

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1479 Session of  
2013

INTRODUCED BY K. BOYLE, DEAN, MUNDY, O'BRIEN, B. BOYLE,  
SCHLOSSBERG, BRIGGS, V. BROWN, YOUNGBLOOD, CLAY, SIMS, COHEN,  
FRANKEL, ROEBUCK, STURLA, BROWNLEE, THOMAS, KINSEY, MCGEEHAN,  
MCCARTER AND DAVIDSON, JUNE 4, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 4, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for large capacity  
3 ammunition magazine permit and for large capacity ammunition  
4 magazines prohibition; authorizing the Attorney General to  
5 issue permits; and imposing penalties.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated  
9 Statutes is amended by adding sections to read:

10 § 6121.1. Large capacity ammunition magazine permit.

11 Upon showing good cause, the Attorney General may issue a  
12 permit for the sale, offering or exposing for sale, use,  
13 purchase, possession or control of a large capacity ammunition  
14 magazine to a person seeking to qualify for an exception to the  
15 prohibition under section 6121.2 (related to large capacity  
16 ammunition magazines prohibition).

17 § 6121.2. Large capacity ammunition magazines prohibition.

18 (a) Offense defined.--Except as set forth in subsection (b),

1 a person commits an offense if the person does the following:

2 (1) sells, offers or exposes for sale a large capacity  
3 ammunition magazine; or

4 (2) uses, purchases, possesses or otherwise controls a  
5 large capacity ammunition magazine.

6 (b) Exceptions.--Subsection (a) does not apply to the  
7 following:

8 (1) the use, possession and control of a large capacity  
9 ammunition magazine by a person who legally possessed the  
10 large capacity ammunition magazine prior to the effective  
11 date of this section;

12 (2) the sale, offering or exposing for sale, use,  
13 purchase, possession and control of a large capacity  
14 ammunition magazine by a person who is a government officer,  
15 agent or employee, or a member of the armed forces of the  
16 United States, the National Guard or a peace officer, to the  
17 extent that the person is authorized by the government to  
18 sell, offer or expose for sale, use, purchase, possess or  
19 control a large capacity ammunition magazine and, consistent  
20 with the authorization, does so while acting within the scope  
21 of the person's duties;

22 (3) the purchase, possession and control of a large  
23 capacity ammunition magazine by a Federal, State or local  
24 historical society, museum or institutional collection that  
25 is open to the public provided the large capacity ammunition  
26 magazine is properly housed, secured from unauthorized  
27 handling and unloaded;

28 (4) the possession and control of a large capacity  
29 ammunition magazine by a person who finds a large capacity  
30 ammunition magazine, if the person is not prohibited from

1 possessing firearms or ammunition under Federal or State law,  
2 and the person possesses or controls the large capacity  
3 magazine no longer than is necessary to deliver or transport  
4 the same to a law enforcement agency for the agency's  
5 disposition according to law;

6 (5) the sale, offering or exposing for sale, use,  
7 purchase, possession and control of a large capacity  
8 ammunition magazine by a person who:

9 (i) is authorized under the laws of the United  
10 States and this Commonwealth to sell firearms; and

11 (ii) possesses a valid permit issued under section  
12 6121.1 (relating to large capacity ammunition magazine  
13 permit) authorizing the person to use, purchase, possess  
14 and control a large capacity ammunition magazine for the  
15 use and benefit of the person's business and to sell,  
16 offer or expose for sale a large capacity ammunition  
17 magazine to a person permitted to sell, offer or expose  
18 for sale, use, purchase, possess or control a large  
19 capacity ammunition magazine;

20 (6) the sale, offering or exposing for sale, use,  
21 purchase, possession and control of a large capacity  
22 ammunition magazine by a person who:

23 (i) is authorized under the laws of the United  
24 States and this Commonwealth to manufacture a large  
25 capacity ammunition magazine; and

26 (ii) possesses a valid permit issued under section  
27 6121.1 authorizing the person to sell, offer or expose  
28 for sale, use, purchase, possess and control a large  
29 capacity ammunition magazine for the use and benefit of  
30 the person's business;

1       (7) the use, purchase, possession and control of a large  
2 capacity ammunition magazine by an armored vehicle business  
3 that possesses a valid permit issued under section 6121.1  
4 authorizing the business to use, purchase, possess and  
5 control a large capacity ammunition magazine for purposes  
6 pertaining to the armored vehicle business if the activity  
7 authorized under the permit is conducted by either:

8           (i) a person who operates an armored vehicle  
9 business under the laws of this Commonwealth; or

10          (ii) an authorized employee of the person under  
11 subparagraph (i), while in the course and scope of  
12 employment, for purposes pertaining to the armored  
13 vehicle business;

14       (8) the use, purchase, possession and control of a large  
15 capacity ammunition magazine by a private forensic laboratory  
16 and an authorized employee of the laboratory, while in the  
17 course and scope of employment, for purposes pertaining to  
18 the forensic activities of the laboratory, provided the  
19 private forensic laboratory possesses a valid permit issued  
20 under section 6121.1 authorizing the laboratory to use,  
21 purchase, possess and control a large capacity ammunition  
22 magazine for purposes pertaining to the forensic activities  
23 of the laboratory;

24       (9) the use, possession and control of a large capacity  
25 ammunition magazine by a gunsmith who possesses a valid  
26 permit issued under section 6121.1 authorizing the gunsmith  
27 to use, possess and control a large capacity ammunition  
28 magazine for the purposes of maintenance, repair or  
29 modification of the large capacity ammunition magazine;

30       (10) (i) the use, purchase, possession and control of a

1 large capacity ammunition magazine by a motion picture or  
2 television production company as a prop in a motion  
3 picture or television production provided the motion  
4 picture or television production company possesses a  
5 valid permit issued under section 6121.1 authorizing the  
6 production company to use, purchase, possess or control a  
7 large capacity ammunition magazine as a prop; and

8 (ii) the use, possession and control of the large  
9 capacity ammunition magazine as a prop by an employee of  
10 the motion picture or television production while in the  
11 course and scope of employee's employment;

12 (11) the purchase, possession and control of a large  
13 capacity ammunition magazine by a for-profit or not-for-  
14 profit shooting range that possesses a valid permit issued  
15 under section 6121.1 authorizing the shooting range to  
16 purchase, possess and control a large capacity ammunition  
17 magazine in order to make the magazine available to a patron  
18 or member of the shooting range who has written authorization  
19 from the shooting range to use, possess and control the  
20 magazine while at the shooting range provided that, when not  
21 in use, the large capacity ammunition magazine is properly  
22 housed, secured from unauthorized handling and unloaded; or

23 (12) the use, possession and control of a large capacity  
24 ammunition magazine by a patron or member of a shooting range  
25 that satisfied the grounds for exception under paragraph (11)  
26 who is authorized in writing by the shooting range to use,  
27 possess and control the range's large capacity ammunition  
28 magazine while at the shooting range.

29 (c) Penalty.--

30 (1) An offense under subsection (a)(1) is a misdemeanor

1 of the second degree.

2 (2) An offense under subsection(a)(2) shall be graded as  
3 follows:

4 (i) A first offense is a misdemeanor punishable by  
5 up to 6 months imprisonment and a fine of \$300.

6 (ii) A second or subsequent offense under this  
7 section is a misdemeanor of the second degree.

8 (d) Definition.--As used in this section, the term "large  
9 capacity ammunition magazine" means a box, drum, tube, feed  
10 strip, container or other device that is capable of accepting or  
11 may be readily restored or converted to accept more than 15  
12 rounds of ammunition or five shotgun shells to be fed  
13 continuously and directly from the device into a firearm. The  
14 term does not include a device that:

15 (1) has been permanently altered so that it may not  
16 accommodate more than 15 rounds of ammunition or more than  
17 five shotgun shells; or

18 (2) a tubular magazine device that is contained or used  
19 in a lever-action firearm or single-action only firearm.

20 Section 2. This act shall take effect in 60 days.