



Firearms Owners Against Crime

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PA Supreme Court Strikes a Blow for Citizens Rights, Accountable Government and Against Harrisburg Violations of PA Firearms Preemption Law

Today the PA Supreme Court delivered a welcome and long-awaited decision on the matter of Firearm Owners Against Crime, et al. v. City of Harrisburg, et al that began 6 years ago.

This case involves FOAC's challenge to Harrisburg's passage of laws regulating firearms. This action by Harrisburg violates the PA Criminal Preemption statute (PA 18 C.S. §6109) which reserves firearm legislation solely to the PA General Assembly.

Harrisburg appealed the Commonwealth Court decision in support of FOAC's position on standing to the Pennsylvania Supreme Court. The crux of Harrisburg's claim was that none of the petitioners had been prosecuted or suffered direct and immediate harm from the ordinances.

The PA Supreme Court's affirmed Judge Brobson's decision that FOAC and the other plaintiffs had sufficiently averred standing to challenge Harrisburg's illegal and unlawful firearm ordinances. The decision maintained that a PA resident does not have to violate the law, be arrested and prosecuted 'prior' to challenging the legality or constitutionality of the ordinance. Justice Wecht declared that; *"We do not require plaintiffs to violate laws or regulations and subject themselves to sanctions for engaging in protected conduct as the price of admission to the courthouse. The rights guaranteed to the citizens of this Commonwealth do not depend upon an individual's willingness to subject herself to the risk of jail or criminal penalties to assert her rights."*

Further, it is clear that the majority justices found the 'friends of the court' briefs of Pittsburgh, Philadelphia and anti-gun groups such as CeaseFire PA unpersuasive. Those briefs also illustrate the true intentions of those opposed to our preemption law and accountable government.

This pivotal decision will allow FOAC's litigation affirming Harrisburg's violation of PA Preemption statues, as well as FOAC's similar challenge to Pittsburgh's illegal firearm ordinances, to proceed. Upholding state preemption is critically important to PA residents' fundamental Freedom to help ensure the protection and safety of one's self and loved ones.

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