

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 435 Session of  
2013

---

INTRODUCED BY FARNESE, WASHINGTON, STACK, WILLIAMS, COSTA,  
FONTANA, ERICKSON AND HUGHES, FEBRUARY 5, 2013

---

REFERRED TO JUDICIARY, FEBRUARY 5, 2013

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for an offense relating to assault  
4 weapons and large capacity 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 § 6105.2. Assault weapons and large capacity magazines.

10 (a) Offense defined.--Except as otherwise provided in  
11 subsection (b), no person shall possess, manufacture, import,  
12 sell or transfer any class 1 assault weapon or large capacity  
13 magazine.

14 (b) Exceptions.--The provisions of subsection (a) shall not  
15 apply to:

16 (1) Constables, sheriffs, prison or jail wardens, or  
17 their deputies, policemen of this Commonwealth or its  
18 political subdivisions or other law enforcement officers.

19 (2) Members of the Army, Navy, Marine Corps, Air Force

1 or Coast Guard of the United States or of the National Guard  
2 or organized reserves when they are on duty.

3 (3) Officers or employees of the United States duly  
4 authorized to carry a concealed firearm.

5 (c) Grading.--

6 (1) Except as otherwise provided in paragraph (2), a  
7 person who violates this section commits a misdemeanor of the  
8 first degree.

9 (2) A second or subsequent offense under this section  
10 shall be graded as a felony of the third degree.

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

14 "Class 1 assault weapon." Any of the following:

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

20 (2) A semiautomatic center fire rifle with overall  
21 length of less than 30 inches.

22 (3) A semiautomatic center fire rifle with a fixed  
23 magazine capable of holding over ten rounds of ammunition.

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

1           (5) A semiautomatic pistol with a fixed magazine having  
2 the capacity to accept over ten rounds.

3           (6) A semiautomatic shotgun having a folding or  
4 telescoping stock; a pistol grip protruding conspicuously  
5 beneath the action of the weapon, a thumbhole stock or a  
6 vertical handgrip.

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

9           (8) A shotgun with a revolving cylinder.

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

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

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

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

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