
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1811 Session of
2015

INTRODUCED BY TALLMAN, SACCONI, MILLARD, BLOOM, WHEELAND,
DUNBAR, ZIMMERMAN, GREINER, JAMES, METZGAR, CORBIN, DIAMOND,
GROVE, MCGINNIS, JOZWIAK, SAYLOR, GODSHALL, READSHAW,
A. HARRIS, WARNER, KNOWLES, IRVIN, WARD AND GABLER,
JANUARY 28, 2016

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2016

AN ACT

1 Prohibiting the regulation of firearms by an executive order,
2 rule or regulation of the President of the United States or a
3 Federal executive agency; and imposing a penalty.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Firearm
8 Regulation Prohibition Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Firearms accessories." Items that are used in conjunction
14 with or mounted on a firearm but are not essential to the basic
15 function of a firearm.

16 "Generic and insignificant parts." The term includes
17 springs, screws, nuts and pins.

1 "Manufactured." The creation of a firearm, a firearm
2 accessory or ammunition from basic materials for functional
3 usefulness.

4 Section 3. Legislative findings.

5 The General Assembly finds and declares as follows:

6 (1) The 10th Amendment to the Constitution of the United
7 States guarantees to the states and their people all powers
8 not granted to the Federal Government elsewhere in the
9 Constitution and reserves to the Commonwealth and people of
10 this Commonwealth certain powers as they were understood at
11 the time that the Commonwealth was admitted to statehood in
12 1787. The guaranty of those powers is a matter of contract
13 between the Commonwealth and the United States as of the time
14 that the compact with the United States was agreed upon and
15 adopted by the Commonwealth and the United States in 1787.

16 (2) The 9th Amendment to the Constitution of the United
17 States guarantees to the people rights not granted in the
18 Constitution and reserves to the people of this Commonwealth
19 certain rights as they were understood at the time that the
20 Commonwealth was admitted to statehood in 1787. The guaranty
21 of those rights is a matter of contract between the
22 Commonwealth and the United States as of the time that the
23 compact with the United States was agreed upon and adopted by
24 the Commonwealth and the United States in 1787.

25 (3) The 2nd Amendment to the Constitution of the United
26 States reserves to the people the right to keep and bear arms
27 as that right was understood at the time that the
28 Commonwealth was admitted to statehood in 1787, and the
29 guaranty of the right is a matter of contract between the
30 Commonwealth and the United States as of the time that the

1 compact with the United States was agreed upon and adopted by
2 the Commonwealth and the United States in 1787.

3 (4) Section 21 of Article I of the Constitution of
4 Pennsylvania clearly secures to the citizens of this
5 Commonwealth, and prohibits government interference with, the
6 right of individual citizens to keep and bear arms.

7 (5) The Federal and State constitutional guarantees
8 enumerated under paragraphs (1), (2), (3) and (4) are
9 inviolate and not subject to abrogation by unilateral
10 proclamation under a claim of Presidential executive
11 authority.

12 Section 4. Firearm regulation.

13 (a) Prohibition.--A personal firearm, a firearm accessory or
14 ammunition, that is manufactured commercially or privately in
15 this Commonwealth and that remains within the geographic
16 boundaries of this Commonwealth shall not be subject to
17 regulation purporting to derive from an executive order, rule or
18 regulation of the President of the United States or a Federal
19 executive agency.

20 (b) Applicability.--This section shall apply to a firearm, a
21 firearm accessory or ammunition, that is manufactured in this
22 Commonwealth from basic materials and that can be manufactured
23 without the inclusion of any significant parts imported from
24 another state. Generic and insignificant parts that have other
25 manufacturing or consumer accessories or ammunition, and their
26 importation into this Commonwealth and incorporation into a
27 firearm, a firearm accessory or ammunition, that is manufactured
28 in this Commonwealth shall not subject the firearm, firearm
29 accessory or ammunition to Federal regulation.

30 (c) Enforcement.--A person who restricts or attempts to

1 restrict the sale, transfer, possession or use of a firearm
2 manufactured commercially or privately in this Commonwealth and
3 that remains within the geographic boundaries of this
4 Commonwealth, under color of authority of a Federal executive
5 order, rule or regulation that is inconsistent with the laws of
6 this Commonwealth, commits a felony of the third degree and
7 shall, upon conviction, be sentenced to a term of imprisonment
8 of not less than one year.

9 Section 5. Effective date.

10 This act shall take effect immediately.