
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2216 Session of
2020

INTRODUCED BY BURGOS, BRIGGS, KENYATTA, SCHLOSSBERG, ISAACSON,
ZABEL, KIRKLAND, HARRIS, HOHENSTEIN, CALTAGIRONE, McCLINTON,
SIMS, BULLOCK, SANCHEZ, ROEBUCK, FIEDLER, JOHNSON-HARRELL,
SCHWEYER AND YOUNGBLOOD, JANUARY 15, 2020

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 15, 2020

AN ACT

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

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 § 6129. Sale of certain toy guns and imitation firearms
10 prohibited.

11 (a) Offense defined.--A person may not sell, transfer or
12 assign a toy gun or imitation firearm unless the toy gun or
13 imitation firearm is:

14 (1) a color other than black, blue, silver or aluminum;

15 (2) marked with a nonremovable orange stripe that is at
16 least one inch in width and runs the entire length of the
17 barrel on each side of the barrel; or

18 (3) equipped with a barrel at least one inch in diameter

1 that is closed at a distance of at least one-half inch from
2 the front end of the barrel with the same material from which
3 the toy gun or imitation firearm is made.

4 (b) Exception.--The provisions of this section shall not
5 apply to:

6 (1) The sale of any toy gun or imitation firearm that
7 will be used only for or in the production of television
8 programs or theatrical or motion picture presentations,
9 provided, however, that the use of any toy gun or imitation
10 firearm complies with all applicable laws, rules or
11 regulations concerning request and receipt of waivers
12 authorizing the use.

13 (2) A nonfiring collector replica antique firearm, which
14 looks authentic and may be a scale model but is not intended
15 as a toy modeled on a real firearm designed, manufactured and
16 produced prior to 1898.

17 (c) Penalty.--A person who violates this section shall be
18 subject to a penalty of not more than \$500 for the first offense
19 and not more than \$1,000 for each subsequent offense, to be
20 collected in a civil action by a summary proceeding.

21 (d) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Imitation firearm." An object or device reasonably capable
25 of being mistaken for a genuine firearm.

26 "Toy gun." A facsimile or reproduction of a firearm that is
27 marketed as a toy for children and is substantially similar in
28 appearance, size and shape to a genuine firearm.

29 Section 2. This act shall take effect immediately.