

9 (8) Develop guidelines to govern the issuance and
10 renewal of semi-automatic assault rifle safety certificates.
11 The guidelines may, at the discretion of the Pennsylvania
12 State Police, require the holder of the expiring or expired
13 certificate to pass an objective test.

14 (9) Develop a written objective test, prescribe the
15 objective test's content and the form and manner in which the
16 objective test may be administered by certified instructors
17 and make the objective test available to certified
18 instructors. The Pennsylvania State Police may establish a
19 secure link on the Pennsylvania State Police's publicly
20 accessible Internet website for certified instructors or
21 other authorized persons to download the objective tests.

22 (10) Develop procedures for the oral administration of
23 the objective test to persons with disabilities or language
24 barriers.

25 (11) Update objective test materials for semi-automatic
26 assault rifle safety training when determined appropriate,
27 but not less than once every five years.

28 (12) Require licensed dealers or employees of licensed
29 dealers who are also certified as semi-automatic assault
30 rifle safety instructors under this subchapter to designate a

1 separate room or partitioned area for a person to take the
2 objective test and maintain adequate supervision to ensure
3 that no acts of collusion occur while the objective test is
4 being administered.

5 (c) Certification of instructors.--

6 (1) The Pennsylvania State Police shall certify persons
7 as semi-automatic assault rifle safety training instructors
8 in this Commonwealth.

9 (2) The Pennsylvania State Police may require applicants
10 for certification as semi-automatic assault rifle safety
11 training instructors in this Commonwealth to have prior
12 certification or firearm training from one of the following
13 agencies or organizations:

14 (i) The Federal Law Enforcement Training Center of
15 the United States Department of Homeland Security,
16 Firearm Instructor Training Program, range master
17 training or other Federal weapons training program as
18 determined by the Pennsylvania State Police.

19 (ii) The Pennsylvania State Police or a municipal
20 police department of this Commonwealth or of another
21 state, as approved by the Pennsylvania State Police.

22 (iii) A United States Armed Forces marksmanship or
23 weapons training instructor program, provided, however,
24 that a person's assignment as a range officer or safety
25 officer shall not be deemed sufficient for training
26 purposes.

27 (iv) The National Rifle Association or a sportsmen
28 or gun club.

29 (v) The Municipal Police Officers' Education and
30 Training Commission established under 53 Pa.C.S. Ch. 21

1 Subch. D (relating to municipal police education and
2 training).

3 (vi) An accredited institution of higher education
4 in this Commonwealth that offers a class or course of
5 study in firearm training or safety.

6 (3) Nothing in this subsection shall be construed to
7 preclude the Pennsylvania State Police from certifying a
8 person as a certified instructor, provided that the person
9 applying for the certification holds a valid firearm safety
10 certificate or firearms or weapons instructor certification
11 from an agency or organization under paragraph (2).

12 (d) Content of objective test.--The objective test developed
13 by the Pennsylvania State Police for semi-automatic assault
14 rifle safety certification shall include the following:

15 (1) The laws applicable to carrying and handling semi-
16 automatic assault rifles in this Commonwealth.

17 (2) The safe handling of a semi-automatic assault rifle.

18 (3) Provisions of Federal and State law that relate to
19 the private sale and transfer of firearms and semi-automatic
20 assault rifles.

21 (4) Provisions of law that relate to the permissible use
22 of lethal force.

23 (5) Activity that constitutes safe storage of semi-
24 automatic assault rifles.

25 (6) Issues associated with bringing semi-automatic
26 assault rifles into a home with children.

27 (7) Harm prevention strategies to address issues
28 associated with bringing semi-automatic assault rifles into a
29 home.

30 (e) Semi-automatic assault rifle safety certificate.--The

1 Pennsylvania State Police shall develop a semi-automatic assault
2 rifle safety certificate to be issued by certified instructors
3 to applicants who successfully passed a semi-automatic assault
4 rifle safety objective test in accordance with the requirements
5 of this subchapter. A semi-automatic assault rifle safety
6 certificate shall include the following:

7 (1) A unique semi-automatic assault rifle safety
8 certificate identification number.

9 (2) The holder's full name and date of birth.

10 (3) The holder's driver's license number or State
11 identification card number.

12 (4) The holder's signature.

13 (5) The signature of the issuing semi-automatic assault
14 rifle safety instructor.

15 (6) The date of issuance and expiration.

16 § 6194. Issuance of semi-automatic assault rifle safety
17 certificate and objective test, renewal, fees and
18 expiration.

19 (a) Compliance required for issuance.--No certified
20 instructor may issue a semi-automatic assault rifle safety
21 certificate to a person who has not complied with this
22 subchapter. A certified instructor shall forward proof of
23 compliance to the Pennsylvania State Police in the form and
24 manner and at the times as prescribed by the Pennsylvania State
25 Police.

26 (b) Objective test required.--

27 (1) An applicant for a semi-automatic assault rifle
28 safety certificate must successfully pass the objective test
29 developed by the Pennsylvania State Police in accordance with
30 section 6193(d) (relating to Pennsylvania State Police) with

1 a passing grade of at least 75%.

2 (2) (i) An applicant who fails to pass the objective
3 test upon the first attempt shall be offered additional
4 instructional materials by the instructor, such as the
5 semi-automatic assault rifle safety manual, a videotape
6 or instructional materials as may be approved by the
7 Pennsylvania State Police.

8 (ii) The applicant may not retake the objective test
9 under any circumstances until 15 days have elapsed after
10 the failure to pass the objective test upon the first
11 attempt.

12 (iii) If the applicant fails the objective test on
13 the first attempt, the applicant may take another version
14 of the objective test upon the second attempt.

15 (iv) If the applicant fails the objective test on a
16 second attempt, the applicant may not retake the
17 objective test until 30 days have elapsed after failure
18 to pass the objective test on the second and each
19 subsequent attempt.

20 (v) When feasible, all objective tests shall be
21 retaken from the same instructor except upon permission
22 by the Pennsylvania State Police, which permission shall
23 be granted only for good cause shown.

24 (vi) The instructor shall be available to the
25 applicant during regular business hours in order for the
26 applicant to retake the objective test.

27 (c) Issuance of certificate.--

28 (1) A person receiving a passing grade on the objective
29 test in accordance with subsection (b)(1) shall immediately
30 be issued a semi-automatic assault rifle safety certificate

1 by the certified instructor.

2 (2) No certified instructor may issue a semi-automatic
3 assault rifle safety certificate to a person who is less than
4 18 years of age.

5 (d) Expiration and renewal of certificate.--

6 (1) A semi-automatic assault rifle safety certificate
7 issued by a certified instructor under subsection (b)(1)
8 shall expire five years from the date of issuance.

9 (2) In the case of the loss or destruction of a semi-
10 automatic assault rifle safety certificate, the issuing
11 instructor or the Pennsylvania State Police shall issue a
12 duplicate certificate upon request and proof of
13 identification to the certificate holder. A duplicate semi-
14 automatic assault rifle safety certificate shall be valid for
15 the balance of the unexpired term of the original
16 certificate.

17 (e) Fees.--

18 (1) In addition to a fee or charge that may be imposed
19 by a certified instructor for semi-automatic assault rifle
20 training, the certified instructor shall charge a fee of \$30
21 for the issuance of a semi-automatic assault rifle safety
22 certificate. Twenty dollars of the fee shall be deposited in
23 the fund in accordance with subsection (f).

24 (2) A person seeking to renew an expiring or expired
25 semi-automatic assault rifle safety certificate may be
26 required to pass the objective test, as determined by the
27 Pennsylvania State Police. For the renewal of an expiring or
28 expired certificate, a certified instructor shall charge a
29 fee of \$25, \$15 of which shall be deposited in the fund in
30 accordance with subsection (f).

1 (3) In the case of the loss or destruction of a semi-
2 automatic assault rifle safety certificate, the Pennsylvania
3 State Police may authorize the issuing instructor to charge a
4 fee of \$15 for a duplicate certificate, \$10 of which shall be
5 deposited in the fund in accordance with subsection (f).

6 (f) Semi-Automatic Assault Rifle Safety and Enforcement
7 Fund.--

8 (1) The Semi-Automatic Assault Rifle Safety and
9 Enforcement Fund is established as a restricted account in
10 the State Treasury. Money in the fund shall be expended by
11 the Pennsylvania State Police for the sole and exclusive
12 purpose of administering and enforcing this subchapter.

13 (2) The fund shall consist of all money received and
14 deposited into the fund by the Pennsylvania State Police in
15 accordance with subsection (e) and any interest thereon,
16 money which may be transferred by act of the General Assembly
17 and any other contributions, payments or deposits that are
18 made available to the fund.

19 § 6195. Violations and penalties.

20 (a) Revocation of instructor certificate.--A violation of
21 this subchapter by a certified instructor shall be grounds for
22 the Pennsylvania State Police to revoke the instructor's
23 authority to provide semi-automatic assault rifle safety
24 training to persons applying for semi-automatic assault rifle
25 safety certification and to issue semi-automatic assault rifle
26 safety certificates to those persons.

27 (b) Acts of collusion.--It shall be unlawful for a person
28 to:

29 (1) Answer questions for an applicant taking the
30 objective test for semi-automatic assault rifle safety

1 certification while the objective test is being administered.

2 (2) Knowingly grade an objective test for a semi-
3 automatic assault rifle safety certificate falsely.

4 (3) Provide an advance copy of the objective test to an
5 applicant seeking semi-automatic assault rifle safety
6 certification.

7 (4) Take or allow another person to take semi-automatic
8 assault rifle safety training for the applicant seeking a
9 semi-automatic assault rifle safety certificate.

10 (5) Take or allow another person to take the objective
11 test for the applicant seeking semi-automatic assault rifle
12 safety certification.

13 (6) Use or allow another to use an applicant's
14 identification for the purpose of obtaining a semi-automatic
15 assault rifle safety certificate.

16 (7) Allow a person to give an applicant for a semi-
17 automatic assault rifle safety certificate unauthorized
18 assistance during administration of the objective test.

19 (8) Use unauthorized materials while taking the
20 objective test and cheating by the applicant.

21 (c) Additional violations.--It shall be unlawful for a
22 person to:

23 (1) alter, counterfeit or falsify a semi-automatic
24 assault rifle safety certificate; or

25 (2) use or attempt to use any altered, counterfeited or
26 falsified semi-automatic assault rifle safety certificate to
27 purchase a semi-automatic assault rifle.

28 (d) Penalty.--A person who violates subsection (b) or (c)
29 commits a misdemeanor of the third degree.

30 § 6196. Immunity from liability.

1 The Pennsylvania State Police shall be immune from liability
2 which may arise from administering, implementing or enforcing
3 any provisions of this subchapter.

4 Section 4. This act shall take effect in 60 days.