

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 limitation on the regulation
4 of firearms and ammunition.

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

7 Section 1. Section 6120(a.2), (a.3) and (b) of Title 18 of
8 the Pennsylvania Consolidated Statutes are reenacted and amended
9 to read:

10 § 6120. Limitation on the regulation of firearms and
11 ammunition.

12 * * *

13 (a.2) Relief.--A person adversely affected by an ordinance,
14 a resolution, regulation, rule, practice or any other action
15 promulgated or enforced by a county, municipality or township
16 prohibited under subsection (a) or 53 Pa.C.S. § 2962(g)
17 (relating to limitation on municipal powers) may seek
18 declaratory or injunctive relief and actual damages in an

1 appropriate court.

2 (a.3) Reasonable expenses.--[A] If a person adversely
3 affected provided 60 days' prior written notice of his intention
4 to file an action pursuant to subsection (a.2) to the defendant,
5 the court shall award reasonable expenses to [a] the person
6 adversely affected in an action under subsection (a.2) for any
7 of the following:

8 (1) A final determination by the court is granted in
9 favor of the person adversely affected.

10 (2) The regulation in question is rescinded, repealed or
11 otherwise abrogated after suit has been filed under
12 subsection (a.2) but before the final determination by the
13 court.

14 (b) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Dealer." The term shall include any person engaged in the
18 business of selling at wholesale or retail a firearm or
19 ammunition.

20 "Firearms." This term shall have the meaning given to it in
21 section 5515 (relating to prohibiting of paramilitary training)
22 but shall not include air rifles as that term is defined in
23 section 6304 (relating to sale and use of air rifles).

24 "Person adversely affected." Any of the following:

25 (1) A resident of this Commonwealth who may legally
26 possess a firearm under Federal and State law.

27 (2) A person who otherwise has standing under the laws
28 of this Commonwealth to bring an action under subsection
29 (a.2).

30 (3) A membership organization, in which a member is a

1 person described under paragraph (1) or (2).

2 "Political subdivision." The term shall include any home
3 rule charter municipality, county, city, borough, incorporated
4 town, township or school district.

5 "Reasonable expenses." The term includes, but is not limited
6 to, attorney fees, expert witness fees, court costs and
7 compensation for loss of income.

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