
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 738 Session of
2023

INTRODUCED BY BOYLE, SIEGEL, MADDEN, SANCHEZ, SCHLOSSBERG,
GIRAL, GUENST, PROBST, ZABEL, KINSEY, WARREN, D. WILLIAMS,
FIEDLER, FLEMING, PARKER, SHUSTERMAN, STURLA, FREEMAN,
KINKEAD, OTTEN, N. NELSON, FRANKEL AND HOHENSTEIN,
MARCH 28, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2023

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 provided for in subsection
2 (b), a person commits an offense if the person does the
3 following:

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

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

8 (b) Exceptions.--Subsection (a) does not apply to the
9 following:

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

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

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

30 (4) The possession and control of a large capacity

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

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

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

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

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

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

28 (ii) possesses a valid permit issued under section
29 6121.1 authorizing the person to sell, offer or expose
30 for sale, use, purchase, possession and control a large

1 capacity ammunition magazine for the use and benefit of
2 the person's business.

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

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

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

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

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

1 modification of the large capacity ammunition magazine.

2 (10) Any of the following:

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

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

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

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

1 ammunition magazine while at the shooting range.

2 (c) Penalty.--

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

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

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

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

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

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

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

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