

# 2021-2022 Critical Pro-Gun Legislation-PA House & Senate



1. Strengthening PA Firearm Preemption Law - [HB 979](#) / [SB 448](#)
2. Eliminate the PICs System - [HB 280](#)
3. Constitutional Carry (Two-Tiered carry) – [HB 659](#) & [SB 565](#)

Legislation Source: <http://www.legis.state.pa.us/>

## Item #1 Analysis Below:

### **Strengthening PA Firearm Preemption Laws - [HB 979](#) & [SB 448](#)**

[HB 979](#) (*Rep. Dowling*) & [SB 448](#) (*Sen. Langerholc*) When a community loses a lawsuit over the enactment of ‘local’ firearms laws the legal expenses are borne by the plaintiff/challenger. Communities which enact their own ordinances/laws, such as the illegal laws enacted in Pittsburgh, are in direct violation of, not only, the Constitution and PA criminal law but also the Ortiz Supreme Court decision (1996) and Dillon’s Rule!

This legislation provides for recovery of legal expenses incurred to stop illegal laws in violation of PA Preemption Law, Title 18 §6120 Limitation on the regulation of firearms and ammunition. If a court of law finds that an ordinance violates Pennsylvania Preemption law (Title 18, §6120), the local government shall pay damages, reasonable attorney fees and costs.

## Item #2 Analysis Below:

### **Instant Checks – Eliminate PICS & Move to NICS - [HB 280](#)**

[HB 280](#) (*Rep. Ortitay*) would replace the Pennsylvania Instant Check System (PICS) with the National Instant Check System (NICS) providing for more effective background checks, a far more reliable system.

Making this change will save 11 million dollars annually (with tens of millions of more dollars saved by avoiding computer upgrades that adds to the burden on taxpayers) for the Commonwealth that can be spent on training and equipping more PSP Troopers and going after career recidivist criminals.

This legislation would also eliminate unconstitutional fees for citizens as well as remove growing obstacles faced by FFL’s that unnecessarily complicate the firearms purchases.

## Item #3 Analysis Below:

### **Constitutional Carry of Firearms – [HB 659](#) & [SB 565](#)**

(*Rep. Bernstine & Sen. Dush*) **Constitutional Carry** empowers law-abiding citizens to exercise the Right of Self-Defense without the need of a license from the state to lawfully possess and carry a firearm, concealed or not. When a state or other jurisdiction has adopted Constitutional Carry, it is legal for law-abiding citizens to carry a handgun, firearm, or other weapon concealed with or without a separate license.

The law decriminalizes the carry of handguns for self-defense purposes without a license, fixes the transportation of firearms problem, and puts the burden upon prosecutors to prove criminal intent of a person carrying a handgun. Also, there are no limitations as to whether a legally carried handgun should be carried openly or concealed.

### **20 states have enacted Constitutional Carry:**

- |                    |                          |                         |                      |
|--------------------|--------------------------|-------------------------|----------------------|
| 1. Vermont*        | 7. Mississippi (2015)    | 13. North Dakota (2017) | 19. Utah (2021)      |
| 2. Alaska (2003)   | 8. Maine (2015)          | 14. Kentucky (2019)     | 20. Tennessee (2021) |
| 3. Arizona (2010)  | 9. Missouri (2017)       | 15. South Dakota (2019) | 21. Texas (2021)     |
| 4. Wyoming (2011)  | 10. Idaho (2016)         | 16. Oklahoma (2019)     |                      |
| 5. Arkansas (2013) | 11. West Virginia (2016) | 17. Montana (1991/2021) |                      |
| 6. Kansas (2015)   | 12. New Hampshire (2017) | 18. Iowa (2021)         |                      |

\*(Vermont’s Constitutional Carry has been in effect for over 3 decades)

### **MORE Legislation to Support**

#### **\*\*PA House**

HB 38  
HB 280  
HB 357  
HB 653  
HB 924  
HB 946  
HB 979  
HB 1064  
HB 1228  
HB 1340  
HB 1491  
HB 1564  
HB 1575  
HB 1587  
HB 1696

#### **\*\*PA Senate**

SB 47  
SB 48  
SB 448  
SB 565  
SB 624  
SB 687

## More Important Pro-Gun Legislation-PA House & Senate

4. Strengthening Self-Defense - [HB 921](#)
5. Right to Bear Arms Protection Act – [HB 357](#) & [SB 624](#)
6. Firearms Transfers During PICS Outages – [HB 1007](#)

### Item #4 Analysis Below:

#### **Strengthening Self-Defense - [HB 921](#)**

[HB 921](#) (*Rep. Davanzo*) **This Use of Force enhancement Legislation**, would strengthen the protections for citizens who use force to defend themselves. The purpose of this legislation is to upgrade a section of Castle Doctrine law. Currently Castle Doctrine provides that an attacker must display a “firearm or any other weapon readily or capable of causing serious injury or death before Castle Law protections can be employed. Current law does not encompass other factors such as physical size, strength or disparity in numbers of attackers that can also constitute a threat of serious bodily harm or death.

It is a recognized legal fact that multiple assailants, disparity in size, along with a multitude of other factors can present a lethal force threat to the average citizen. It is unreasonable to believe that citizens should be denied the expanded protections of the Castle Doctrine law in the unorthodox and deadly situations that play out daily on the streets of Pennsylvania, especially in the urban areas in our state.

Again, an attacker or group of attackers **must** be demonstrating the **ability, opportunity, and intent to inflict immediate and serious bodily injury** to the innocent citizen or those around that citizen in order to justify the use of lethal force.

### Item #5 Analysis Below:

#### **Right to Bear Arms Protection Act – [HB 357](#) & [SB 624](#)**

[HB 357](#) (*Rep. Metcalfe*) states that any “Federal law, rule, regulation or order created or taking effect after December 31, 2016, shall be unenforceable within the borders of this Commonwealth if the law, rule, regulation or order attempts to register, restrict or ban the ownership or purchase of a firearm, magazine of a firearm, firearm accessory or ammunition. Further, it criminalizes the actions of ‘any’ Federal or Pennsylvania Agent, official, or employee who attempts to enforce said Federal laws in Pennsylvania

[SB 624](#) (*Sen. Mastriano*) **prohibits** the enforcement of any new federal restriction, prohibition or registration requirement for firearms, magazines and ammunition. This legislation also prohibits the use of any state or local resources to enforce any new federal restriction, prohibition or registration requirement on the purchase or ownership of firearms, and firearm accessories.

### Item #6 Analysis Below:

#### **Firearms Transfers During PICS Outages – [HB 1007](#)**

This legislation (*Rep. Metzgar*) will ‘require’ the PSP to post on their Internet site, the cause and projected duration of PICS outages. This legislation will provide that anyone with a License To Carry Firearms can still purchase firearms as well as allowing firearms purchases to proceed for ‘all’ citizens once 48 hours have passed after the outage began. A Record of Sale would still be required to be completed.

**\*\*We ask ALL gun owners** to urge ‘every’ PA Rep. & Senator to fight to bring these critically important bills to the floor. Ask your PA House/Senate member if he/she is a co-sponsor of this legislation and what their position is on this legislation, in writing. Please share their responses with us!

Questions & Comments for FOAC: **Website:** [www.foac-pac.org](http://www.foac-pac.org) **E-Mail:** [info@foacpac.org](mailto:info@foacpac.org)

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**Firearm Owners Against Crime (FOAC)** is non-partisan, non-connected Political Action All-Volunteer Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 and Section 25 of the PA Constitution with the tools and information necessary to protect this freedom from transgression. Candidates for office are evaluated every election cycle, approved, placed on an FOAC voter guide and distributed throughout the Commonwealth.