

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 672 Session of
2023

INTRODUCED BY KANE, CAPPELLETTI, SAVAL, COLLETT, KEARNEY,
TARTAGLIONE, SCHWANK AND DILLON, MAY 2, 2023

REFERRED TO JUDICIARY, MAY 2, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for definitions and for
4 possession of firearm by minor; and making editorial changes.

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

7 Section 1. Section 6102 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:
9 § 6102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this subchapter which are applicable to specific
12 provisions of this subchapter, the following words and phrases,
13 when used in this subchapter shall have, unless the context
14 clearly indicates otherwise, the meanings given to them in this
15 section:

16 "Assault weapon." Any of the following:

17 (1) A semiautomatic rifle that has an ability to accept
18 a detachable 44 magazine and has at least one of the
19 following characteristics:

1 (i) A part or combination of parts designed and
2 intended to accelerate the rate of fire of the
3 semiautomatic firearm to simulate the rate of fire of a
4 machinegun.

5 (ii) A folding or telescoping stock.

6 (iii) A pistol grip that protrudes conspicuously
7 beneath the action of the semiautomatic rifle.

8 (iv) A thumbhole stock, a second handgrip or a
9 protruding grip that can be held by the nontrigger hand.

10 (v) A bayonet mount, a flash suppressor, muzzle
11 break or muzzle compensator.

12 (vi) A threaded barrel designed to accommodate a
13 flash suppressor, muzzle break or muzzle compensator.

14 (vii) A grenade launcher.

15 (2) A semiautomatic shotgun that has at least one of the
16 following characteristics:

17 (i) A folding or telescoping stock.

18 (ii) A thumbhole stock.

19 (iii) A second handgrip or a protruding grip that
20 can be held by the nontrigger hand.

21 (iv) A fixed magazine capacity in excess of seven
22 rounds.

23 (v) An ability to accept a detachable magazine.

24 (vi) A revolving cylinder.

25 * * *

26 "Machinegun." As defined in 26 U.S.C. § 5845 (relating to
27 definitions).

28 "Peace officer." Any of the following:

29 (1) A person who by virtue of the person's office or
30 public employment is vested by law with a duty to maintain

1 public order or make arrests for criminal offenses, whether
2 the duty extends to all criminal offenses or is limited to
3 specific criminal offenses.

4 (2) A person on active State duty under 51 Pa.C.S. § 508
5 (relating to active duty for emergency).

6 (3) A member of a park police department of a county of
7 the third class.

8 * * *

9 "Weapon-carrying officer." A county probation or parole
10 officer who is authorized to carry a weapon in connection with
11 performance of the duties of the officer's employment.

12 Section 2. Sections 6105(b), 6110.1 and 6115(b)(1)(iv)(B) of
13 Title 18 are amended to read:

14 § 6105. Persons not to possess, use, manufacture, control, sell
15 or transfer firearms.

16 * * *

17 (b) Enumerated offenses.--The following offenses shall apply
18 to subsection (a):

19 Section 908 (relating to prohibited offensive weapons).

20 Section 911 (relating to corrupt organizations).

21 Section 912 (relating to possession of weapon on school
22 property).

23 Section 2502 (relating to murder).

24 Section 2503 (relating to voluntary manslaughter).

25 Section 2504 (relating to involuntary manslaughter) if
26 the offense is based on the reckless use of a firearm.

27 Section 2702 (relating to aggravated assault).

28 Section 2703 (relating to assault by prisoner).

29 Section 2704 (relating to assault by life prisoner).

30 Section 2709.1 (relating to stalking).

1 Section 2716 (relating to weapons of mass destruction).

2 Section 2901 (relating to kidnapping).

3 Section 2902 (relating to unlawful restraint).

4 Section 2910 (relating to luring a child into a motor
5 vehicle or structure).

6 Section 3121 (relating to rape).

7 Section 3123 (relating to involuntary deviate sexual
8 intercourse).

9 Section 3125 (relating to aggravated indecent assault).

10 Section 3301 (relating to arson and related offenses).

11 Section 3302 (relating to causing or risking
12 catastrophe).

13 Section 3502 (relating to burglary).

14 Section 3503 (relating to criminal trespass) if the
15 offense is graded a felony of the second degree or higher.

16 Section 3701 (relating to robbery).

17 Section 3702 (relating to robbery of motor vehicle).

18 Section 3921 (relating to theft by unlawful taking or
19 disposition) upon conviction of the second felony offense.

20 Section 3923 (relating to theft by extortion) when the
21 offense is accompanied by threats of violence.

22 Section 3925 (relating to receiving stolen property) upon
23 conviction of the second felony offense.

24 Section 4906 (relating to false reports to law
25 enforcement authorities) if the fictitious report involved
26 the theft of a firearm as provided in section 4906(c)(2).

27 Section 4912 (relating to impersonating a public servant)
28 if the person is impersonating a law enforcement officer.

29 Section 4952 (relating to intimidation of witnesses or
30 victims).

1 Section 4953 (relating to retaliation against witness,
2 victim or party).

3 Section 5121 (relating to escape).

4 Section 5122 (relating to weapons or implements for
5 escape).

6 Section 5501(3) (relating to riot).

7 Section 5515 (relating to prohibiting of paramilitary
8 training).

9 Section 5516 (relating to facsimile weapons of mass
10 destruction).

11 Section 6110.1 (relating to possession of firearm or
12 assault weapon by minor).

13 Section 6301 (relating to corruption of minors).

14 Section 6302 (relating to sale or lease of weapons and
15 explosives).

16 Any offense equivalent to any of the above-enumerated
17 offenses under the prior laws of this Commonwealth or any
18 offense equivalent to any of the above-enumerated offenses
19 under the statutes of any other state or of the United
20 States.

21 * * *

22 § 6110.1. Possession of firearm or assault weapon by minor.

23 (a) Firearm.--Except as provided in subsection (b), a person
24 under 18 years of age shall not possess or transport a firearm
25 anywhere in this Commonwealth.

26 (a.1) Assault weapon.--Except as provided in subsection
27 (b.1), a person under 21 years of age shall not purchase,
28 possess or transport an assault weapon.

29 (b) [Exception] Firearm exception.--Subsection (a) shall not
30 apply to a person under 18 years of age:

1 (1) who is under the supervision of a parent,
2 grandparent, legal guardian or an adult acting with the
3 expressed consent of the minor's custodial parent or legal
4 guardian and the minor is engaged in lawful activity,
5 including safety training, lawful target shooting, engaging
6 in an organized competition involving the use of a firearm or
7 the firearm is unloaded and the minor is transporting it for
8 a lawful purpose; or

9 (2) who is lawfully hunting or trapping in accordance
10 with 34 Pa.C.S. (relating to game).

11 (b.1) Assault weapon exception.--Subsection (a.1) shall not
12 apply to a person under 21 years of age who is:

13 (1) a member of the armed services;

14 (2) an authorized weapon-carrying officer; or

15 (3) a vested peace officer.

16 (c) Responsibility of adult.--Any person who knowingly and
17 intentionally delivers or provides to the minor a firearm in
18 violation of subsection (a), or to a person under 21 years of
19 age an assault weapon in violation of subsection (a.1), commits
20 a felony of the third degree.

21 (d) Forfeiture.--Any firearm in the possession of a person
22 under 18 years of age or assault weapon in the possession of a
23 person under 21 years of age in violation of this section shall
24 be promptly seized by the arresting law enforcement officer and
25 upon conviction or adjudication of delinquency shall be
26 forfeited or, if stolen, returned to the lawful owner.

27 § 6115. Loans on, or lending or giving firearms prohibited.

28 * * *

29 (b) Exception.--

30 (1) Subsection (a) shall not apply if any of the

1 following apply:

2 * * *

3 (iv) The person who receives the firearm meets all
4 of the following:

5 * * *

6 (B) Pursuant to section 6110.1 (relating to
7 possession of firearm or assault weapon by minor) is
8 under the supervision, guidance and instruction of a
9 responsible individual who:

10 (I) is 21 years of age or older; and

11 (II) is not prohibited from owning or
12 possessing a firearm under section 6105 (relating
13 to persons not to possess, use, manufacture,
14 control, sell or transfer firearms).

15 * * *

16 Section 3. This act shall take effect in 60 days.