

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for serial numbers for homemade firearms
4 and for the offense of possession of do-it-yourself
5 semiautomatic weapons prohibited; and, in trade and commerce,
6 providing for the offense of unlawful advertising of do-it-
7 yourself semiautomatic weapons.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

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

12 § 6117.1. Serial numbers for homemade firearms.

13 (a) Manufacturing or assembly requirements.--Beginning July
14 1, 2021, prior to the manufacture or assembly of a firearm in
15 this Commonwealth, the following shall apply:

16 (1) A person manufacturing or assembling a firearm shall
17 request a licensed dealer to issue a unique serial number or
18 other identifying mark for the firearm describing the firearm
19 involved and whether the firearm is or will be a handgun.

20 (2) Within 10 days of the manufacture or assembly of a

1 firearm in accordance with paragraph (1), the unique serial
2 number or other mark of identification provided by the
3 licensed dealer shall be engraved or permanently affixed to
4 the firearm in a manner that meets or exceeds the
5 requirements imposed on licensed importers and licensed
6 manufacturers of firearms under 18 U.S.C. § 923(i) (relating
7 to licensing).

8 (3) If the firearm is manufactured or assembled from
9 polymer plastic, 3.7 ounces of material type 17-4 PH
10 stainless steel shall be embedded within the plastic on
11 fabrication or construction with the unique serial number
12 engraved or otherwise permanently affixed in a manner that
13 meets or exceeds the requirements imposed on licensed
14 importers and licensed manufacturers of firearms under 18
15 U.S.C. § 923(i).

16 (4) Within 48 hours after the serial number provided by
17 the licensed dealer is engraved or otherwise permanently
18 affixed to the firearm under paragraph (3), the person shall
19 notify the licensed dealer that the requirement has been
20 satisfied with sufficient information to identify the owner
21 of the firearm, the unique serial number or mark of
22 identification provided by the licensed dealer and the
23 firearm.

24 (b) Additional requirements.--By January 1, 2022, any person
25 who, as of July 1, 2021, owns a firearm that does not bear a
26 serial number assigned to the firearm under this section or 18
27 U.S.C. Ch. 44 (relating to firearms) shall:

28 (1) Apply to a licensed dealer for a unique serial
29 number or other mark of identification.

30 (2) Within 10 days of receiving a unique serial number

1 or other mark of identification from the licensed dealer, the
2 unique serial number or other mark of identification provided
3 by the licensed dealer shall be engraved or permanently
4 affixed to the firearm in a manner that meets or exceeds the
5 requirements imposed on licensed importers and licensed
6 manufacturers of firearms under 18 U.S.C. § 923(i).

7 (3) Within 48 hours after the serial number provided by
8 the licensed dealer is engraved or otherwise permanently
9 affixed to the firearm under paragraph (2), the person shall
10 notify the licensed dealer of that fact with sufficient
11 information to identify the owner of the firearm, the unique
12 serial number or mark of identification provided by the
13 licensed dealer and the firearm.

14 (c) New resident application for unique serial number.--A
15 new resident to this Commonwealth shall apply for a unique
16 serial number or other mark of identification under this section
17 within 60 days of arrival for any firearm the resident wishes to
18 possess in this Commonwealth that the resident previously
19 manufactured or assembled or a firearm the resident owns that
20 does not have a unique serial number or other mark of
21 identification.

22 (d) Restriction on sale, transfer or possession.--A person
23 who is not a licensed manufacturer shall not sell, transfer or
24 possess a firearm manufactured or assembled under this section
25 unless:

26 (1) except as provided in subsection (e), a serial
27 number and identifying mark for the firearm has been issued
28 under this section;

29 (2) within 10 days after the issuance, the serial number
30 and identifying mark is stamped on or otherwise permanently

1 affixed to the firearm;

2 (3) if the firearm is made from polymer plastic, 3.7
3 ounces of material type 17-4 PH stainless steel, on which the
4 unique serial number or identifying mark is stamped or
5 otherwise permanently affixed, are embedded within the
6 plastic; and

7 (4) Within 48 hours after the serial number provided by
8 the licensed dealer is engraved or otherwise permanently
9 affixed to the firearm under paragraph (3), the person shall
10 notify the licensed dealer that the requirement has been
11 satisfied with sufficient information to identify the owner
12 of the firearm, the unique serial number or mark of
13 identification provided by the licensed dealer and the
14 firearm.

15 (e) Exception.--Subsection (d)(1) shall not apply to the
16 transfer, surrender or sale of a firearm to a law enforcement
17 agency. Any firearms confiscated by law enforcement that do not
18 bear an engraved serial number or other mark of identification
19 under this section, or a firearm surrendered, transferred or
20 sold to a law enforcement agency under this subsection, shall be
21 destroyed.

22 (f) Penalty.--A person who violates this section commits a
23 felony of the second degree.

24 (g) Treatment as transfer of firearm.--A request made of a
25 licensed dealer under subsection (a), (b) or (c) with respect to
26 a firearm shall be treated as a proposed transfer of the firearm
27 from the licensed dealer to the applicant for purposes of 18
28 U.S.C. § 922(t) (relating to unlawful acts) and section 103 of
29 the Brady Handgun Violence Prevention Act (Public Law 103-159,
30 107 Stat. 1536), except that the firearms transaction record

1 involved shall indicate that what is being transferred is a
2 serial number and not a firearm.

3 (h) Fee for each serial number.--A licensed dealer may
4 charge:

5 (1) an applicant a fee for each serial number and
6 identifying mark assigned and issued under this section in an
7 amount that is not more than the actual costs associated with
8 assigning and issuing the serial number and identifying mark;
9 and

10 (2) a fee for contacting the National Instant Criminal
11 Background Check System with respect to the applicant.

12 § 6121.1. Possession of do-it-yourself semiautomatic weapons
13 prohibited.

14 (a) Offense defined.--It shall be unlawful for any person to
15 possess, use, control, sell, deliver, transfer or manufacture
16 the following:

17 (1) A firearm receiver casting or firearm receiver blank
18 or unfinished handgun frame that:

19 (i) at the point of sale does not meet the
20 definition of a firearm in 18 U.S.C. § 921(a) (relating
21 to definitions); and

22 (ii) after purchase by a consumer, can be completed
23 by the consumer to the point at which the casting or
24 blank functions as a firearm frame or receiver for a
25 semiautomatic weapon or machine gun or the frame of a
26 handgun.

27 (2) A semiautomatic weapon parts kit.

28 (3) A machine gun parts kit.

29 (b) Grading.--An offense under this section constitutes a
30 felony of the third degree.

1 (c) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Machine gun." As defined in section 5845(b) of the Internal
5 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

6 "Machine gun parts kit." Any part or combination of parts
7 designed and intended to enable a consumer who possesses all
8 necessary parts to assemble a machine gun or convert a firearm
9 into a machine gun.

10 "Semiautomatic pistol." Any repeating pistol that utilizes a
11 portion of the energy of a firing cartridge to extract the fixed
12 cartridge case and chamber the next round and requires a
13 separate pull of the trigger to fire each cartridge.

14 "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

15 "Semiautomatic shotgun." Any repeating shotgun that utilizes
16 a portion of the energy of a firing cartridge to extract the
17 fixed cartridge case and chamber the next round and requires a
18 separate pull of a trigger to fire each cartridge.

19 "Semiautomatic weapon." The following:

20 (1) a semiautomatic rifle or semiautomatic shotgun that
21 has the capacity to accept a detachable ammunition-feeding
22 device; or

23 (2) a semiautomatic pistol that has:

24 (i) the capacity to accept a detachable ammunition-
25 feeding device; and

26 (ii) any of the following features:

27 (A) an ammunition magazine that attaches to the
28 pistol outside of the pistol grip;

29 (B) a threaded barrel capable of accepting a
30 barrel extender, flash suppressor, forward hand grip

1 or silencer unless licensed to do so;

2 (C) a shroud that is attached to or partially or
3 completely encircles the barrel and that permits the
4 shooter to hold the firearm with the nontrigger hand
5 without being burned;

6 (D) a second hand grip;

7 (E) a manufactured weight of 50 ounces or more
8 when the pistol is unloaded; or

9 (F) a semiautomatic version of an automatic
10 firearm.

11 "Semiautomatic weapon parts kit." Any part or combination of
12 parts designed and intended to enable a consumer who possesses
13 all necessary parts to assemble a semiautomatic weapon.

14 § 7332. Unlawful advertising of do-it-yourself semiautomatic
15 weapons.

16 (a) Offense defined.--It shall be unlawful to market or
17 advertise, on any medium of electronic communications, including
18 over the Internet, for the sale of any of the following:

19 (1) A firearm receiver casting or firearm receiver blank
20 or unfinished handgun frame that:

21 (i) at the point of sale does not meet the
22 definition of a firearm in 18 U.S.C. § 921(a) (relating
23 to definitions); and

24 (ii) After purchase by a consumer, can be completed
25 by the consumer to the point at which the casting or
26 blank functions as a firearm frame or receiver for a
27 semiautomatic weapon or machine gun or the frame of a
28 handgun.

29 (2) A semiautomatic weapon parts kit.

30 (3) A machine gun parts kit.

1 (b) Grading.--An offense under this section constitutes a
2 misdemeanor of the second degree.

3 (c) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection unless the context clearly indicates otherwise:

6 "Machine gun." As defined in section 5845(b) of the Internal
7 Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

8 "Machine gun parts kit." Any part or combination of parts
9 designed and intended to enable a consumer who possesses all
10 necessary parts to assemble a machine gun or convert a firearm
11 into a machine gun.

12 "Semiautomatic pistol." Any repeating pistol that utilizes a
13 portion of the energy of a firing cartridge to extract the fixed
14 cartridge case and chamber the next round and requires a
15 separate pull of the trigger to fire each cartridge.

16 "Semiautomatic rifle." As defined in 18 U.S.C. § 921(a)(28).

17 "Semiautomatic shotgun." Any repeating shotgun that utilizes
18 a portion of the energy of a firing cartridge to extract the
19 fixed cartridge case and chamber the next round and requires a
20 separate pull of a trigger to fire each cartridge.

21 "Semiautomatic weapon." The following:

22 (1) a semiautomatic rifle or semiautomatic shotgun that
23 has the capacity to accept a detachable ammunition-feeding
24 device; or

25 (2) a semiautomatic pistol that has:

26 (i) the capacity to accept a detachable ammunition-
27 feeding device; and

28 (ii) any of the following features:

29 (A) an ammunition magazine that attaches to the
30 pistol outside of the pistol grip;

1 (B) a threaded barrel capable of accepting a
2 barrel extender, flash suppressor, forward hand grip
3 or silencer unless licensed to do so;

4 (C) a shroud that is attached to, or partially
5 or completely encircles, the barrel and that permits
6 the shooter to hold the firearm with the nontrigger
7 hand without being burned;

8 (D) a second hand grip;

9 (E) a manufactured weight of 50 ounces or more
10 when the pistol is unloaded; or

11 (F) a semiautomatic version of an automatic
12 firearm.

13 "Semiautomatic weapon parts kit." Any part or combination of
14 parts designed and intended to enable a consumer who possesses
15 all necessary parts to assemble a semiautomatic weapon.

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