
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2680 Session of
2022

INTRODUCED BY SHUSTERMAN, SANCHEZ, VITALI, SCHLOSSBERG, CIRESI,
HOWARD, GUENST, HOHENSTEIN, ISAACSON, WEBSTER AND FRANKEL,
JUNE 16, 2022

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 2022

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 definitions and for sale or
4 transfer of firearms, providing for semiautomatic assault
5 rifle safety certificate and establishing the Semiautomatic
6 Assault Rifle Safety and Enforcement Fund.

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

9 Section 1. Section 6102 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding definitions to read:
11 § 6102. Definitions.

12 Subject to additional definitions contained in subsequent
13 provisions of this subchapter which are applicable to specific
14 provisions of this subchapter, the following words and phrases,
15 when used in this subchapter shall have, unless the context
16 clearly indicates otherwise, the meanings given to them in this
17 section:

18 * * *

19 "Rifle." A weapon designed or redesigned, made or remade,

1 and intended to be fired from the shoulder and designed or
2 redesigned and made or remade to use the energy of an explosive
3 to fire only a single projectile through a rifled bore for each
4 single pull of the trigger.

5 * * *

6 "Semiautomatic assault rifle." A semiautomatic rifle capable
7 of holding more than five rounds of ammunition in a fixed or
8 detachable magazine.

9 "Semiautomatic rifle." Any repeating rifle that utilizes a
10 portion of the energy of a firing cartridge to extract the fired
11 cartridge case and chamber the next round and requires a
12 separate pull of the trigger to fire each cartridge.

13 * * *

14 Section 2. Section 6111 of Title 18 is amended by adding a
15 subsection to read:

16 § 6111. Sale or transfer of firearms.

17 * * *

18 (c.1) Semiautomatic assault rifles.--No person shall sell or
19 transfer a semiautomatic assault rifle unless the recipient of
20 the semiautomatic assault rifle holds a semiautomatic assault
21 rifle safety certificate issued by the Pennsylvania State Police
22 in accordance with Subchapter E (relating to semiautomatic
23 assault rifle safety certificate). The certificate shall be
24 presented at the time of sale or transfer.

25 * * *

26 Section 3. Chapter 61 of Title 18 is amended by adding a
27 subchapter to read:

28 SUBCHAPTER E

29 SEMIAUTOMATIC ASSAULT RIFLE SAFETY CERTIFICATE

30 Sec.

1 6191. Definitions.

2 6192. Semiautomatic assault rifle safety certificate.

3 6193. Pennsylvania State Police.

4 6194. Issuance of semiautomatic assault rifle safety
5 certificate and objective test, renewal, fees and
6 expiration.

7 6195. Violations and penalties.

8 6196. Immunity from liability.

9 § 6191. Definitions.

10 The following words and phrases when used in this subchapter
11 shall have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Applicant." An individual who applies for a semiautomatic
14 assault rifle safety certificate.

15 "Certificate" or "semiautomatic assault rifle safety
16 certificate." A certificate issued by the Pennsylvania State
17 Police in accordance with this subchapter indicating that the
18 holder has successfully completed semiautomatic assault rifle
19 safety training.

20 "Certified instructors" or "instructor." A person certified
21 as a semiautomatic assault rifle safety instructor under this
22 subchapter.

23 "Fund." The Semiautomatic Assault Rifle Safety and
24 Enforcement Fund established under section 6194 (relating to
25 issuance of semiautomatic assault rifle safety certificate and
26 objective test, renewal, fees and expiration).

27 "Law enforcement agency." The term includes:

28 (1) The Pennsylvania State Police.

29 (2) A municipal police department.

30 (3) The Office of Attorney General.

1 (4) The Federal Bureau of Investigation or other Federal
2 law enforcement agency.

3 (5) A police department of another state or
4 jurisdiction.

5 "Peace officer." As defined in section 501 (relating to
6 definitions).

7 "Semiautomatic assault rifle." As defined in section 6102
8 (relating to definitions).

9 "Written authorization." A verifiable written certification
10 from the head of a law enforcement agency that identifies the
11 purchaser or transferee of a semiautomatic assault rifle
12 transaction as an employee of the law enforcement agency,
13 identifies the employee as an individual authorized to conduct
14 the transaction and authorizes the transaction for the exclusive
15 use of the law enforcement agency by which the person is
16 employed.

17 § 6192. Semiautomatic assault rifle safety certificate.

18 (a) Certificate required.--Notwithstanding any provision of
19 this chapter or any other law or regulation to the contrary, no
20 person may:

21 (1) purchase or receive a semiautomatic assault rifle,
22 except an antique semiautomatic assault rifle that has been
23 modified to render it permanently inoperable, without a valid
24 semiautomatic assault rifle safety certificate; or

25 (2) sell, deliver, loan or transfer a semiautomatic
26 assault rifle, except an antique semiautomatic assault rifle
27 that has been modified to render it permanently inoperable,
28 to a person who does not have a valid semiautomatic assault
29 rifle safety certificate.

30 (b) Exception for peace officers.--A peace officer shall be

1 exempt from the certificate requirement under subsection (a).

2 (c) Other exemptions by operation of law.--The following
3 persons who take title to or possession of a semiautomatic
4 assault rifle by operation of law in a representative capacity,
5 until or unless they transfer title ownership of the
6 semiautomatic assault rifle to themselves in a personal
7 capacity, shall be exempt from the certificate requirement of
8 subsection (a):

9 (1) The executor or administrator of an estate.

10 (2) A secured creditor or an agent or employee of a
11 secured creditor when a semiautomatic assault rifle is
12 possessed as collateral for, or as a result of, a default
13 under a security agreement under 13 Pa.C.S. (relating to
14 commercial code).

15 (3) A writ server who is directed to execute a writ or
16 serve other court documents under 42 Pa.C.S. (relating to
17 judiciary and judicial procedure).

18 (4) A receiver performing the functions of a receiver
19 under the laws of this Commonwealth.

20 (5) A trustee in bankruptcy performing the duties of a
21 trustee.

22 (6) An assignee for the benefit of creditors performing
23 the functions of an assignee.

24 § 6193. Pennsylvania State Police.

25 (a) Administration and enforcement.--The Pennsylvania State
26 Police shall administer and enforce the provisions of this
27 subchapter.

28 (b) Duties of Pennsylvania State Police.--To carry out the
29 provisions of this subchapter, the Pennsylvania State Police
30 shall:

1 (1) Develop a program for the certification of persons
2 to provide semiautomatic assault rifle safety instruction to
3 individuals seeking semiautomatic assault rifle safety
4 certification in accordance with the provisions of this
5 subchapter.

6 (2) Develop a semiautomatic assault rifle safety manual
7 and make the manual available to firearm dealers licensed
8 under sections 6112 (relating to retail dealer required to be
9 licensed) and 6113 (relating to licensing of dealers). Each
10 firearm dealer shall make the manual available to the general
11 public. A firearm dealer may make the manual available to the
12 public by including the manual or essential portions of the
13 manual in a pamphlet developed by the dealer that summarizes
14 the Commonwealth's firearms law by posting the instructions
15 manual or essential portions of the manual on the dealer's
16 publicly accessible Internet website or by providing a link
17 to the Pennsylvania State Police's publicly accessible
18 Internet website on the dealer's publicly accessible Internet
19 website.

20 (3) Establish a link on the Pennsylvania State Police's
21 publicly accessible Internet website for dealers and other
22 persons to download the semiautomatic assault rifle safety
23 manual.

24 (4) Develop audiovisual materials for use by certified
25 instructors to conduct semiautomatic assault rifle safety
26 training.

27 (5) Solicit input from a reputable association or
28 organization, including a law enforcement association that
29 has as one of its objectives the promotion of semiautomatic
30 assault rifle safety, in the development of audiovisual

1 materials and other instructional materials.

2 (6) Prescribe a minimum level of skill, knowledge and
3 competency to be required of semiautomatic assault rifle
4 safety instructors.

5 (7) Develop guidelines to govern the certification of
6 persons as semiautomatic assault rifle safety training
7 instructors.

8 (8) Develop guidelines to govern the issuance and
9 renewal of semiautomatic assault rifle safety certificates.
10 The guidelines may, at the discretion of the Pennsylvania
11 State Police, require the holder of the expiring or expired
12 certificate to pass an objective test.

13 (9) Develop a written objective test, prescribe the
14 objective test's content and the form and manner in which the
15 objective test may be administered by certified instructors
16 and make the objective test available to certified
17 instructors. The Pennsylvania State Police may establish a
18 secure link on the Pennsylvania State Police's publicly
19 accessible Internet website for certified instructors or
20 other authorized persons to download the objective tests.

21 (10) Develop procedures for the oral administration of
22 the objective test to persons with disabilities or language
23 barriers.

24 (11) Update objective test materials for semiautomatic
25 assault rifle safety training when determined appropriate,
26 but not less than once every five years.

27 (12) Require licensed dealers or employees of licensed
28 dealers who are also certified as semiautomatic assault rifle
29 safety instructors under this subchapter to designate a
30 separate room or partitioned area for a person to take the

1 objective test and maintain adequate supervision to ensure
2 that no acts of collusion occur while the objective test is
3 being administered.

4 (c) Certification of instructors.--

5 (1) The Pennsylvania State Police shall certify persons
6 as semiautomatic assault rifle safety training instructors in
7 this Commonwealth.

8 (2) The Pennsylvania State Police may require applicants
9 for certification as semiautomatic assault rifle safety
10 training instructors in this Commonwealth to have prior
11 certification or firearm training from one of the following
12 agencies or organizations:

13 (i) The Federal Law Enforcement Training Center of
14 the United States Department of Homeland Security,
15 Firearm Instructor Training Program, range master
16 training or other Federal weapons training program as
17 determined by the Pennsylvania State Police.

18 (ii) The Pennsylvania State Police or a municipal
19 police department of this Commonwealth or of another
20 state, as approved by the Pennsylvania State Police.

21 (iii) A United States Armed Forces marksmanship or
22 weapons training instructor program, provided, however,
23 that a person's assignment as a range officer or safety
24 officer shall not be deemed sufficient for training
25 purposes.

26 (iv) The National Rifle Association or a sportsmen
27 or gun club.

28 (v) The Municipal Police Officers' Education and
29 Training Commission established under 53 Pa.C.S. Ch. 21
30 Subch. D (relating to municipal police education and

1 training).

2 (vi) An accredited institution of higher education
3 in this Commonwealth that offers a class or course of
4 study in firearm training or safety.

5 (3) Nothing in this subsection shall be construed to
6 preclude the Pennsylvania State Police from certifying a
7 person as a certified instructor, provided that the person
8 applying for the certification holds a valid firearm safety
9 certificate or firearms or weapons instructor certification
10 from an agency or organization under paragraph (2).

11 (d) Content of objective test.--The objective test developed
12 by the Pennsylvania State Police for semiautomatic assault rifle
13 safety certification shall include the following:

14 (1) The laws applicable to carrying and handling
15 semiautomatic assault rifles in this Commonwealth.

16 (2) The safe handling of a semiautomatic assault rifle.

17 (3) Provisions of Federal and State law that relate to
18 the private sale and transfer of firearms and semiautomatic
19 assault rifles.

20 (4) Provisions of law that relate to the permissible use
21 of lethal force.

22 (5) Activity that constitutes safe storage of
23 semiautomatic assault rifles.

24 (6) Issues associated with bringing semiautomatic
25 assault rifles into a home with children.

26 (7) Harm prevention strategies to address issues
27 associated with bringing semiautomatic assault rifles into a
28 home.

29 (e) Semiautomatic assault rifle safety certificate.--The
30 Pennsylvania State Police shall develop a semiautomatic assault

1 rifle safety certificate to be issued by certified instructors
2 to applicants who successfully passed a semiautomatic assault
3 rifle safety objective test in accordance with the requirements
4 of this subchapter. A semiautomatic assault rifle safety
5 certificate shall include the following:

6 (1) A unique semiautomatic assault rifle safety
7 certificate identification number.

8 (2) The holder's full name and date of birth.

9 (3) The holder's driver's license number or State
10 identification card number.

11 (4) The holder's signature.

12 (5) The signature of the issuing semiautomatic assault
13 rifle safety instructor.

14 (6) The date of issuance and expiration.

15 § 6194. Issuance of semiautomatic assault rifle safety
16 certificate and objective test, renewal, fees and
17 expiration.

18 (a) Compliance required for issuance.--No certified
19 instructor may issue a semiautomatic assault rifle safety
20 certificate to a person who has not complied with this
21 subchapter. A certified instructor shall forward proof of
22 compliance to the Pennsylvania State Police in the form and
23 manner and at the times as prescribed by the Pennsylvania State
24 Police.

25 (b) Objective test required.--

26 (1) An applicant for a semiautomatic assault rifle
27 safety certificate must successfully pass the objective test
28 developed by the Pennsylvania State Police in accordance with
29 section 6193(d) (relating to Pennsylvania State Police) with
30 a passing grade of at least 75%.

1 (2) (i) An applicant who fails to pass the objective
2 test upon the first attempt shall be offered additional
3 instructional materials by the instructor, such as the
4 semiautomatic assault rifle safety manual, a videotape or
5 instructional materials as may be approved by the
6 Pennsylvania State Police.

7 (ii) The applicant may not retake the objective test
8 under any circumstances until 15 days have elapsed after
9 the failure to pass the objective test upon the first
10 attempt.

11 (iii) If the applicant fails the objective test on
12 the first attempt, the applicant may take another version
13 of the objective test upon the second attempt.

14 (iv) If the applicant fails the objective test on a
15 second attempt, the applicant may not retake the
16 objective test until 30 days have elapsed after failure
17 to pass the objective test on the second and each
18 subsequent attempt.

19 (v) When feasible, all objective tests shall be
20 retaken from the same instructor except upon permission
21 by the Pennsylvania State Police, which permission shall
22 be granted only for good cause shown.

23 (vi) The instructor shall be available to the
24 applicant during regular business hours in order for the
25 applicant to retake the objective test.

26 (c) Issuance of certificate.--

27 (1) A person receiving a passing grade on the objective
28 test in accordance with subsection (b)(1) shall immediately
29 be issued a semiautomatic assault rifle safety certificate by
30 the certified instructor.

1 (2) No certified instructor may issue a semiautomatic
2 assault rifle safety certificate to a person who is less than
3 18 years of age.

4 (d) Expiration and renewal of certificate.--

5 (1) A semiautomatic assault rifle safety certificate
6 issued by a certified instructor under subsection (b)(1)
7 shall expire five years from the date of issuance.

8 (2) In the case of the loss or destruction of a
9 semiautomatic assault rifle safety certificate, the issuing
10 instructor or the Pennsylvania State Police shall issue a
11 duplicate certificate upon request and proof of
12 identification to the certificate holder. A duplicate
13 semiautomatic assault rifle safety certificate shall be valid
14 for the balance of the unexpired term of the original
15 certificate.

16 (e) Fees.--

17 (1) In addition to a fee or charge that may be imposed
18 by a certified instructor for semiautomatic assault rifle
19 training, the certified instructor shall charge a fee of \$30
20 for the issuance of a semiautomatic assault rifle safety
21 certificate. Twenty dollars of the fee shall be deposited
22 into the fund in accordance with subsection (f).

23 (2) A person seeking to renew an expiring or expired
24 semiautomatic assault rifle safety certificate may be
25 required to pass the objective test, as determined by the
26 Pennsylvania State Police. For the renewal of an expiring or
27 expired certificate, a certified instructor shall charge a
28 fee of \$25, \$15 of which shall be deposited into the fund in
29 accordance with subsection (f).

30 (3) In the case of the loss or destruction of a

1 semiautomatic assault rifle safety certificate, the
2 Pennsylvania State Police may authorize the issuing
3 instructor to charge a fee of \$15 for a duplicate
4 certificate, \$10 of which shall be deposited into the fund in
5 accordance with subsection (f).

6 (f) Semiautomatic Assault Rifle Safety and Enforcement
7 Fund.--

8 (1) The Semiautomatic Assault Rifle Safety and
9 Enforcement Fund is established as a restricted account in
10 the State Treasury. Money in the fund shall be expended by
11 the Pennsylvania State Police for the sole and exclusive
12 purpose of administering and enforcing this subchapter.

13 (2) The fund shall consist of all money received and
14 deposited into the fund by the Pennsylvania State Police in
15 accordance with subsection (e) and any interest thereon,
16 money which may be transferred by act of the General Assembly
17 and any other contributions, payments or deposits that are
18 made available to the fund.

19 § 6195. Violations and penalties.

20 (a) Revocation of instructor certificate.--A violation of
21 this subchapter by a certified instructor shall be grounds for
22 the Pennsylvania State Police to revoke the instructor's
23 authority to provide semiautomatic assault rifle safety training
24 to persons applying for semiautomatic assault rifle safety
25 certification and to issue semiautomatic assault rifle safety
26 certificates to those persons.

27 (b) Acts of collusion.--It shall be unlawful for a person
28 to:

29 (1) Answer questions for an applicant taking the
30 objective test for semiautomatic assault rifle safety

1 certification while the objective test is being administered.

2 (2) Knowingly grade an objective test for a
3 semiautomatic assault rifle safety certificate falsely.

4 (3) Provide an advance copy of the objective test to an
5 applicant seeking a semiautomatic assault rifle safety
6 certificate.

7 (4) Take or allow another person to take semiautomatic
8 assault rifle safety training for the applicant seeking a
9 semiautomatic assault rifle safety certificate.

10 (5) Take or allow another person to take the objective
11 test for the applicant seeking a semiautomatic assault rifle
12 safety certificate.

13 (6) Use or allow another to use an applicant's
14 identification for the purpose of obtaining a semiautomatic
15 assault rifle safety certificate.

16 (7) Allow a person to give an applicant for a
17 semiautomatic assault rifle safety certificate unauthorized
18 assistance during administration of the objective test.

19 (8) Use unauthorized materials while taking the
20 objective test and cheating by the applicant.

21 (c) Additional violations.--It shall be unlawful for a
22 person to:

23 (1) alter, counterfeit or falsify a semiautomatic
24 assault rifle safety certificate; or

25 (2) use or attempt to use any altered, counterfeited or
26 falsified semiautomatic assault rifle safety certificate to
27 purchase a semiautomatic assault rifle.

28 (d) Penalty.--A person who violates subsection (b) or (c)
29 commits a misdemeanor of the third degree.

30 § 6196. Immunity from liability.

1 The Pennsylvania State Police shall be immune from liability
2 which may arise from administering, implementing or enforcing
3 any provisions of this subchapter.

4 Section 4. This act shall take effect in 60 days.