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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 770 Session of  
2021

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INTRODUCED BY GAINNEY, SANCHEZ, N. NELSON, GUENST, ZABEL,  
KENYATTA, McNEILL, VITALI, SHUSTERMAN, DEASY, SIMS, BURGOS,  
CIRESI, SCHWEYER, McCLINTON, WARREN AND FRANKEL,  
MARCH 4, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 4, 2021

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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, prohibiting certain assault weapons.

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

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

8 § 6121.1. Certain assault weapons prohibited.

9 (a) Offense defined.--Except as provided in subsection (b),  
10 a person may not:

11 (1) Possess, use, control, sell, deliver, transfer or  
12 manufacture an assault weapon.

13 (2) Obtain a license for an act under paragraph (1).

14 (b) Exception.--Subsection (a) shall not apply to:

15 (1) A member of the armed forces of the United States,  
16 including National Guard and reserve components, a law  
17 enforcement officer or other public safety officer while

1 performing official duties or traveling to or from an  
2 authorized place of duty if possession of the assault weapon  
3 is authorized under applicable statute, regulation or  
4 military or law enforcement policy.

5 (2) A person authorized under applicable statute,  
6 regulation or military or law enforcement policy to perform  
7 an act under subsection (a)(1) for the purpose of ensuring  
8 that an individual under paragraph (1) obtains an assault  
9 weapon.

10 (3) A person lawfully owning or otherwise possessing an  
11 assault weapon before the effective date of this section.

12 (c) Definitions.--The following words and phrases when used  
13 in this section shall have the meanings given to them in this  
14 subsection unless the context clearly indicates otherwise:

15 "Assault weapon." Any of the following, but not including  
16 any firearm modified to render it permanently inoperable:

17 (1) A selective-fire firearm capable of fully automatic,  
18 semiautomatic or burst fire at the option of the user or a  
19 firearm that has the ability to accept a large-capacity  
20 magazine.

21 (2) Any of the following semiautomatic firearms:

22 (i) Algimec Agmi.

23 (ii) Armalite AR-180.

24 (iii) Australian Automatic Arms SAP Pistol.

25 (iv) Auto-Ordnance Thompson type.

26 (v) Avtomat Kalashnikov AK-47 type.

27 (vi) Barrett Light-Fifty model 82A1.

28 (vii) Beretta AR-70.

29 (viii) Bushmaster Auto Rifle and Auto Pistol.

30 (ix) Calico models M-900, M-950 and 100-P.

- 1           (x) Chartered Industries of Singapore SR-88.
- 2           (xi) Colt AR-15 and Sporter.
- 3           (xii) Daewoo K-1, K-2, Max-1 and Max-2.
- 4           (xiii) Evcom MK-IV, MP-9 and MP-45.
- 5           (xiv) Fabrique Nationale FN/FAL, FN/LAR or FN/FNC.
- 6           (xv) FAMAS MAS 223.
- 7           (xvi) Feather AT-9 and Mini-AT.
- 8           (xvii) Federal XC-900 and XC-450.
- 9           (xviii) Franchi SPAS-12 and Law-12.
- 10          (xix) Galil AR and ARM.
- 11          (xx) Goncz High-Tech Carbine and High-Tech Long  
12 Pistol.
- 13          (xxi) Heckler & Koch HK-91, HK-93, HK-94 and SP-89.
- 14          (xxii) Holmes MP-83.
- 15          (xxiii) Intratec TEC-9 and Scorpion.
- 16          (xxiv) Iver Johnson Enforcer model 3000.
- 17          (xxv) MAC-10, MAC-11 and MAC-11 Carbine type.
- 18          (xxvi) Ruger Mini-14/5F folding stock model only.
- 19          (xxvii) Scarab Skorpion.
- 20          (xxviii) SIG 57 AMT and 500 series.
- 21          (xxix) Spectre Auto Carbine and Auto Pistol.
- 22          (xxx) Springfield Armory BM59, SAR-48 and G-3.
- 23          (xxxi) Sterling MK-6 and MK-7.
- 24          (xxxii) Steyr AUG.
- 25          (xxxiii) Streetsweeper and Striker-12 revolving  
26 cylinder shotguns.
- 27          (xxxiv) USAS-12.
- 28          (xxxv) UZI Carbine, Mini-UZI Carbine and Pistol.
- 29          (xxxvi) Weaver Arms Nighthawk.
- 30          (xxxvii) Wilkinson "Linda" Pistol.

1           (3) A semiautomatic firearm not specifically listed in  
2 paragraph (2) that meets any of the following criteria:

3           (i) The firearm is a semiautomatic rifle that has an  
4 ability to accept a detachable magazine and has at least  
5 two of the following:

6           (A) A folding or telescoping stock.

7           (B) A pistol grip that protrudes conspicuously  
8 beneath the action of the weapon.

9           (C) A bayonet mount.

10           (D) A flash suppressor or threaded barrel  
11 designed to accommodate a flash suppressor.

12           (E) A grenade launcher.

13           (ii) The firearm is a semiautomatic pistol that has  
14 an ability to accept a detachable magazine and has at  
15 least two of the following:

16           (A) An ammunition magazine that attaches to the  
17 pistol outside of the pistol grip.

18           (B) A threaded barrel capable of accepting a  
19 barrel extender, flash suppressor, forward handgrip  
20 or silencer.

21           (C) A shroud that is attached to, or partially  
22 or completely encircles, the barrel and that permits  
23 the shooter to hold the firearm with the nontrigger  
24 hand without being burned.

25           (D) A manufactured weight of 50 ounces or more  
26 when the pistol is unloaded.

27           (E) A semiautomatic version of an automatic  
28 firearm.

29           (iii) The firearm is a semiautomatic shotgun that  
30 has at least two of the following:

1                   (A) A folding or telescoping stock.

2                   (B) A pistol grip that protrudes conspicuously  
3                   beneath the action of the weapon.

4                   (C) A fixed magazine capacity in excess of five  
5                   rounds.

6                   (D) An ability to accept a detachable magazine.

7           (4) A part or combination of parts designed or intended  
8           to convert a firearm into an assault weapon or any  
9           combination of parts from which an assault weapon may be  
10           rapidly assembled if those parts are in possession or under  
11           the control of the same person. This paragraph shall not  
12           apply to unassembled parts or a combination of parts  
13           possessed by a dealer licensed under this chapter or a person  
14           employed by that dealer, which are used to repair or service  
15           a lawfully possessed firearm.

16           "Large capacity magazine." A firearm magazine, belt, drum,  
17           feed strip or similar device that has the capacity of, or can be  
18           readily restored or converted to accept, more than 10 rounds of  
19           ammunition but does not include:

20                   (1) A feeding device that has been permanently altered  
21                   so that it cannot accommodate more than 10 rounds of  
22                   ammunition.

23                   (2) A .22 caliber tube ammunition feeding device.

24                   (3) A tubular magazine that is contained in a lever-  
25                   action firearm.

26                   (4) A magazine that is permanently inoperable.

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