

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1786 Session of
2021

INTRODUCED BY KINSEY, GUZMAN, SANCHEZ, ZIMMERMAN AND HOHENSTEIN,
AUGUST 12, 2021

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 12, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for encoded ammunition, imposing duties
4 on manufacturers, sellers and owners of ammunition, providing
5 for the powers and duties of the Commissioner of
6 Pennsylvania State Police and the Secretary of Revenue,
7 establishing the encoded ammunition database and the Encoded
8 Ammunition Database Fund, imposing an encoded ammunition
9 database tax and imposing penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Title 18 of the Pennsylvania Consolidated
13 Statutes is amended by adding a section to read:

14 § 6129. Encoded ammunition.

15 (a) Duty of manufacturers to encode ammunition.--A
16 manufacturer shall encode ammunition provided for retail sale
17 for regulated firearms in a manner that the commissioner
18 establishes, so that:

19 (1) The base of the bullet and the inside of the
20 cartridge casings of each round in a box of ammunition are
21 encoded with the same serial number.

1 (2) Each serial number is encoded in such a manner that
2 it is highly likely to permit identification after ammunition
3 discharge and bullet impact.

4 (3) The outside of each box of ammunition is labeled
5 with the name of the manufacturer and the same serial number
6 used on the cartridge casings and bases of bullets contained
7 in the box.

8 (b) Labeling per box.--Ammunition contained in one
9 ammunition box may not be labeled with the same serial number as
10 the ammunition contained in any other ammunition box from the
11 same manufacturer.

12 (c) Duty of owner to dispose of ammunition.--On or before
13 January 1, 2022, an owner of ammunition for use in a regulated
14 firearm that is not encoded by the manufacturer in accordance
15 with subsection (a) shall dispose of the ammunition.

16 (d) Duty of commissioner to maintain information.--One year
17 after the effective date of this section, the commissioner shall
18 establish and maintain an encoded ammunition database.

19 (e) Duty of manufacturers to provide information.--A
20 manufacturer that does business in this Commonwealth shall
21 provide the commissioner with the following information for
22 inclusion in the database under subsection (d):

23 (1) The name and address of the manufacturer.

24 (2) The serial numbers of the ammunition offered for
25 sale for regulated firearms in this Commonwealth.

26 (3) Other information that the commissioner considers
27 necessary.

28 (f) Duty of seller to provide information.--A seller shall
29 provide the commissioner with the following information for
30 inclusion in the database:

- 1 (1) The date of each ammunition purchase.
- 2 (2) The name and date of birth of each purchaser of
3 ammunition.
- 4 (3) The driver's license number of the purchaser or
5 other number issued to the purchaser by the Federal
6 Government or the Commonwealth.
- 7 (4) The serial numbers of all ammunition for regulated
8 firearms bought by the purchaser.
- 9 (5) Any other information that the commissioner
10 considers necessary.

11 (g) Seller recordkeeping requirement.--A seller shall
12 maintain copies of all records submitted to the commissioner
13 under this section for at least three years after the date of
14 sale.

15 (h) Funding for database.--The encoded ammunition database
16 shall be funded by the encoded ammunition database tax.

17 (i) Penalties.--The following shall apply:

18 (1) A seller that violates this section commits a
19 misdemeanor of the third degree.

20 (2) A person who willfully destroys or otherwise renders
21 unreadable the information encoded on ammunition required
22 under this section commits a misdemeanor of the third degree.

23 (3) A manufacturer that violates this section is subject
24 to a civil fine to be imposed by the commissioner not to
25 exceed:

26 (i) One thousand dollars for a first violation.

27 (ii) Two thousand dollars for a second violation.

28 (iii) Three thousand dollars for a third or
29 subsequent violation.

30 (j) Imposition of tax.--Except as otherwise provided under

1 this section and subject to the provisions of this section, in
2 addition to any other tax imposed under the law, a tax of five
3 cents per round of ammunition is imposed on the sale at retail
4 or use of encoded ammunition in this Commonwealth. The tax
5 imposed under this section shall not apply to a sale of encoded
6 ammunition to a police force or other agency of the United
7 States, this Commonwealth or a political subdivision of any
8 state. A person who timely files a tax return is allowed, for
9 the expense of collecting and paying the tax, a credit equal to
10 0.5% of the gross amount of the tax under this section.

11 (k) Presumption and burden of proof.--A rebuttable
12 presumption exists that a sale of encoded ammunition in this
13 Commonwealth is subject to the tax.

14 (l) Person who has burden of proof.--The person required to
15 pay the tax has the burden of proving that the sale of encoded
16 ammunition in this Commonwealth is not subject to the tax.

17 (m) Duties of Secretary of Revenue.--The Secretary of
18 Revenue shall collect the tax in the same manner as the tax
19 imposed under Article III of the act of March 4, 1971 (P.L.6,
20 No.2), known as the Tax Reform Code of 1971, and shall deposit
21 the tax into the fund established under subsection (n).

22 (n) Encoded Ammunition Database Fund.--The Encoded
23 Ammunition Database Fund is established in the State Treasury.
24 The money in the fund shall be used only to pay for the expense
25 of implementing and administering the database.

26 (o) Duty of purchaser.--A purchaser who fails to pay to the
27 seller on a purchase or use subject to the tax as required under
28 this section shall complete and file with the Secretary of
29 Revenue an encoded ammunition database tax return on or before
30 the 21st day of the month that follows the month in which the

1 purchaser makes that purchase or use. A return filed by a
2 purchaser under this subsection shall state separately, for
3 encoded ammunition, for the period the return covers, the number
4 of rounds of the encoded ammunition subject to the tax and the
5 tax due.

6 (p) Duty of seller.--Each seller shall complete and file
7 with the Secretary of Revenue an ammunition database tax return
8 on or before the 21st day of the month that follows the month in
9 which the seller makes a retail sale for use of encoded
10 ammunition. A return filed by a seller under this subsection
11 shall state separately, for encoded ammunition, for the period
12 the return covers, the number of rounds of the encoded
13 ammunition sold by the seller and the tax due.

14 (q) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Commissioner." The Commissioner of Pennsylvania State
18 Police.

19 "Encoded ammunition." Ammunition that is encoded by a
20 manufacturer under subsection (a).

21 "Encoded ammunition database" or "database." The encoded
22 ammunition database established under subsection (d).

23 "Encoded ammunition database tax" or "tax." The encoded
24 ammunition database tax established under subsection (j).

25 "Manufacturer." A person who possesses a Federal license to
26 engage in the business of manufacturing ammunition for sale or
27 distribution.

28 "Regulated firearm." A firearm as defined in section 6102
29 (relating to definitions).

30 "Seller." A seller of encoded ammunition in this

1 Commonwealth.

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