



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 979

PRINTERS NO. 1706

PRIME SPONSOR: Dowling

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	See Fiscal Impact

SUMMARY:

House Bill 979 amends the Crimes Code (Title 18) and the Municipal Code (Title 53) concerning limitations on the regulation of firearms and ammunition and the regulation of firearms and ammunition, respectively. Effective dates vary by provision.

ANALYSIS:

House Bill 979 amends the Crimes Code concerning limitations on the regulation of firearms and ammunition. It provides that a person adversely affected by any manner of ordinance, resolution, rule, practice, or other action promulgated or enforced by a county, municipality, or township in violation of the limitations placed by the state on the regulation of firearms and ammunition by municipalities may seek declarative and injunctive relief, as well as damages.

A "person adversely affected" who brings or maintains a civil action against a municipality that has regulated the lawful ownership, possession, transfer, or transportation of firearms, ammunition, or ammunition components may be entitled to "reasonable expenses." Plaintiffs who seek to challenge a local firearm regulation must provide 60 days written notice of their intention to challenge the regulation in order to be entitled to collect reasonable expenses if a plaintiff prevails. In addition, a defendant who successfully defends against a municipal firearm regulation later found to be preempted by state law is entitled to the same reasonable expenses. "Reasonable expenses" is defined as attorney fees, expert witness fees, court costs and compensation for loss of income.

A "person adversely affected" is defined as any resident of the Commonwealth who may legally possess a firearm under Federal and State law, in addition to any person who otherwise has standing pursuant to the laws of the Commonwealth to bring an action. The term includes any membership organization in which such a person is a member.

The bill also amends the Municipal Code (Title 53) by adding a new section stating that the General Assembly has always intended and continues to intend to occupy the entire field of regulation of firearms, ammunition, magazines, accessories, firearms components and ammunition components in the Commonwealth, including the purchase, sale, transfer, taxation,

manufacture, ownership, possession, use, discharge, transportation and reporting of loss or theft of firearms, ammunition, firearms components and ammunition components in this Commonwealth, to the exclusion of any existing or future regulation or other action adopted by a municipality.

FISCAL IMPACT:

Enactment of this legislation will have no adverse impact on Commonwealth funds. It could impact local government finances to the extent that any local government has an ordinance, resolution, rule or practice successfully challenged in court and is required to pay reasonable expenses.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: June 8, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.