
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 204 Session of
2019

INTRODUCED BY CRUZ, BURGOS, KINSEY, McCLINTON, ISAACSON, MURT,
McNEILL, STURLA, HILL-EVANS AND HOWARD, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 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 sale of toy or imitation firearms;
4 and imposing penalties.

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 § 6129. Sale of toy or imitation firearms.

10 (a) General rule.--No person, firm or corporation or an
11 agent or employee thereof shall import, manufacture, sell, hold
12 for sale or distribute within this Commonwealth a toy or
13 imitation firearm which substantially duplicates or can be
14 reasonably perceived to be an actual firearm unless:

15 (1) The entire exterior surface of the toy or imitation
16 firearm is colored white, bright red, bright orange, bright
17 yellow, bright green, bright blue, bright pink or bright
18 purple, either singly or as the predominant color, in
19 combination with other colors in any pattern.

1 (2) The toy or imitation firearm is constructed entirely
2 of transparent or translucent materials which permits
3 unmistakable observation of the toy or imitation firearm's
4 complete contents.

5 (3) The barrel of the toy or imitation firearm, other
6 than the barrel of a toy or imitation firearm that is a water
7 gun, is closed with the same material from which the toy or
8 imitation firearm is made for a distance of not less than
9 one-half inch from the front end of the barrel.

10 (4) The toy or imitation firearm has legibly stamped on
11 its exterior the name of the manufacturer or some trade name,
12 mark or brand by which the manufacturer can be readily
13 identified.

14 (5) The toy or imitation firearm does not have a laser
15 pointer attached.

16 (b) Exceptions.--Subsection (a) shall not apply to any of
17 the following:

18 (1) The possession or display of toy or imitation
19 firearms by a manufacturer or dealer solely for subsequent
20 transportation in interstate commerce.

21 (2) A toy or imitation firearm that will be used only
22 for or in the production of television programs or theatrical
23 or motion picture presentations.

24 (3) Antique firearms as defined in section 6118
25 (relating to antique firearms).

26 (c) Penalties.--In addition to any other sanction or penalty
27 imposed by this chapter, a person, firm or corporation or an
28 agent or employee thereof that violates this section shall be
29 liable in civil damages in the amount of \$1,000 per occurrence
30 or three times the actual damages incurred as a result of the

1 violation, whichever is greater, as well as reasonable attorney
2 fees.

3 (d) Definitions.--For purposes of this section, the term
4 "toy or imitation firearm" shall mean a device or object made of
5 plastic, wood, metal or any other material which substantially
6 duplicates or can be perceived to be an actual firearm, air
7 rifle, pellet gun or B-B gun.

8 Section 2. This act shall take effect in 120 days.