
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2258 Session of
2015

INTRODUCED BY M. K. KELLER, METCALFE, BAKER, BARRAR, BLOOM,
CAUSER, D. COSTA, CUTLER, DIAMOND, DUNBAR, DUSH, EMRICK, FEE,
GABLER, GIBBONS, GODSHALL, GROVE, HARHAI, A. HARRIS, HEFFLEY,
HICKERNELL, PHILLIPS-HILL, JAMES, JOZWIAK, KAUFFMAN, KLUNK,
KNOWLES, KORTZ, LEWIS, MALONEY, MASSER, MCGINNIS, METZGAR,
MILLARD, OBERLANDER, ORTITAY, PAYNE, PICKETT, RADER,
READSHAW, SACCONI, SANKEY, SAYLOR, SONNEY, TOBASH, TOPPER,
WARD, ZIMMERMAN, ROTHMAN, NESBIT, SCHEMEL, EVERETT AND
HARHART, JUNE 27, 2016

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 27, 2016

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 limitation on the regulation
4 of firearms and ammunition.

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

7 Section 1. Section 6120(a.2), (a.3) and (b) of Title 18 of
8 the Pennsylvania Consolidated Statutes are reenacted and amended
9 to read:

10 § 6120. Limitation on the regulation of firearms and
11 ammunition.

12 * * *

13 (a.2) Relief.--A person adversely affected by an ordinance,
14 a resolution, regulation, rule, practice or any other action
15 promulgated or enforced by a county, municipality or township

1 prohibited under subsection (a) or 53 Pa.C.S. § 2962(g)
2 (relating to limitation on municipal powers) may seek
3 declaratory or injunctive relief and actual damages in an
4 appropriate court.

5 (a.3) Reasonable expenses.--[A] If a person adversely
6 affected provided 30 days' prior written notice of his intention
7 to file an action pursuant to subsection (a.2) to the defendant,
8 the court shall award reasonable expenses to [a] the person
9 adversely affected in an action under subsection (a.2) for any
10 of the following:

11 (1) A final determination by the court is granted in
12 favor of the person adversely affected.

13 (2) The regulation in question is rescinded, repealed or
14 otherwise abrogated after suit has been filed under
15 subsection (a.2) but before the final determination by the
16 court.

17 (b) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Dealer." The term shall include any person engaged in the
21 business of selling at wholesale or retail a firearm or
22 ammunition.

23 "Firearms." This term shall have the meaning given to it in
24 section 5515 (relating to prohibiting of paramilitary training)
25 but shall not include air rifles as that term is defined in
26 section 6304 (relating to sale and use of air rifles).

27 "Person adversely affected." Any of the following:

28 (1) A resident of this Commonwealth who may legally
29 possess a firearm under Federal and State law.

30 (2) A person who otherwise has standing under the laws

1 of this Commonwealth to bring an action under subsection
2 (a.2).

3 (3) A membership organization, in which a member is a
4 person described under paragraph (1) or (2).

5 "Political subdivision." The term shall include any home
6 rule charter municipality, county, city, borough, incorporated
7 town, township or school district.

8 "Reasonable expenses." The term includes, but is not limited
9 to, attorney fees, expert witness fees, court costs and
10 compensation for loss of income.

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