



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 5 Printer's No. 470

Prime Sponsor: Langerholc
Committee: Local Government

SYNOPSIS:

Amends Title 53 (Municipalities Generally) to prevent municipalities from imposing ordinances pertaining to firearms and ammunition that are more restrictive than state law and provides a relief option for those adversely affected by local regulations.

SUMMARY:

Amends Title 53 to add the following new sections:

Section 102. Findings regarding firearms and ammunition.

Section 305. Regulation of firearms and ammunition.

Section 102 outlines the findings and declarations of the General Assembly related to firearms and ammunition.

Section 305(a) provides that the provisions of section 2962(g) of Title 53 (relating to limitation on municipal powers) and section 6120(a) of Title 18 (relating to limitation on the regulation of firearms and ammunition) shall preempt and supersede any local ordinances or other such actions related to firearms and ammunition inconsistent with those provisions of state law.

Section 305(b)(1) allows persons adversely affected by any regulation promulgated and enforced in violation of section 2962(g) or 18 Pa.C.S. § 6120(a) to seek declarative and injunctive relief, as well as the actual and consequential damages attributable to the violation in an appropriate court.

Section 305(b)(2) provides that the court shall award reasonable expenses to a person adversely affected if the action brought results in either a final determination by the court in favor of the person adversely affected, or rescission or repeal of the challenged manner of regulation or enforcement after suit has been filed but prior to a final determination.

(cont'd)

Defines “person adversely affected” as any of the following:

- A person who has standing under the laws of the Commonwealth to bring an action under subsection (b)(1);
- A Commonwealth resident who may legally possess a firearm under the laws of this Commonwealth and the United States.
- A membership organization, the members of which include a person described above.

Defines “reasonable expenses” to include, but not be limited to, attorney fees, witness fees, court costs, and loss of income.

Effective Date: 60 Days

BILL HISTORY:

Referred to Local Government, March 2, 2017

Prepared by: Marsicano 3/27/2017