

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1748 Session of  
2019

---

INTRODUCED BY DRISCOLL, WARREN, DONATUCCI, McNEILL, T. DAVIS,  
RABB, YOUNGBLOOD, SCHLOSSBERG, KINSEY, JOHNSON-HARRELL,  
CIRESI, FRANKEL, FREEMAN, McCLINTON, CONKLIN, MADDEN AND  
SANCHEZ, 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 serial numbers for homemade firearms  
4 and for the offense of possession of do-it-yourself  
5 semiautomatic weapons prohibited; and, in trade and commerce,  
6 providing for the offense of unlawful advertising of do-it-  
7 yourself semiautomatic weapons.

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

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

12 § 6117.1. Serial numbers for homemade firearms.

13 (a) Manufacturing or assembly requirements.--Beginning July  
14 1, 2020, prior to the manufacture or assembly of a firearm in  
15 this Commonwealth, the following shall apply:

16 (1) A person manufacturing or assembling a firearm shall  
17 request a licensed dealer to issue a unique serial number or  
18 other identifying mark for the firearm describing the firearm  
19 involved and whether the firearm is or will be a handgun.

1       (2) Within 10 days of the manufacture or assembly of a  
2 firearm in accordance with paragraph (1), the unique serial  
3 number or other mark of identification provided by the  
4 licensed dealer shall be engraved or permanently affixed to  
5 the firearm in a manner that meets or exceeds the  
6 requirements imposed on licensed importers and licensed  
7 manufacturers of firearms under 18 U.S.C. § 923(i) (relating  
8 to licensing).

9       (3) If the firearm is manufactured or assembled from  
10 polymer plastic, 3.7 ounces of material type 17-4 PH  
11 stainless steel shall be embedded within the plastic on  
12 fabrication or construction with the unique serial number  
13 engraved or otherwise permanently affixed in a manner that  
14 meets or exceeds the requirements imposed on licensed  
15 importers and licensed manufacturers of firearms under 18  
16 U.S.C. § 923(i).

17       (4) Within 48 hours after the serial number provided by  
18 the licensed dealer is engraved or otherwise permanently  
19 affixed to the firearm under paragraph (3), the person shall  
20 notify the licensed dealer that the requirement has been  
21 satisfied with sufficient information to identify the owner  
22 of the firearm, the unique serial number or mark of  
23 identification provided by the licensed dealer and the  
24 firearm.

25       (b) Additional requirements.--By January 1, 2021, any person  
26 who, as of July 1, 2020, owns a firearm that does not bear a  
27 serial number assigned to the firearm under this section or 18  
28 U.S.C. Ch. 44 (relating to firearms) shall:

29       (1) Apply to a licensed dealer for a unique serial  
30 number or other mark of identification.

1           (2) Within 10 days of receiving a unique serial number  
2 or other mark of identification from the licensed dealer, the  
3 unique serial number or other mark of identification provided  
4 by the licensed dealer shall be engraved or permanently  
5 affixed to the firearm in a manner that meets or exceeds the  
6 requirements imposed on licensed importers and licensed  
7 manufacturers of firearms under 18 U.S.C. § 923(i).

8           (3) Within 48 hours after the serial number provided by  
9 the licensed dealer is engraved or otherwise permanently  
10 affixed to the firearm under paragraph (2), the person shall  
11 notify the licensed dealer of that fact with sufficient  
12 information to identify the owner of the firearm, the unique  
13 serial number or mark of identification provided by the  
14 licensed dealer and the firearm.

15       (c) New resident application for unique serial number.--A  
16 new resident to this Commonwealth shall apply for a unique  
17 serial number or other mark of identification under this section  
18 within 60 days of arrival for any firearm the resident wishes to  
19 possess in this Commonwealth that the resident previously  
20 manufactured or assembled or a firearm the resident owns that  
21 does not have a unique serial number or other mark of  
22 identification.

23       (d) Restriction on sale, transfer or possession.--A person  
24 who is not a licensed manufacturer shall not sell, transfer or  
25 possess a firearm manufactured or assembled under this section  
26 unless:

27           (1) except as provided in subsection (e), a serial  
28 number and identifying mark for the firearm has been issued  
29 under this section;

30           (2) within 10 days after the issuance, the serial number

1 and identifying mark is stamped on or otherwise permanently  
2 affixed to the firearm;

3 (3) if the firearm is made from polymer plastic, 3.7  
4 ounces of material type 17-4 PH stainless steel, on which the  
5 unique serial number or identifying mark is stamped or  
6 otherwise permanently affixed, are embedded within the  
7 plastic; and

8 (4) Within 48 hours after the serial number provided by  
9 the licensed dealer is engraved or otherwise permanently  
10 affixed to the firearm under paragraph (3), the person shall  
11 notify the licensed dealer that the requirement has been  
12 satisfied with sufficient information to identify the owner  
13 of the firearm, the unique serial number or mark of  
14 identification provided by the licensed dealer and the  
15 firearm.

16 (e) Exception.--Subsection (d)(1) shall not apply to the  
17 transfer, surrender or sale of a firearm to a law enforcement  
18 agency. Any firearms confiscated by law enforcement that do not  
19 bear an engraved serial number or other mark of identification  
20 under this section, or a firearm surrendered, transferred or  
21 sold to a law enforcement agency under this subsection, shall be  
22 destroyed.

23 (f) Penalty.--A person who violates this section commits a  
24 felony of the second degree.

25 (g) Treatment as transfer of firearm.--A request made of a  
26 licensed dealer under subsection (a), (b) or (c) with respect to  
27 a firearm shall be treated as a proposed transfer of the firearm  
28 from the licensed dealer to the applicant for purposes of 18  
29 U.S.C. § 922(t) (relating to unlawful acts) and section 103 of  
30 the Brady Handgun Violence Prevention Act (Public Law 103-159,

1 107 Stat. 1536), except that the Firearms Transaction Record  
2 involved shall indicate that what is being transferred is a  
3 serial number and not a firearm.

4 (h) Fee for each serial number.--A licensed dealer may  
5 charge:

6 (1) an applicant a fee for each serial number and  
7 identifying mark assigned and issued under this section in an  
8 amount that is not more than the actual costs associated with  
9 assigning and issuing the serial number and identifying mark;  
10 and

11 (2) a fee for contacting the National Instant Criminal  
12 Background Check System with respect to the applicant.

13 § 6121.1. Possession of do-it-yourself semiautomatic weapons  
14 prohibited.

15 (a) Offense defined.--It is unlawful for any person to  
16 possess, use, control, sell, deliver, transfer or manufacture  
17 the following:

18 (1) A firearm receiver casting or firearm receiver blank  
19 or unfinished handgun frame that:

20 (i) at the point of sale does not meet the  
21 definition of a firearm in 18 U.S.C. § 921(a) (relating  
22 to definitions); and

23 (ii) after purchase by a consumer, can be completed  
24 by the consumer to the point at which the casting or  
25 blank functions as a firearm frame or receiver for a  
26 semiautomatic weapon or machine gun or the frame of a  
27 handgun.

28 (2) A semiautomatic weapon parts kit.

29 (3) A machine gun parts kit.

30 (b) Grading.--An offense under this section constitutes a

1 felony of the third degree.

2 (c) Definitions.--As used in this section, the following  
3 words and phrases shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Machine gun." As defined in section 5845(b) of the Internal  
6 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

7 "Machine gun parts kit." Any part or combination of parts  
8 designed and intended to enable a consumer who possesses all  
9 necessary parts to assemble a machine gun or convert a firearm  
10 into a machine gun.

11 "Semiautomatic pistol." Any repeating pistol that utilizes a  
12 portion of the energy of a firing cartridge to extract the fixed  
13 cartridge case and chamber the next round and requires a  
14 separate pull of the trigger to fire each cartridge.

15 "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

16 "Semiautomatic shotgun." Any repeating shotgun that utilizes  
17 a portion of the energy of a firing cartridge to extract the  
18 fixed cartridge case and chamber the next round and requires a  
19 separate pull of a trigger to fire each cartridge.

20 "Semiautomatic weapon." The following:

21 (1) a semiautomatic rifle or semiautomatic shotgun that  
22 has the capacity to accept a detachable ammunition-feeding  
23 device; or

24 (2) a semiautomatic pistol that has:

25 (i) the capacity to accept a detachable ammunition-  
26 feeding device; and

27 (ii) any of the following features:

28 (A) an ammunition magazine that attaches to the  
29 pistol outside of the pistol grip;

30 (B) a threaded barrel capable of accepting a

1 barrel extender, flash suppressor, forward hand grip  
2 or silencer unless licensed to do so;

3 (C) a shroud that is attached to or partially or  
4 completely encircles the barrel and that permits the  
5 shooter to hold the firearm with the nontrigger hand  
6 without being burned;

7 (D) a second hand grip;

8 (E) a manufactured weight of 50 ounces or more  
9 when the pistol is unloaded; or

10 (F) a semiautomatic version of an automatic  
11 firearm.

12 "Semiautomatic weapon parts kit." Any part or combination of  
13 parts designed and intended to enable a consumer who possesses  
14 all necessary parts to assemble a semiautomatic weapon.

15 § 7332. Unlawful advertising of do-it-yourself semiautomatic  
16 weapons.

17 (a) Offense defined.--It is unlawful to market or advertise,  
18 on any medium of electronic communications, including over the  
19 Internet, for the sale of any of the following:

20 (1) A firearm receiver casting or firearm receiver blank  
21 or unfinished handgun frame that:

22 (i) at the point of sale does not meet the  
23 definition of a firearm in 18 U.S.C. § 921(a) (relating  
24 to definitions); and

25 (ii) After purchase by a consumer, can be completed  
26 by the consumer to the point at which the casting or  
27 blank functions as a firearm frame or receiver for a  
28 semiautomatic weapon or machine gun or the frame of a  
29 handgun.

30 (2) A semiautomatic weapon parts kit.

1           (3) A machine gun parts kit.

2           (b) Grading.--An offense under this section constitutes a  
3 misdemeanor of the second degree.

4           (c) Definitions.--As used in this section, the following  
5 words and phrases shall have the meanings given to them in this  
6 subsection unless the context clearly indicates otherwise:

7           "Machine gun." As defined in section 5845(b) of the Internal  
8 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

9           "Machine gun parts kit." Any part or combination of parts  
10 designed and intended to enable a consumer who possesses all  
11 necessary parts to assemble a machine gun or convert a firearm  
12 into a machine gun.

13           "Semiautomatic pistol." Any repeating pistol that utilizes a  
14 portion of the energy of a firing cartridge to extract the fixed  
15 cartridge case and chamber the next round and requires a  
16 separate pull of the trigger to fire each cartridge.

17           "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

18           "Semiautomatic shotgun." Any repeating shotgun that utilizes  
19 a portion of the energy of a firing cartridge to extract the  
20 fixed cartridge case and chamber the next round and requires a  
21 separate pull of a trigger to fire each cartridge.

22           "Semiautomatic weapon." The following:

23           (1) a semiautomatic rifle or semiautomatic shotgun that  
24 has the capacity to accept a detachable ammunition-feeding  
25 device; or

26           (2) a semiautomatic pistol that has:

27           (i) the capacity to accept a detachable ammunition-  
28 feeding device; and

29           (ii) any of the following features:

30           (A) an ammunition magazine that attaches to the



1 pistol outside of the pistol grip;

2 (B) a threaded barrel capable of accepting a  
3 barrel extender, flash suppressor, forward hand grip  
4 or silencer unless licensed to do so;

5 (C) a shroud that is attached to, or partially  
6 or completely encircles, the barrel and that permits  
7 the shooter to hold the firearm with the nontrigger  
8 hand without being burned;

9 (D) a second hand grip;

10 (E) a manufactured weight of 50 ounces or more  
11 when the pistol is unloaded; or

12 (F) a semiautomatic version of an automatic  
13 firearm.

14 "Semiautomatic weapon parts kit." Any part or combination of  
15 parts designed and intended to enable a consumer who possesses  
16 all necessary parts to assemble a semiautomatic weapon.

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