

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2621 Session of 2022

INTRODUCED BY BOYLE, SCHLOSSBERG, McNEILL, VITALI, GUENST, SANCHEZ, HANBIDGE, MADDEN, SIMS AND STURLA, MAY 25, 2022

REFERRED TO COMMITTEE ON JUDICIARY, MAY 25, 2022

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.

19 (a) Offense defined.--Except as provided for in subsection

20 (b), a person commits an offense if the person does the

1 following:

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

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

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

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

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

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

28 (4) The possession and control of a large capacity  
29 ammunition magazine by a person who finds a large capacity  
30 ammunition magazine, if the person is not prohibited from

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

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

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

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

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

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

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

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

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

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

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

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

30       (10) Any of the following:

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

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

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

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

30           (c) Penalty.--

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

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

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

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

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

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

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

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