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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 292 Session of  
2019

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INTRODUCED BY FONTANA, SANTARSIERO, KILLION, FARNESE, MUTH,  
SCHWANK, HUGHES, COSTA, HAYWOOD, COLLETT, BLAKE AND  
TARTAGLIONE, FEBRUARY 14, 2019

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REFERRED TO JUDICIARY, FEBRUARY 14, 2019

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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 § 6105.3. 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.

1           (2) An individual issued a certificate of possession  
2 under this section may possess, use, manufacture or otherwise  
3 control an assault weapon as follows:

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

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

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

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

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

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

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

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

30           (iii) A photograph of the certificate holder in a

1 form compatible with the Commonwealth Photo Imaging  
2 Network.

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

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

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

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

12 (i) The information listed in subsection (b) (3) (i)  
13 and the telephone number and thumbprint of the applicant.

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

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

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

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

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

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

1           (iii) Issue the certificate of possession within 30  
2           days of application.

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

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

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

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

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

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

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

30           (e) Fee.--

1       (1) The fee for the issuance or renewal of a certificate  
2 of possession is \$15. The fee shall include the renewal  
3 notice processing.

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

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

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

14       (f) Revocation.--

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

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

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

1           (4) An individual whose certificate is revoked may  
2 appeal to the court of common pleas for the judicial district  
3 in which the individual resides.

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

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

8           (2) Design the certificate of possession form.

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

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

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

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

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

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

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

28           (i) Law enforcement officers.

29           (ii) State parole agents.

30           (iii) A county probation or parole officer who is

1 authorized to carry a weapon in connection with  
2 performance of the duties of the officer's employment.

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

6 (v) Constables.

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

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

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

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

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

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

29 (i) Penalties.--

30 (1) Except as provided in paragraph (2) or (3), a person

1 who violates this section commits a misdemeanor of the first  
2 degree.

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

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

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

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

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

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

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

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

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

30 (6) A semiautomatic shotgun having a folding or

1 telescoping stock, a pistol grip protruding conspicuously  
2 beneath the action of the weapon, a thumbhole stock or a  
3 vertical handgrip.

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

6 (8) A shotgun with a revolving cylinder.

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

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

1 Pistol; Weaver Arms Nighthawk; and Wilkinson "Linda" Pistol.

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

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

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

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

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

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

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

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

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