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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1162 Session of  
2019

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INTRODUCED BY SCHWEYER, DONATUCCI, SCHLOSSBERG, STURLA, ZABEL,  
RABB, T. DAVIS, McNEILL, SAPPEY, CALTAGIRONE, ISAACSON,  
FREEMAN, KINSEY, DALEY, CIRESI, WARREN, McCLINTON AND  
SANCHEZ, APRIL 8, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2019

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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  
4 possession of firearm by minor.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

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

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

16 "Assault weapon." Any of the following:

17 (1) A semiautomatic rifle that has an ability to accept  
18 a detachable 44 magazine and has at least one of the

1 following characteristics:

2 (i) A part or combination of parts designed and  
3 intended to accelerate the rate of fire of the  
4 semiautomatic firearm to simulate the rate of fire of a  
5 machinegun.

6 (ii) A folding or telescoping stock.

7 (iii) A pistol grip that protrudes conspicuously  
8 beneath the action of the semiautomatic rifle.

9 (iv) A thumbhole stock, a second handgrip or a  
10 protruding grip that can be held by the nontrigger hand.

11 (v) A bayonet mount, a flash suppressor, muzzle  
12 break or muzzle compensator.

13 (vi) A threaded barrel designed to accommodate a  
14 flash suppressor, muzzle break or muzzle compensator.

15 (vii) A grenade launcher.

16 (2) A semiautomatic shotgun that has at least one of the  
17 following characteristics:

18 (i) A folding or telescoping stock.

19 (ii) A thumbhole stock.

20 (iii) A second handgrip or a protruding grip that  
21 can be held by the nontrigger hand.

22 (iv) A fixed magazine capacity in excess of seven  
23 rounds.

24 (v) An ability to accept a detachable magazine.

25 (vi) A revolving cylinder.

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27 "Machinegun." As defined in section 201 of the Internal  
28 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 5845).

29 "Peace officer." Any of the following:

30 (1) A person who by virtue of the person's office or

1 public employment is vested by law with a duty to maintain  
2 public order or make arrests for criminal offenses, whether  
3 the duty extends to all criminal offenses or is limited to  
4 specific criminal offenses.

5 (2) A person on active State duty under 51 Pa.C.S. § 508  
6 (relating to active duty for emergency).

7 (3) A member of a park police department of a county of  
8 the third class.

9 \* \* \*

10 "Weapon-carrying officer." A county probation or parole  
11 officer who is authorized to carry a weapon in connection with  
12 performance of the duties of the officer's employment.

13 Section 2. Section 6110.1 of Title 18 is amended to read:

14 § 6110.1. Possession of firearm or assault weapon by minor.

15 (a) Firearm.--Except as provided in subsection (b), a person  
16 under 18 years of age shall not possess or transport a firearm  
17 anywhere in this Commonwealth.

18 (a.1) Assault weapon.--Except as provided in subsection  
19 (b.1), a person under 21 years of age shall not purchase,  
20 possess or transport an assault weapon.

21 (b) [Exception] Firearm exception.--Subsection (a) shall not  
22 apply to a person under 18 years of age:

23 (1) who is under the supervision of a parent,  
24 grandparent, legal guardian or an adult acting with the  
25 expressed consent of the minor's custodial parent or legal  
26 guardian and the minor is engaged in lawful activity,  
27 including safety training, lawful target shooting, engaging  
28 in an organized competition involving the use of a firearm or  
29 the firearm is unloaded and the minor is transporting it for  
30 a lawful purpose; or

1           (2) who is lawfully hunting or trapping in accordance  
2 with 34 Pa.C.S. (relating to game).

3           (b.1) Assault weapon exception.--Subsection (a.1) shall not  
4 apply to a person under 21 years of age:

5           (1) who is a member of the armed services;

6           (2) who is an authorized weapon-carrying officer; or

7           (3) who is a vested peace officer.

8           (c) Responsibility of adult.--Any person who knowingly and  
9 intentionally delivers or provides to the minor a firearm in  
10 violation of subsection (a), or to a person under 21 years of  
11 age an assault weapon in violation of subsection (a.1), commits  
12 a felony of the third degree.

13           (d) Forfeiture.--Any firearm in the possession of a person  
14 under 18 years of age or assault weapon in the possession of a  
15 person under 21 years of age in violation of this section shall  
16 be promptly seized by the arresting law enforcement officer and  
17 upon conviction or adjudication of delinquency shall be  
18 forfeited or, if stolen, returned to the lawful owner.

19           Section 3. This act shall take effect in 60 days.