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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1330 Session of  
2015

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INTRODUCED BY ALLOWAY, SCARNATI, RESCHENTHALER, WHITE,  
EICHELBERGER, WAGNER, FOLMER, BARTOLOTTA, VULAKOVICH,  
HUTCHINSON, RAFFERTY, GORDNER AND AUMENT, JUNE 24, 2016

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REFERRED TO LOCAL GOVERNMENT, JUNE 24, 2016

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AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, in preemptions, providing for  
3 regulation of firearms and ammunition.

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

6 Section 1. The General Assembly finds that:

7 (1) It is proper for law-abiding people to protect  
8 themselves, their families and others from intruders and  
9 attackers without fear of prosecution or civil action for  
10 acting in defense of themselves and others.

11 (2) Section 21 of Article I of the Constitution of  
12 Pennsylvania guarantees that the "right of the citizens to  
13 bear arms in defense of themselves and the State shall not be  
14 questioned."

15 (3) Commonwealth law currently limits regulation of  
16 firearms, ammunition and ammunition components by political  
17 subdivisions in order to further the right guaranteed by  
18 section 21 of Article I of the Constitution of Pennsylvania.

1 (4) Unlawful regulation of firearms, ammunition and  
2 ammunition components by political subdivisions and the  
3 threat of citation, prosecution or other legal process posed  
4 by such regulation interfere with this right.

5 (5) Such interference with the right guaranteed by  
6 section 21 of Article I of the Constitution of Pennsylvania  
7 unduly inhibits law-abiding people from protecting  
8 themselves, their families and others from intruders and  
9 attackers and from other legitimate uses of constitutionally  
10 protected arms, including hunting and sporting activities.

11 Section 2. Title 53 of the Pennsylvania Consolidated  
12 Statutes is amended by adding a section to read:

13 § 305. Regulation of firearms and ammunition.

14 (a) General rule.--The provisions of section 2962(g)  
15 (relating to limitation on municipal powers) and 18 Pa.C.S. §  
16 6120(a) (relating to limitation on the regulation of firearms  
17 and ammunition) shall preempt and supersede any local ordinance  
18 or rule insofar as the local ordinance or rule is inconsistent  
19 with the provisions of section 2962(g) or 18 Pa.C.S. § 6120(a).

20 (b) Relief.--The following shall apply:

21 (1) A person adversely affected by any manner of  
22 regulation promulgated or enforced in violation of section  
23 2962(g) or 18 Pa.C.S. § 6120(a) may seek declarative and  
24 injunctive relief and the actual and consequential damages  
25 attributable to the violation in an appropriate court.

26 (2) The court shall award reasonable expenses to a  
27 person adversely affected if an action under paragraph (1)  
28 results in:

29 (i) a final determination by a court in favor of the  
30 person adversely affected; or

1           (ii) rescission or repeal of the challenged manner  
2           of regulation or enforcement after suit has been filed  
3           under paragraph (1) but prior to a final determination by  
4           a court.

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

8           "Perpetrator." A person against whom an actor is justified  
9           in using force as provided by 18 Pa.C.S. § 505 (relating to use  
10           of force in self-protection), 506 (relating to use of force for  
11           the protection of other persons), 507 (relating to use of force  
12           for the protection of property), 508 (relating to use of force  
13           in law enforcement) or 509 (relating to use of force by persons  
14           with special responsibility for care, discipline or safety of  
15           others).

16           "Person adversely affected." Any of the following:

17           (1) A person who has standing under the laws of this  
18           Commonwealth to bring an action under subsection (b) (1).

19           (2) A resident of this Commonwealth who may legally  
20           possess a firearm under the laws of this Commonwealth and the  
21           United States and either:

22           (i) is subject to any manner of regulation alleged  
23           to be promulgated or enforced in violation of section  
24           2962(g) or of 18 Pa.C.S. § 6120(a) whether or not  
25           specific enforcement action has been initiated or  
26           threatened against the person or another person; or

27           (ii) would be, if the person were present in the  
28           political subdivision in question, subject to any manner  
29           of regulation alleged to be promulgated or enforced in  
30           violation of section 2962(g) or 18 Pa.C.S. § 6120(a)

1           whether or not specific enforcement action has been  
2           initiated or threatened against the person or another  
3           person.

4           (3) A membership organization, the members of which  
5           include a person described under paragraph (1) or (2).

6           "Reasonable expenses." The term includes, but is not limited  
7           to, attorney fees, expert witness fees, court costs and  
8           compensation for loss of income.

9           Section 3. This act shall take effect in 60 days.