

No. 1994-84

## AN ACT

HB 185

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons and for limitation on municipal regulation of firearms and ammunition.

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

Section 1. Sections 908 and 6120 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 908. Prohibited offensive weapons.

(a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exceptions.—

(1) It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that, with the exception of a bomb, grenade or incendiary device, he complied with the National Firearms Act (26 U.S.C. § 5801 et seq.), or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(2) This section does not apply to police forensic firearms experts or police forensic firearms laboratories. Also exempt from this section are forensic firearms experts or forensic firearms laboratories operating in the ordinary course of business and engaged in lawful operation who notify in writing, on an annual basis, the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county in which they are located, of the possession, type and use of offensive weapons.

(3) *This section shall not apply to any person who makes, repairs, sells or otherwise deals in, uses or possesses any firearm for purposes not prohibited by the laws of this Commonwealth.*

(c) Definition.—[As used in this section “offensive weapon” means any] *As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

*“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon.*

***“Offensive weapons.”*** Any bomb, grenade, machine gun, sawed-off shotgun *with a barrel less than 18 inches*, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

(d) Exemptions.—The use and possession of blackjacks by the following persons in the course of their duties are exempt from this section:

(1) Police officers, as defined by and who meet the requirements of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

(2) Police officers of first class cities who have successfully completed training which is substantially equivalent to the program under the Municipal Police Education and Training Law.

(3) Pennsylvania State Police officers.

(4) Sheriffs and deputy sheriffs of the various counties who have satisfactorily met the requirements of the Municipal Police Education and Training Law.

(5) Police officers employed by the Commonwealth who have satisfactorily met the requirements of the Municipal Police Education and Training Law.

(6) Deputy sheriffs with adequate training as determined by the Pennsylvania Commission on Crime and Delinquency.

(7) Liquor Control Board agents who have satisfactorily met the requirements of the Municipal Police Education and Training Law.

§ 6120. Limitation on municipal regulation of firearms and ammunition.

(a) General rule.—No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

(b) Definition.—For the purposes of this section, the term “firearms” *has the meaning given in section 5515 (relating to prohibiting of paramilitary training) but* shall not include “air rifles” as defined in section 6304 (relating to sale and use of air rifles).

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

We certify that this bill, House Bill No.185, Printer’s No. 2105, having passed both Houses, vetoed by the Governor, official notification of which was returned to the House of Representatives where the House reconsidered and passed the bill by a two-thirds majority of the members elected to the House on Tuesday, October 4, 1994, the objections of the Governor to the contrary notwithstanding. Upon notification by the House as to their action, the Senate of Pennsylvania reconsidered and passed the bill on Tuesday, October 4, 1994, by a two-thirds majority of the members elected to the

Senate of Pennsylvania, the objections of the Governor to the contrary notwithstanding.

Given under our hand and seal this fourth day of October, one thousand nine hundred and ninety-four.

ROBERT C. JUBELIRER  
President Pro Tempore, Senate

H. WILLIAM DeWEESE  
Speaker, House of Representatives

MARK R. CORRIGAN  
Secretary, Senate

JOHN J. ZUBECK  
Chief Clerk, House of Representatives

*Note.* The date of final enactment of Act No. 1994-84 is October 4, 1994.