
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 740 Session of
2019

INTRODUCED BY KIRKLAND, SCHLOSSBERG, ISAACSON, KINSEY, DALEY,
BULLOCK AND FITZGERALD, MARCH 6, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, providing for the offense
3 of sale of realistic toy firearm.

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

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

8 § 6304.1. Sale of realistic toy firearm.

9 (a) Offense defined.--It shall be unlawful for a dealer to
10 sell, lend, rent, give or otherwise transfer a realistic toy
11 firearm to an individual under 18 years of age if the dealer
12 knows, has cause to believe or has failed to make reasonable
13 inquiry relative to the age of the person, except if the
14 individual is accompanied by an adult at the time of purchase.

15 (b) Exceptions.--

16 (1) Nothing under this section shall prohibit the sale
17 of a realistic toy firearm:

18 (i) By a wholesale dealer or jobber.

1 (ii) To be shipped out of this Commonwealth.

2 (iii) In a retail establishment within this
3 Commonwealth.

4 (2) Nothing under this section shall prohibit the
5 gifting of a realistic toy firearm to a person under 18 years
6 of age.

7 (c) No preemption.--The provisions of any ordinance enacted
8 by a political subdivision which impose greater restrictions or
9 limitations in respect to the sale, purchase, use or possession
10 of a realistic toy firearm than is imposed under this section
11 shall not be invalidated or affected by this section.

12 (d) Grading.--A dealer violating subsection (a) commits a
13 misdemeanor of the third degree.

14 (e) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Dealer." A person engaged in the business of selling at
18 retail realistic toy firearms.

19 "Realistic toy firearm." A device that mimics a real firearm
20 through color, sound, shape or any other similarly identifying
21 design element.

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