
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 671 Session of
2017

INTRODUCED BY M. K. KELLER, METCALFE, MARSICO, BAKER, BARRAR, BLOOM, BOBACK, BURNS, CAUSER, CHRISTIANA, COOK, CORBIN, D. COSTA, COX, SCHLEGEL CULVER, CUTLER, DELOZIER, DIAMOND, DUNBAR, DUSH, ELLIS, EMRICK, EVANKOVICH, EVERETT, FARRY, FEE, FRITZ, GABLER, GILLESPIE, GODSHALL, GOODMAN, GREINER, GROVE, HAHN, HANNA, A. HARRIS, HEFFLEY, HELM, HICKERNELL, PHILLIPS-HILL, IRVIN, JAMES, JOZWIAK, KAUFFMAN, KEEFER, F. KELLER, KLUNK, KNOWLES, KORTZ, LEWIS, MACKENZIE, MAHER, MALONEY, MARSHALL, MCGINNIS, MEHAFFIE, METZGAR, MILLARD, B. MILLER, MOUL, MULLERY, MUSTIO, NELSON, NESBIT, ORTITAY, PEIFER, PETRARCA, PICKETT, PYLE, QUIGLEY, RADER, RAPP, READSHAW, REESE, ROAE, ROTHMAN, RYAN, SACCONI, SAINATO, SANKEY, SAYLOR, SCHEMEL, SNYDER, SONNEY, STAATS, TALLMAN, TOOHIL, TOPPER, WALSH, WARD, WARNER, WENTLING, WHEELAND, ZIMMERMAN AND DOWLING, MARCH 2, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 2, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for limitation on the regulation
4 of firearms and ammunition.

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

7 Section 1. Section 6120(a.2), (a.3) and (b) of Title 18 of
8 the Pennsylvania Consolidated Statutes are reenacted and amended
9 to read:

10 § 6120. Limitation on the regulation of firearms and
11 ammunition.

12 * * *

1 (a.2) Relief.--A person adversely affected by an ordinance,
2 a resolution, regulation, rule, practice or any other action
3 promulgated or enforced by a county, municipality or township
4 prohibited under subsection (a) or 53 Pa.C.S. § 2962(g)
5 (relating to limitation on municipal powers) may seek
6 declaratory or injunctive relief and actual damages in an
7 appropriate court.

8 (a.3) Reasonable expenses.--[A] If a person adversely
9 affected provided 60 days' prior written notice of his intention
10 to file an action pursuant to subsection (a.2) to the defendant,
11 the court shall award reasonable expenses to [a] the person
12 adversely affected in an action under subsection (a.2) for any
13 of the following:

14 (1) A final determination by the court is granted in
15 favor of the person adversely affected.

16 (2) The regulation in question is rescinded, repealed or
17 otherwise abrogated after suit has been filed under
18 subsection (a.2) but before the final determination by the
19 court.

20 (b) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Dealer." The term shall include any person engaged in the
24 business of selling at wholesale or retail a firearm or
25 ammunition.

26 "Firearms." This term shall have the meaning given to it in
27 section 5515 (relating to prohibiting of paramilitary training)
28 but shall not include air rifles as that term is defined in
29 section 6304 (relating to sale and use of air rifles).

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

1 (1) A resident of this Commonwealth who may legally
2 possess a firearm under Federal and State law.

3 (2) A person who otherwise has standing under the laws
4 of this Commonwealth to bring an action under subsection
5 (a.2).

6 (3) A membership organization, in which a member is a
7 person described under paragraph (1) or (2).

8 "Political subdivision." The term shall include any home
9 rule charter municipality, county, city, borough, incorporated
10 town, township or school district.

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

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