

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1300 Session of  
2022

INTRODUCED BY SANTARSIERO, SAVAL, FONTANA, KEARNEY, COMITTA,  
HUGHES, KANE, CAPPELLETTI, HAYWOOD, COLLETT, TARTAGLIONE,  
MUTH, SCHWANK, STREET, A. WILLIAMS, COSTA AND DILLON,  
JUNE 24, 2022

REFERRED TO JUDICIARY, JUNE 24, 2022

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for assault weapons and large capacity  
4 magazines; and establishing the Firearms and Ammunition  
5 Buyback Program and the Pennsylvania State Police Buyback  
6 Fund.

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 § 6105.3. Assault weapons and large capacity magazines.

12 (a) General rule.--Except as otherwise provided in  
13 subsection (j), no person shall possess, manufacture, import,  
14 sell or transfer an assault weapon or large capacity magazine.

15 (b) Certificate of possession.--

16 (1) An owner of an assault weapon shall obtain a  
17 certificate of possession under this section or immediately  
18 surrender the assault weapon in accordance with paragraph

19 (5).

1       (2) Upon application by an individual 21 years of age or  
2 older within 180 days of the effective date of this section,  
3 a certificate of possession may be issued by the Pennsylvania  
4 State Police to the owner of an assault weapon for possession  
5 and use in accordance with this section.

6       (3) An individual issued a certificate of possession  
7 under this section may possess, use, manufacture or otherwise  
8 control an assault weapon as follows:

9           (i) At the domicile or business of the individual  
10 owning the assault weapon.

11           (ii) At the domicile of another property owner with  
12 the permission of that property owner.

13           (iii) At a bona fide target or shooting range  
14 operated by a business or club to which the individual is  
15 a customer, member or guest of a customer or member.

16           (iv) At a firearms exhibition, display or  
17 educational project if the assault weapon is not loaded.

18           (v) In a motor vehicle if the individual is at or  
19 traveling to or from a place listed in subparagraph (i),  
20 (ii), (iii) or (iv) and if, while traveling to or from  
21 the place, the assault weapon is not loaded and is kept  
22 in a secure case or a compartment of the vehicle that is  
23 not accessible to the occupants of the vehicle.

24       (4) A certificate of possession issued under this  
25 section shall be valid throughout this Commonwealth and shall  
26 be in a form prescribed by the Pennsylvania State Police. The  
27 certificate shall include all of the following:

28           (i) The name, address, date of birth, race, sex,  
29 citizenship, height, weight, color of hair, color of eyes  
30 and signature of the certificate holder.

1           (ii) A number, of which the first two numbers shall  
2 be a county location code, corresponding to the  
3 certificate holder's residence, followed by numbers  
4 issued in numerical sequence.

5           (iii) A photograph of the certificate holder in a  
6 form compatible with the Commonwealth Photo Imaging  
7 Network.

8           (iv) The expiration date of the certificate of  
9 possession.

10           (v) Any other information required by the  
11 Pennsylvania State Police.

12           (5) An owner of an assault weapon who fails to apply for  
13 a certificate of possession in accordance with paragraph (2)  
14 or who was denied a certificate of possession under this  
15 section shall, within five days, surrender the assault weapon  
16 to a law enforcement agency. Failure of an individual to  
17 submit an application for a certificate of possession under  
18 paragraph (2) shall not constitute a defense in a prosecution  
19 for a violation of this section. An individual who submitted  
20 an application for a certificate of possession in accordance  
21 with paragraph (2) and who has not been issued a certificate  
22 of possession under this section may continue to possess an  
23 assault weapon pending final approval or denial of the  
24 application by the Pennsylvania State Police.

25           (c) Application for certificate of possession.--

26           (1) The Pennsylvania State Police shall develop and  
27 provide a form within 60 days of the effective date of this  
28 section that details the following information for each  
29 assault weapon for which a certificate of possession is  
30 requested and may be issued:

1           (i) The information listed in subsection (b) (4) (i)  
2 and the telephone number and thumbprint of the applicant.

3           (ii) A description of the assault weapon, including  
4 the manufacturer's name, model number and serial number.

5           (iii) Identification marks or unique characteristics  
6 of the assault weapon.

7           (iv) Proof of lawful purchase or ownership if  
8 available.

9           (2) Upon receipt of the form, the Pennsylvania State  
10 Police shall do all of the following:

11           (i) Conduct a criminal background, juvenile  
12 delinquency and mental health records background check  
13 following the procedures set forth in section 6111  
14 (relating to sale or transfer of firearms) to determine  
15 whether the person is eligible to possess an assault  
16 weapon under this section.

17           (ii) Investigate whether the applicant's character  
18 and reputation are such that the applicant is not likely  
19 to act in a manner dangerous to public safety.

20           (iii) Issue the certificate of possession within 60  
21 days of application if the applicant was otherwise  
22 eligible to possess an assault weapon before the  
23 effective date of this section.

24           (iv) Collect the fee under subsection (g).

25 (d) Term of certificate of possession.--

26           (1) A certificate of possession issued under this  
27 section shall be valid throughout this Commonwealth for a  
28 period of five years unless extended under paragraph (3) or  
29 sooner revoked.

30           (2) At least 60 days prior to the expiration of a

1 certificate of possession, the Pennsylvania State Police  
2 shall send to the certificate holder an application for  
3 renewal of the certificate of possession. Failure to receive  
4 a renewal application shall not relieve a certificate holder  
5 from the responsibility to renew a certificate of possession.

6 (3) A certificate of possession may be renewed for an  
7 additional period of five years if not sooner revoked.

8 (4) Notwithstanding paragraph (1) or any other provision  
9 of law to the contrary, a certificate of possession that is  
10 held by a member of the United States Armed Forces or the  
11 Pennsylvania National Guard on Federal active duty and  
12 deployed outside this Commonwealth that is scheduled to  
13 expire during the period of deployment shall be extended  
14 until 90 days after the end of the deployment.

15 (5) Possession of a certificate of possession, together  
16 with a copy of the person's military orders showing the dates  
17 of deployment, including the date that the deployment ends,  
18 shall constitute, during the extension period specified in  
19 paragraph (4), a defense to any charge filed under this  
20 section.

21 (e) Duty to secure.--

22 (1) Except as provided under paragraph (2), an  
23 individual issued a certificate of possession under this  
24 section shall secure the assault weapon:

25 (i) with a device that, if installed on the assault  
26 weapon and secured by means of a key or a mechanical,  
27 electronic or electromechanical combination lock,  
28 prevents the assault weapon from being discharged without  
29 first deactivating or removing the device;

30 (ii) with a locking mechanism incorporated into the

1 design of the assault weapon that prevents discharge of  
2 the assault weapon by an individual who does not have  
3 access to the key or other device designed to unlock the  
4 mechanism; or

5 (iii) in a locked box or container or a location  
6 that a reasonable individual would believe to be secure.

7 (2) Paragraph (1) shall not apply if an individual  
8 carries an assault weapon:

9 (i) on the individual's body; or

10 (ii) within close enough proximity to the  
11 individual's body to allow the individual to retrieve and  
12 use the assault weapon as if the assault weapon was on  
13 the individual's body.

14 (f) Transfers.--After the effective date of this section, an  
15 individual who obtains ownership of an assault weapon by  
16 bequest, interstate succession or by any other means shall,  
17 within 90 days, do any of the following:

18 (1) Render the assault weapon permanently inoperable and  
19 turn the assault weapon over to a law enforcement agency.

20 (2) Sell the weapon through the Firearms and Ammunition  
21 Buyback Program or a municipal buyback program under section  
22 6111.6 (relating to Firearms and Ammunition Buyback Program).

23 (g) Fee.--

24 (1) The fee for the issuance or renewal of a certificate  
25 of possession is \$15. The fee shall include the renewal  
26 notice processing.

27 (2) No fee other than that provided by this subsection  
28 may be assessed by the Pennsylvania State Police for the  
29 performance of any background check made under this section.

30 (3) The fee is payable to the Pennsylvania State Police

1 at the time the application for issuance or renewal is  
2 submitted.

3 (4) Except for an administrative fee of \$5, all other  
4 fees shall be refunded if the application is denied but shall  
5 not be refunded if a license is issued and subsequently  
6 revoked.

7 (h) Revocation.--

8 (1) A certificate of possession may be revoked by the  
9 Pennsylvania State Police or other law enforcement officer  
10 for good cause, including information provided by other law  
11 enforcement agencies.

12 (2) Notice of revocation shall be in writing and shall  
13 state the specific reason for revocation. Notice shall be  
14 sent by certified mail to the individual whose certificate is  
15 revoked, and, at that time, notice shall also be provided to  
16 the Pennsylvania State Police by electronic means, including  
17 email or facsimile transmission, that the certificate is no  
18 longer valid.

19 (3) An individual whose certificate of possession is  
20 revoked shall surrender the certificate as well as any  
21 assault weapons for which a certificate has been issued to  
22 the Pennsylvania State Police within five days of receipt of  
23 the notice.

24 (4) An individual whose certificate is revoked may  
25 appeal to the court of common pleas for the judicial district  
26 in which the individual resides.

27 (i) Duties of Pennsylvania State Police.--The Pennsylvania  
28 State Police shall do all of the following:

29 (1) Develop procedures for the processing of  
30 applications for and approval of certificates of possession.

1           (2) Design the certificate of possession form.

2           (3) Conduct background checks on applicants for the  
3 issuance of a certificate of possession.

4           (4) Maintain a registry of certificates of possession  
5 issued. A registry maintained by the Pennsylvania State  
6 Police under this section shall not be subject to the act of  
7 February 14, 2008 (P.L.6, No.3), known as the Right-to-Know  
8 Law.

9           (5) Notify certificate of possession holders of the  
10 pending expiration of certificates of possession and issue  
11 renewal forms.

12           (6) Initiate revocation of certificates of possession  
13 and revoke certificates of possession for cause as provided  
14 in this section.

15           (7) Collect fees as provided in subsection (g) to  
16 administer this program and maintain the registry.

17           (j) Exceptions.--The provisions of subsection (a) shall not  
18 apply to:

19           (1) Any of the following in the performance of official  
20 duties:

21           (i) Law enforcement officers.

22           (ii) State parole agents.

23           (iii) A county probation or parole officer who is  
24 authorized to carry a weapon in connection with  
25 performance of the duties of the officer's employment.

26           (iv) A chief administrator, deputy warden or  
27 corrections officer of a State or county correctional  
28 institution.

29           (v) Constables who have been certified by the  
30 Pennsylvania Commission on Crime and Delinquency to carry



1 firearms in connection with the performance of their  
2 judicial duties.

3 (vi) Active members of the armed forces of the  
4 United States or of the National Guard or organized  
5 reserves.

6 (vii) Officers or employees of the United States  
7 duly authorized to carry an assault weapon.

8 (2) An agent, messenger or other employee of a common  
9 carrier, bank or business firm whose duties require the  
10 protection of money, valuables and other property in the  
11 discharge of the individual's duties.

12 (3) Any licensed person engaged in the business of  
13 manufacturing, repairing or dealing in assault weapons, or  
14 the agent or representative of the person, having an assault  
15 weapon in the person's possession or using or carrying an  
16 assault weapon in the usual and ordinary course of business.

17 (4) A person lawfully engaged in the interstate  
18 transportation of an assault weapon in compliance with 18  
19 U.S.C. § 926A (relating to interstate transportation of  
20 firearms).

21 (5) A person who is the lawful owner of an assault  
22 weapon on or before the effective date of this section and  
23 who is issued a certificate of possession by the Pennsylvania  
24 State Police under this section and regulations of the  
25 Pennsylvania State Police.

26 (k) Penalties.--

27 (1) Except as provided in paragraph (2), (3) or (4), a  
28 person who violates this section commits a misdemeanor of the  
29 first degree.

30 (2) An individual who violates subsection (h)(3) commits

1 a misdemeanor of the third degree.

2 (3) A second or subsequent offense under this section is  
3 a felony of the third degree.

4 (4) A person who violates subsection (b) (5) commits:

5 (i) A summary offense with no term of imprisonment  
6 if the offense is a first offense.

7 (ii) A misdemeanor of the third degree if the  
8 offense is a second or subsequent offense.

9 (iii) A felony of the third degree if:

10 (A) another person takes possession of the  
11 firearm; and

12 (B) the firearm is used in the commission of a  
13 crime or used in an event that results in the injury  
14 or death of another person.

15 (1) Defenses.--It shall be a defense to a prosecution under  
16 this section if any of the following apply:

17 (1) The firearm was secured in a manner described under  
18 subsection (e).

19 (2) The firearm was obtained as a result of an unlawful  
20 entry by another person.

21 (3) An injury resulted from a target or sport shooting  
22 accident or hunting accident.

23 (4) Possession of the firearm is incidental to the  
24 performance of the official duties of the United States Armed  
25 Forces, the Pennsylvania National Guard or the personnel of a  
26 Federal, State or local law enforcement agency.

27 (m) Definitions.--As used in this section, the following  
28 words and phrases shall have the meanings given to them in this  
29 subsection unless the context clearly indicates otherwise:

30 "Assault weapon." Includes all of the following:

1           (1) A semiautomatic center fire rifle capable of  
2 accepting detachable magazines and a pistol grip protruding  
3 conspicuously below the weapon's action, a thumbhole stock or  
4 folding or telescopic stock, a flash suppressor, grenade  
5 launcher or flare launcher or a forward pistol grip.

6           (2) A semiautomatic center fire rifle with an overall  
7 length of less than 30 inches.

8           (3) A semiautomatic center fire rifle with a fixed  
9 magazine capable of holding more than 10 rounds of  
10 ammunition.

11           (4) A semiautomatic pistol capable of accepting  
12 detachable magazines and a threaded barrel, a second  
13 handgrip, a capacity to accept a detachable magazine at some  
14 location outside the pistol grip or a shroud attached to, or  
15 partially or completely encircling, the barrel allowing the  
16 bearer to fire the weapon without burning the bearer's hand,  
17 except for a slide enclosing the barrel.

18           (5) A semiautomatic pistol with a fixed magazine having  
19 the capacity to accept more than 10 rounds.

20           (6) A semiautomatic shotgun having a folding or  
21 telescoping stock, a pistol grip protruding conspicuously  
22 beneath the action of the weapon, a thumbhole stock or a  
23 vertical handgrip.

24           (7) A semiautomatic shotgun with the ability to accept  
25 detachable magazines.

26           (8) A shotgun with a revolving cylinder.

27           (9) A part or combination of parts designed or intended  
28 to convert a firearm into an assault weapon or any  
29 combination of parts from which an assault weapon may be  
30 readily assembled if those parts are in the possession of or

1 under the control of the same person.

2 (10) The following specified semiautomatic firearms or  
3 copies or duplicates with the capability of such firearms  
4 that were in production before the effective date of this  
5 section: Algimec Agmi; Armalite AR-180; Australian Automatic  
6 Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat  
7 Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1;  
8 Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico  
9 models M-900, M-950 and 100-P; Chartered Industries of  
10 Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2,  
11 Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique  
12 Nationale FN/FAL, FN/LAR or FN/FNC; FAMAS MAS 223; Feather  
13 AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12  
14 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and  
15 High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and  
16 SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type;  
17 Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model  
18 3000; Ruger Mini-14/5F folding stock model only; Scarab  
19 Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and  
20 Auto Pistol; Springfield Armory BM59, SAR-48 and G-3;  
21 Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker  
22 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-  
23 Carbine and Pistol; Weaver Arms Nighthawk; and Wilkinson  
24 "Linda" Pistol.

25 (11) The following specified semiautomatic centerfire  
26 rifles or copies or duplicates with the capability of such  
27 rifles that were in production before the effective date of  
28 this section: AK-47; AK-74; AKM; AKS-74U; ARM; MAADI AK47;  
29 MAK90; MISR; NHM90 and NHM91; Norinco 56, 56S, 84S and 86S;  
30 Poly Technologies AKS and AK47; SA 85; SA 93; VEPR; WASR-10;

WUM; Rock River Arms LAR-47; Vector Arms AK-47; AR-10; AR-15; Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles and Bushmaster MOE Rifles; Colt Match Target Rifles; Armalite M15; Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; DPMS Tactical Rifles; Smith and Wesson M&P15 Rifles; Rock River Arms LAR-15; Doublestar AR Rifles; Barrett REC7; Beretta Storm; Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; Hi-Point Carbine Rifles; HK-PSG-1; Kel-Tec Sub-2000, SU Rifles and RFB; Remington Tactical Rifle Model 7615; SAR-8, SAR-4800 and SR9; SLG 95; SLR 95 or 96; TNW M230 and M2HB; Vector Arms UZI; Galil and Galil Sporter; Daewoo AR 100 and AR 110C; Fabrique Nationale/FN 308 Match and L1A1 Sporter; HK USC; IZHMAISH Saiga AK; SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles; Valmet M62S, M71S and M78S; Wilkinson Arms "Linda" Carbine; and Barrett M107A1.

(12) The following specified semiautomatic pistols or copies or duplicates with the capability of such pistols that were in production before the effective date of this section: Centurion 39 AK; Draco AK-47; HCR AK-47; I.O. Inc. Hellpup AK-47; Mini-Draco AK-47; Yugo Krebs Krink; American Spirit AR-15; Bushmaster Carbon 15; Doublestar Corporation AR; DPMS AR-15; Olympic Arms AR-15; Rock River Arms LAR 15; Calico Liberty III and III Tactical Pistols; Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; Intratec TEC-DC9 and AB-10; Colefire Magnum; German Sport 522 PK and Chiappa Firearms Mfour-22; DSA SA58 PKP FAL; I.O. Inc. PPS-43C; Kel-Tec PLR-16 Pistol; Sig Sauer P516 and P556 Pistols; and Thompson TA5 Pistols.

(13) The following semiautomatic shotguns or copies or

1 duplicates with the capability of such shotguns that were in  
2 production before the effective date of this section: All  
3 IZHMASH Saiga 12 Shotguns.

4 "Large capacity magazine." A detachable ammunition-feeding  
5 device with the capacity to accept more than 10 rounds of  
6 ammunition. The term does not include any of the following:

7 (1) a feeding device that has been permanently altered  
8 so that it cannot accommodate more than 10 rounds;

9 (2) a .22 caliber tube ammunition-feeding device; or

10 (3) a tubular magazine that is contained in a lever-  
11 action firearm.

12 § 6111.6. Firearms and Ammunition Buyback Program.

13 (a) Establishment.--The Firearms and Ammunition Buyback  
14 Program is established within the Pennsylvania State Police. The  
15 Pennsylvania State Police shall promulgate rules and regulations  
16 as necessary for the implementation of the buyback program,  
17 including, but not limited to, the following:

18 (1) The manner in which a participating law enforcement  
19 agency may apply for funds to support the buyback program and  
20 how the funds will be allocated and distributed.

21 (2) Guidelines for the safe storage and disposal of  
22 assault weapons, firearms, rifles, shotguns and ammunition  
23 received as part of the buyback program in the possession of  
24 a participating law enforcement agency, for the return of any  
25 recovered stolen property to its rightful owner as  
26 appropriate and for the retention of assault weapons,  
27 firearms, rifles, shotguns and ammunition as evidence of a  
28 potential crime.

29 (3) Guidelines for a participating law enforcement  
30 agency to coordinate with community groups within its

1 jurisdiction.

2 (4) Guidelines to allow individuals to return assault  
3 weapons, firearms, rifles, shotguns and ammunition for  
4 monetary rewards.

5 (b) Municipal buyback program.--A law enforcement agency may  
6 develop and implement its own municipal gun buyback program that  
7 conforms to the rules and regulations promulgated by the  
8 Pennsylvania State Police under subsection (a).

9 (c) Pennsylvania State Police Buyback Fund.--

10 (1) The Pennsylvania State Police Buyback Fund is  
11 established as a fund in the State Treasury. Money in the  
12 fund shall not lapse.

13 (2) Money deposited into the fund, including any  
14 accruing interest, is appropriated to the Pennsylvania State  
15 Police on a continuing basis to implement the buyback  
16 program.

17 (3) An administrative action may not prevent the deposit  
18 of money into the fund in any fiscal year.

19 (4) The fund may only be used for the implementation of  
20 the buyback program. Money in the fund may not be transferred  
21 or diverted for other purpose by administrative action.

22 (5) Money available to the fund shall include  
23 appropriations to the Pennsylvania State Police for the  
24 buyback program, transfers from the General Fund or funds in  
25 the State Treasury, Federal funds or other sources of revenue  
26 as provided by State law.

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