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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1170 Session of  
2018

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INTRODUCED BY COSTA, SCHWANK, BLAKE, FONTANA, STREET AND HUGHES,  
MAY 23, 2018

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REFERRED TO FINANCE, MAY 23, 2018

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AN ACT

1 Amending the act of July 2, 2010 (P.L.266, No.44), entitled "An  
2 act providing for divestiture by the State Treasurer, the  
3 State Employees' Retirement System and the Public School  
4 Employees' Retirement System of investments in companies  
5 doing business in Iran and Sudan," amending the title of the  
6 act; further providing for definitions; and providing for  
7 identification of assault weapons manufacturers, for required  
8 action related to assault weapons manufacturers and for  
9 reporting relating to assault weapons manufacturers.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The title of the act of July 2, 2010 (P.L.266,  
13 No.44), known as the Protecting Pennsylvania's Investments Act,  
14 is amended to read:

15 AN ACT

16 Providing for divestiture by the State Treasurer, the State  
17 Employees' Retirement System and the Public School Employees'  
18 Retirement System of investments in companies doing business  
19 in Iran and Sudan and in assault weapons manufacturers.

20 Section 2. Section 2 of the act is amended by adding  
21 definitions to read:

1 Section 2. Definitions.

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

5 \* \* \*

6 "Assault weapon." The term includes all of the following:

7 (1) A semiautomatic center fire rifle capable of  
8 accepting detachable magazines and a pistol grip protruding  
9 conspicuously below the weapon's action, a thumbhole stock or  
10 folding or telescopic stock, a flash suppressor, grenade  
11 launcher or flare launcher or a forward pistol grip.

12 (2) A semiautomatic center fire rifle with an overall  
13 length of less than 30 inches.

14 (3) A semiautomatic center fire rifle with a fixed  
15 magazine capable of holding more than 10 rounds of  
16 ammunition.

17 (4) A semiautomatic pistol capable of accepting  
18 detachable magazines and a threaded barrel, a second  
19 handgrip, a capacity to accept a detachable magazine at some  
20 location outside the pistol grip or a shroud attached to, or  
21 partially or completely encircling, the barrel allowing the  
22 bearer to fire the weapon without burning the bearer's hand,  
23 except for a slide enclosing the barrel.

24 (5) A semiautomatic pistol with a fixed magazine having  
25 the capacity to accept more than 10 rounds.

26 (6) A semiautomatic shotgun having a folding or  
27 telescoping stock, a pistol grip protruding conspicuously  
28 beneath the action of the weapon, a thumbhole stock or a  
29 vertical handgrip.

30 (7) A semiautomatic shotgun with the ability to accept

1 detachable magazines.

2 (8) A shotgun with a revolving cylinder.

3 (9) A part or combination of parts designed or intended  
4 to convert a firearm into an assault weapon or any  
5 combination of parts from which an assault weapon may be  
6 readily assembled if the parts are in the possession of or  
7 under the control of the same person.

8 (10) A detachable ammunition-feeding device with the  
9 capacity to accept more than 10 rounds of ammunition. The  
10 term does not include:

11 (i) a feeding device that has been permanently  
12 altered so that it cannot accommodate more than 10  
13 rounds;

14 (ii) a .22 caliber tube ammunition-feeding device;  
15 or

16 (iii) a tubular magazine that is contained in a  
17 lever-action firearm.

18 (11) A device designed or manufactured for the sole  
19 purpose of accelerating the rate of fire of a semiautomatic  
20 firearm to simulate the rate of fire of an automatic weapon.

21 "Assault weapons manufacturer." A person who manufactures  
22 assault weapons.

23 "Assault weapons manufacturing activities." The  
24 manufacturing of assault weapons.

25 \* \* \*

26 "Substantial action specific to assault weapons  
27 manufacturing." Adopting, publicizing and implementing a formal  
28 plan to cease assault weapons manufacturing activities within  
29 one year and to refrain from any new assault weapons  
30 manufacturing activities.

1 \* \* \*

2 Section 3. The act is amended by adding sections to read:

3 Section 6.1. Identification of assault weapons manufacturers.

4 (a) Best effort.--Within 90 days after the effective date of  
5 this section, a public fund shall make its best effort to  
6 identify all assault weapons manufacturers in which the public  
7 fund has direct holdings. A public fund shall review, as  
8 appropriate in the public fund's judgment, publicly available  
9 information regarding assault weapons manufacturers, including  
10 information provided by nonprofit organizations, research firms,  
11 international organizations and government entities.

12 (b) Assembly.--By the first meeting of a public fund  
13 following the time period under subsection (a), the public fund  
14 shall assemble all assault weapons manufacturers into an assault  
15 weapons manufacturers list.

16 Section 6.2. Required actions related to assault weapons  
17 manufacturers.

18 (a) Procedure.--A public fund shall adhere to the procedures  
19 under this section for determining companies on the public  
20 fund's assault weapons manufacturers list that qualify for  
21 divestment.

22 (b) Engagement.--

23 (1) For each assault weapons manufacturer on a public  
24 fund's assault weapons manufacturers list in which the public  
25 fund has direct holdings, the public fund shall send a  
26 written notice informing the assault weapons manufacturer of  
27 the assault weapons manufacturing activities which have  
28 resulted in this determination and that the assault weapons  
29 manufacturer may become subject to divestment by the public  
30 fund. The notice must inform the assault weapons manufacturer

1 of the opportunity to clarify the assault weapons  
2 manufacturing activities and encourage the assault weapons  
3 manufacturer, within 180 days of the date of receipt of the  
4 notice, to cease the assault weapons manufacturing activities  
5 in order to avoid qualifying for divestment by the public  
6 fund. The notice shall be sent no later than 120 days after  
7 the effective date of this section.

8 (2) If, within 180 days of the date of receipt of a  
9 notice under paragraph (1), an assault weapons manufacturer  
10 announces by public disclosure substantial action specific to  
11 assault weapons manufacturing, the public fund may maintain  
12 its holdings, but the assault weapons manufacturer shall  
13 remain on the assault weapons manufacturers list pending  
14 completion of the assault weapons manufacturer's cessation of  
15 assault weapons manufacturing activities. Following  
16 completion of an assault weapons manufacturer's cessation of  
17 assault weapons manufacturing activities, the public fund  
18 shall remove the assault weapons manufacturer from the public  
19 fund's assault weapons manufacturers list.

20 (c) Divestment.--

21 (1) If, after 180 days following the effective date of  
22 receipt of the notice under subsection (b)(1), an assault  
23 weapons manufacturer has not announced by public disclosure  
24 substantial action specific to assault weapons manufacturing  
25 as specified in the notice, or the public fund determines or  
26 becomes aware that the assault weapons manufacturer continues  
27 to have assault weapons manufacturing activities, the public  
28 fund, within 26 months after the 180-day period, shall sell,  
29 redeem, divest or withdraw from its direct holdings all  
30 securities of the assault weapons manufacturer.

1           (2) If a public fund determines or becomes aware that an  
2 assault weapons manufacturer that ceased assault weapons  
3 manufacturing activities following engagement under  
4 subsection (b) has resumed the manufacturing, the public fund  
5 shall send a written notice to the assault weapons  
6 manufacturer under subsection (b), and the assault weapons  
7 manufacturer shall be immediately placed onto the public  
8 fund's assault weapons manufacturers list.

9           (3) A public fund shall monitor an assault weapons  
10 manufacturer that has announced by public disclosure  
11 substantial action specific to assault weapons manufacturing.  
12 If, after one year, the public fund determines or becomes  
13 aware that the assault weapons manufacturer has not  
14 implemented the plan, the public fund, within 26 months after  
15 the expiration of the one-year period, shall sell, redeem,  
16 divest or withdraw from its direct holdings all securities of  
17 the assault weapons manufacturer.

18       (d) Prohibition.--A public fund may not acquire securities  
19 of an assault weapons manufacturer on the public fund's assault  
20 weapons manufacturers list.

21       (e) Excluded securities.--Nothing in this act shall apply to  
22 the public fund's holdings in alternative investments or  
23 indirect holdings.

24 Section 6.3. Reporting relating to assault weapons  
25 manufacturers.

26       (a) Duty of public fund.--A public fund shall, no earlier  
27 than one year after the effective date of this section, provide  
28 a report to the Governor, the President pro tempore of the  
29 Senate, the Speaker of the House of Representatives and each  
30 member of the boards of the Pennsylvania Municipal Retirement

1 System, the State Employees' Retirement System and the Public  
2 School Employees' Retirement System. The report shall include  
3 the items required under subsection (b). The report shall be  
4 made available to the public.

5 (b) Contents.--The report under subsection (a) shall include  
6 the most recent assault weapons manufacturers list and all of  
7 the following:

8 (1) A summary of correspondence with assault weapons  
9 manufacturers engaged by the public fund under section 6.2.

10 (2) All investments sold, redeemed, divested or  
11 withdrawn in compliance with section 6.2(c), the costs and  
12 expenses of the transfers and a determination of net gain or  
13 net loss on account of the transactions incurred under this  
14 act.

15 (3) All prohibited investments under section 6.2(d).

16 (4) A list of all publicly traded securities held by the  
17 public fund.

18 (c) Update.--A public fund shall do all of the following:

19 (1) Annually update, based on evolving information under  
20 subsection (b), and make publicly available the public fund's  
21 assault weapons manufacturers list.

22 (2) Provide a copy of the lists under paragraph (1),  
23 including updates, to all other public funds.

24 Section 4. This act shall take effect immediately.