
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 171 Session of
2015

INTRODUCED BY PAYNE, METCALFE, M. K. KELLER, CAUSER, DIAMOND,
EMRICK, HEFFLEY, KAUFFMAN, MASSER, METZGAR, MILLARD,
READSHAW, SONNEY, TOPPER AND GODSHALL, MARCH 13, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 13, 2015

A RESOLUTION

1 Urging the Congress of the United States to take immediate
2 action to stop the Bureau of Alcohol, Tobacco, Firearms and
3 Explosives from implementing its new framework for
4 determining whether certain projectiles are "primarily
5 intended for sporting purposes" within the meaning of 18
6 U.S.C. 921(a)(17)(C).

7 WHEREAS, The second amendment to the Constitution of the
8 United States and section 21 of Article I of the Constitution of
9 Pennsylvania recognize the right of residents of this
10 Commonwealth to keep and bear arms for self-defense; and

11 WHEREAS, In further recognition of the fundamental right to
12 keep and bear arms, the Commonwealth of Pennsylvania has a
13 comprehensive set of gun laws and regulations that are focused
14 on keeping guns out of the hands of criminals and other
15 prohibited individuals while respecting the freedoms of lawful
16 and responsible gun owners throughout this Commonwealth; and

17 WHEREAS, The drop in violent crime and violent firearm
18 offenses in recent years in the Commonwealth of Pennsylvania
19 demonstrates the effectiveness of the Commonwealth's gun laws

1 and regulations; and

2 WHEREAS, The Bureau of Alcohol, Tobacco, Firearms and
3 Explosives (ATF) recently announced its new framework for
4 determining whether certain projectiles are "primarily intended
5 for sporting purposes" within the meaning of 18 U.S.C. 921(a)
6 (17) (C); and

7 WHEREAS, The framework demonstrates an utter disdain for
8 lawful gun owners and manufacturers by equating them with
9 criminals by:

10 (1) discussing "individual consumers, whether they are
11 law-abiding citizens or criminals";

12 (2) identifying "criminals" as "one class of potential
13 consumer group"; and

14 (3) stating that "the intent of one group of potential
15 consumers (criminals) is no more determinative than the
16 intent of manufacturers";

17 and

18 WHEREAS, The immediate effect of the framework is to overturn
19 a longstanding determination that a particular type of
20 ammunition is primarily intended for sporting purposes in order
21 to ban its production, importation, sale and distribution; and

22 WHEREAS, Handguns that utilize the particular ammunition
23 targeted by the framework are large and cumbersome and not
24 "handguns designed to be carried and concealed," which is a
25 standard offered in defense of the framework; and

26 WHEREAS, The ATF's determination under the framework that
27 only large, "single-shot handguns" serve a sporting purpose
28 directly conflicts with all of the following:

29 (1) The definition of "firearm" under 18 Pa.C.S. § 6102
30 (relating to definitions).

1 (2) The provisions of 18 Pa.C.S. § 6106(c) (relating to
2 firearms not to be carried with a license).

3 (3) The provisions of 34 Pa.C.S. §§ 2308 (relating to
4 unlawful devices and methods) and 2322 (relating to
5 prohibited devices and methods);

6 and

7 WHEREAS, The framework conflates the general rule with the
8 sporting purposes exemption in a manner to render the exemption
9 almost meaningless; and

10 WHEREAS, The long-term effect of the framework leaves
11 unelected, unaccountable Federal agency employees with the
12 authority to significantly impair the ability of the residents
13 of the Commonwealth of Pennsylvania to exercise their
14 fundamental right to self-defense by, with the stroke of a pen,
15 prohibiting the manufacture, import, sale and distribution of a
16 particular type of ammunition; therefore be it

17 RESOLVED, That the House of Representatives of the
18 Commonwealth of Pennsylvania urge the ATF to end its
19 consideration of the currently proposed framework in favor of a
20 framework that respects constitutional rights and is in
21 compliance with Federal and State law; and be it further

22 RESOLVED, That the House of Representatives of the
23 Commonwealth of Pennsylvania urge the Congress of the United
24 States to take immediate action to stop the ATF from
25 implementing its new framework for determining whether certain
26 projectiles are "primarily intended for sporting purposes"
27 within the meaning of 18 U.S.C. 921(a)(17)(C); and be it further

28 RESOLVED, That the Chief Clerk of the House of
29 Representatives transmit copies of this resolution to the Bureau
30 of Alcohol, Tobacco, Firearms and Explosives and to each member

1 of Congress from Pennsylvania.