
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1368 Session of
2015

INTRODUCED BY BOYLE, FRANKEL, COHEN, O'BRIEN, YOUNGBLOOD,
V. BROWN, McCARTER, BROWNLEE, DEAN AND ROEBUCK, JUNE 24, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for large capacity
3 ammunition magazine permit and for large capacity ammunition
4 magazines prohibition; authorizing the Attorney General to
5 issue permits; and imposing penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding sections to read:

10 § 6121.1. Large capacity ammunition magazine permit.

11 Upon showing good cause, the Attorney General may issue a
12 permit for the sale, offering or exposing for sale, use,
13 purchase, possession or control of a large capacity ammunition
14 magazine to a person seeking to qualify for an exception to the
15 prohibition under section 6121.2 (related to large capacity
16 ammunition magazines prohibition).

17 § 6121.2. Large capacity ammunition magazines prohibition.

18 (a) Offense defined.--Except as set forth in subsection (b),
19 a person commits an offense if the person does the following:

1 (1) sells, offers or exposes for sale a large capacity
2 ammunition magazine; or

3 (2) uses, purchases, possesses or otherwise controls a
4 large capacity ammunition magazine.

5 (b) Exceptions.--Subsection (a) does not apply to the
6 following:

7 (1) The use, possession and control of a large capacity
8 ammunition magazine by a person who legally possessed the
9 large capacity ammunition magazine prior to the effective
10 date of this section.

11 (2) The sale, offering or exposing for sale, use,
12 purchase, possession and control of a large capacity
13 ammunition magazine by a person who is a government officer,
14 agent or employee, or a member of the armed forces of the
15 United States or the National Guard or a peace officer, to
16 the extent that the person is authorized by the government to
17 sell, offer or expose for sale, use, purchase, possess or
18 control a large capacity ammunition magazine and, consistent
19 with the authorization, does so while acting within the scope
20 of the person's duties.

21 (3) The purchase, possession and control of a large
22 capacity ammunition magazine by a Federal, State or local
23 historical society, museum or institutional collection that
24 is open to the public, provided that the large capacity
25 ammunition magazine is properly housed, secured from
26 unauthorized handling and unloaded.

27 (4) The possession and control of a large capacity
28 ammunition magazine by a person who finds a large capacity
29 ammunition magazine, if the person is not prohibited from
30 possessing firearms or ammunition under Federal or State law,

1 and the person possesses or controls the large capacity
2 magazine no longer than is necessary to deliver or transport
3 the same to a law enforcement agency for the agency's
4 disposition according to law.

5 (5) The sale, offering or exposing for sale, use,
6 purchase, possession and control of a large capacity
7 ammunition magazine by a person who:

8 (i) is authorized under the laws of the United
9 States and this Commonwealth to sell firearms; and

10 (ii) possesses a valid permit issued under section
11 6121.1 (relating to large capacity ammunition magazine
12 permit) authorizing the person to use, purchase, possess
13 and control a large capacity ammunition magazine for the
14 use and benefit of the person's business and to sell,
15 offer or expose for sale a large capacity ammunition
16 magazine to a person permitted to sell, offer or expose
17 for sale, use, purchase, possess or control a large
18 capacity ammunition magazine.

19 (6) The sale, offering or exposing for sale, use,
20 purchase, possession and control of a large capacity
21 ammunition magazine by a person who:

22 (i) is authorized under the laws of the United
23 States and this Commonwealth to manufacture a large
24 capacity ammunition magazine; and

25 (ii) possesses a valid permit issued under section
26 6121.1 authorizing the person to sell, offer or expose
27 for sale, use, purchase, possess and control a large
28 capacity ammunition magazine for the use and benefit of
29 the person's business.

30 (7) The use, purchase, possession and control of a large

1 capacity ammunition magazine by an armored vehicle business
2 that possesses a valid permit issued under section 6121.1
3 authorizing the business to use, purchase, possess and
4 control a large capacity ammunition magazine for purposes
5 pertaining to the armored vehicle business if the activity
6 authorized under the permit is conducted by either:

7 (i) a person who operates an armored vehicle
8 business under the laws of this Commonwealth; or

9 (ii) an authorized employee of the person under
10 subparagraph (i), while in the course and scope of
11 employment, for purposes pertaining to the armored
12 vehicle business.

13 (8) The use, purchase, possession and control of a large
14 capacity ammunition magazine by a private forensic laboratory
15 and an authorized employee of the laboratory, while in the
16 course and scope of employment, for purposes pertaining to
17 the forensic activities of the laboratory, provided that the
18 private forensic laboratory possesses a valid permit issued
19 under section 6121.1 authorizing the laboratory to use,
20 purchase, possess and control a large capacity ammunition
21 magazine for purposes pertaining to the forensic activities
22 of the laboratory.

23 (9) The use, possession and control of a large capacity
24 ammunition magazine by a gunsmith who possesses a valid
25 permit issued under section 6121.1 authorizing the gunsmith
26 to use, possess and control a large capacity ammunition
27 magazine for the purposes of maintenance, repair or
28 modification of the large capacity ammunition magazine.

29 (10) Any of the following:

30 (i) The use, purchase, possession and control of a

1 large capacity ammunition magazine by a motion picture or
2 television production company as a prop in a motion
3 picture or television production, provided that the
4 motion picture or television production company possesses
5 a valid permit issued under section 6121.1 authorizing
6 the production company to use, purchase, possess or
7 control a large capacity ammunition magazine as a prop.

8 (ii) The use, possession and control of the large
9 capacity ammunition magazine as a prop by an employee of
10 the motion picture or television production while in the
11 course and scope of employee's employment.

12 (11) The purchase, possession and control of a large
13 capacity ammunition magazine by a for-profit or not-for-
14 profit shooting range that possesses a valid permit issued
15 under section 6121.1 authorizing the shooting range to
16 purchase, possess and control a large capacity ammunition
17 magazine in order to make the magazine available to a patron
18 or member of the shooting range who has written authorization
19 from the shooting range to use, possess and control the
20 magazine while at the shooting range, provided that, when not
21 in use, the large capacity ammunition magazine is properly
22 housed, secured from unauthorized handling and unloaded.

23 (12) The use, possession and control of a large capacity
24 ammunition magazine by a patron or member of a shooting range
25 that satisfied the grounds for exception under paragraph (11)
26 who is authorized in writing by the shooting range to use,
27 possess and control the range's large capacity ammunition
28 magazine while at the shooting range.

29 (c) Penalty.--

30 (1) An offense under subsection (a)(1) is a misdemeanor

1 of the second degree.

2 (2) An offense under subsection(a)(2) shall be graded as
3 follows:

4 (i) A first offense is a misdemeanor punishable by
5 up to six months imprisonment and a fine of \$300.

6 (ii) A second or subsequent offense under this
7 section is a misdemeanor of the second degree.

8 (d) Definition.--As used in this section, the term "large
9 capacity ammunition magazine" means a box, drum, tube, feed
10 strip, container or other device that is capable of accepting or
11 may be readily restored or converted to accept more than 15
12 rounds of ammunition or five shotgun shells to be fed
13 continuously and directly from the device into a firearm. The
14 term does not include a device that:

15 (1) has been permanently altered so that it may not
16 accommodate more than 15 rounds of ammunition or more than
17 five shotgun shells; or

18 (2) a tubular magazine device that is contained or used
19 in a lever-action firearm or single-action only firearm.

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