

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1762 Session of
2019

INTRODUCED BY BOYLE, DAWKINS, ULLMAN, DONATUCCI, SCHLOSSBERG,
McCLINTON, VITALI, KINSEY, SANCHEZ, A. DAVIS, SAMUELSON,
FREEMAN, CIRESI, PASHINSKI, DALEY, McNEILL, MADDEN, SIMS,
SHUSTERMAN, FRANKEL, WEBSTER, NEILSON, SCHWEYER, KOSIEROWSKI,
KIM, WILLIAMS AND ZABEL, AUGUST 16, 2019

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 16, 2019

AN ACT

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

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

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

11 § 6121.1. Large capacity ammunition magazine permit.

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

18 § 6121.2. Large capacity ammunition magazines prohibition.

1 (a) Offense defined.--Except as set forth in subsection (b),
2 a person commits an offense if the person does the following:
3 (1) sells, offers or exposes for sale a large capacity
4 ammunition magazine; or
5 (2) uses, purchases, possesses or otherwise controls a
6 large capacity ammunition magazine.
7 (b) Exceptions.--Subsection (a) does not apply to the
8 following:
9 (1) The use, possession and control of a large capacity
10 ammunition magazine by a person who legally possessed the
11 large capacity ammunition magazine prior to the effective
12 date of this section.
13 (2) The sale, offering or exposing for sale, use,
14 purchase, possession and control of a large capacity
15 ammunition magazine by a person who is a government officer,
16 agent or employee, or a member of the armed forces of the
17 United States or the National Guard or a peace officer, to
18 the extent that the person is authorized by the government to
19 sell, offer or expose for sale, use, purchase, possess or
20 control a large capacity ammunition magazine and, consistent
21 with the authorization, does so while acting within the scope
22 of the person's duties.
23 (3) The purchase, possession and control of a large
24 capacity ammunition magazine by a Federal, State or local
25 historical society, museum or institutional collection that
26 is open to the public, provided that the large capacity
27 ammunition magazine is properly housed, secured from
28 unauthorized handling and unloaded.
29 (4) The possession and control of a large capacity
30 ammunition magazine by a person who finds a large capacity

1 ammunition magazine, if the person is not prohibited from
2 possessing firearms or ammunition under Federal or State law,
3 and the person possesses or controls the large capacity
4 ammunition magazine no longer than is necessary to deliver or
5 transport the same to a law enforcement agency for the
6 agency's disposition according to law.

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

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

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

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

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

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

1 the person's business.

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

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

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

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

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

1 (10) Any of the following:

2 (i) The use, purchase, possession and control of a
3 large capacity ammunition magazine by a motion picture or
4 television production company as a prop in a motion
5 picture or television production, provided that the
6 motion picture or television production company possesses
7 a valid permit issued under section 6121.1 authorizing
8 the production company to use, purchase, possess or
9 control a large capacity ammunition magazine as a prop.

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

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

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

1 (c) Penalty.--

2 (1) An offense under subsection (a)(1) is a misdemeanor
3 of the second degree.

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

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

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

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

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

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

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