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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 434 Session of  
2017

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INTRODUCED BY TALLMAN, MILLARD, KORTZ, SACCONI, GODSHALL, RYAN,  
KAUFFMAN, D. COSTA, MCGINNIS, A. HARRIS, METCALFE, WARD,  
SAYLOR, DUSH, GROVE, KEEFER AND MOUL, FEBRUARY 10, 2017

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 2017

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AN ACT

1 Prohibiting the regulation of firearms by an executive order,  
2 rule or regulation of the President of the United States or a  
3 Federal executive agency.

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

6 Section 1. Short title of act.

7 This act shall be known and may be cited as the Firearm  
8 Regulation Prohibition Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Borders of Pennsylvania." The geographic boundaries of  
14 Pennsylvania.

15 "Firearms accessories." Items that are used in conjunction  
16 with or mounted on a firearm but are not essential to the basic  
17 function of a firearm.

18 "Generic and insignificant parts." The term includes

1 springs, screws, nuts and pins.

2 "Manufactured." The creation of a firearm, a firearm  
3 accessory or ammunition from basic materials for functional  
4 usefulness.

5 Section 3. Legislative findings.

6 The General Assembly finds and declares as follows:

7 (1) The 10th Amendment to the Constitution of the United  
8 States guarantees to the states and their people all powers  
9 not granted to the Federal Government elsewhere in the  
10 Constitution and reserves to the Commonwealth and people of  
11 Pennsylvania certain powers as they were understood at the  
12 time that Pennsylvania was admitted to statehood in 1787. The  
13 guaranty of those powers is a matter of contract between the  
14 Commonwealth and people of Pennsylvania and the United States  
15 as of the time that the compact with the United States was  
16 agreed upon and adopted by Pennsylvania and the United States  
17 in 1787.

18 (2) The 9th Amendment to the Constitution of the United  
19 States guarantees to the people rights not granted in the  
20 Constitution and reserves to the people of Pennsylvania  
21 certain rights as they were understood at the time that  
22 Pennsylvania was admitted to statehood in 1787. The guaranty  
23 of those rights is a matter of contract between the  
24 Commonwealth and people of Pennsylvania and the United States  
25 as of the time that the compact with the United States was  
26 agreed upon and adopted by Pennsylvania and the United States  
27 in 1787.

28 (3) The 2nd Amendment to the Constitution of the United  
29 States reserves to the people the right to keep and bear arms  
30 as that right was understood at the time that Pennsylvania

1 was admitted to statehood in 1787, and the guaranty of the  
2 right is a matter of contract between the Commonwealth and  
3 people of Pennsylvania and the United States as of the time  
4 that the compact with the United States was agreed upon and  
5 adopted by Pennsylvania and the United States in 1787.

6 (4) Section 21 of Article I of the Constitution of  
7 Pennsylvania clearly secures to Pennsylvania citizens, and  
8 prohibits government interference with, the right of  
9 individual Pennsylvania citizens to keep and bear arms.

10 (5) The Federal and State constitutional guaranties  
11 enumerated under paragraphs (1), (2), (3) and (4) are  
12 inviolate and not subject to abrogation by unilateral  
13 proclamation under a claim of Presidential executive  
14 authority.

15 Section 4. Firearm regulation.

16 (a) Prohibition.--A personal firearm, a firearm accessory or  
17 ammunition that is manufactured commercially or privately in  
18 Pennsylvania and that remains within the borders of Pennsylvania  
19 shall not be subject to regulation purporting to derive from an  
20 executive order, rule or regulation of the President of the  
21 United States or a Federal executive agency.

22 (b) Applicability.--This section shall apply to a firearm, a  
23 firearm accessory or ammunition that is manufactured in  
24 Pennsylvania from basic materials and that can be manufactured  
25 without the inclusion of any significant parts imported from  
26 another state. Generic and insignificant parts that have other  
27 manufacturing applications, consumer accessories or ammunition  
28 and their importation into Pennsylvania and incorporation into a  
29 firearm, a firearm accessory or ammunition that is manufactured  
30 in Pennsylvania shall not subject the firearm, firearm accessory

1 or ammunition to Federal regulation.

2 (c) Enforcement.--A person who restricts or attempts to  
3 restrict the sale, transfer, possession or use of a firearm  
4 manufactured commercially or privately in Pennsylvania and that  
5 remains within the borders of Pennsylvania, under the authority  
6 of a Federal executive order, rule or regulation that is  
7 inconsistent with the laws of this Commonwealth, commits a  
8 felony of the third degree and shall, upon conviction, be  
9 sentenced to a term of imprisonment of not less than one year.

10 Section 5. Effective date.

11 This act shall take effect immediately.