

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 777 Session of 2023

INTRODUCED BY CEPHAS, KENYATTA, MADDEN, ISAACSON, KINSEY,
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GREEN, BOYD, FRANKEL, VITALI, HOWARD, OTTEN, SAPPEY, O'MARA,
DALEY, A. BROWN AND ABNEY, MARCH 30, 2023

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 6, 2024

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 definitions and providing for
4 the offense of sale of firearm or firearm parts without
5 serial numbers and for privately made firearms.

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

8 Section 1. Section 6102 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 6102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this subchapter which are applicable to specific
13 provisions of this subchapter, the following words and phrases,
14 when used in this subchapter shall have, unless the context
15 clearly indicates otherwise, the meanings given to them in this
16 section:

1 * * *

2 "Destroyed firearm frame or receiver." A frame or receiver
3 that has been permanently altered not to provide housing or a
4 structure that may hold or integrate any fire control or
5 essential internal component, is not readily convertible and may
6 not readily be assembled, completed or restored to a functional
7 state. Acceptable methods of destruction include completely
8 melting, crushing or shredding the frame or receiver or
9 completely severing at least three critical areas of the frame
10 or receiver using a cutting torch having a tip of sufficient
11 size to displace at least 1/4 inch of material at each location.

12 "Federal firearms licensee." A dealer, manufacturer or
13 importer who is licensed by the United States Bureau of Alcohol,
14 Tobacco, Firearms and Explosives to engage in the business of
15 manufacturing, importing or dealing in firearms.

16 * * *

17 "Fire control or essential internal component." A component
18 necessary for the firearm to initiate, complete or continue the
19 firing sequence, including a hammer, bolt, bolt carrier,
20 breechblock, cylinder, trigger mechanism, firing pin, striker or
21 slide rails.

22 "Firearm frame or receiver." A part of a firearm that, when
23 assembled, is visible from the exterior and provides housing or
24 a structure designed to hold or integrate one or more fire
25 control components, including pins, a hammer, bolts, a bolt
26 carrier, breechblock, cylinder, trigger mechanism, firing pin,
27 striker, slide rail or other attachments that are required to
28 connect components to the housing or structure necessary for the
29 firearm to initiate, complete or continue a firing sequence.

30 "Firearm kit." A collection of most or all of the

1 components, finished or unfinished, necessary to complete a
2 functional firearm within a short period of time. The term
3 includes jigs, templates, instructions, drill bits and tools
4 that allow the purchaser to complete the weapon to a functional
5 state with minimal effort, expertise or equipment.

6 "Firearm muffler or silencer frame or receiver." A part of
7 the firearm that, when the complete device is assembled, is
8 visible from the exterior and provides housing or a structure,
9 including an outer tube or modular piece designed to hold or
10 integrate one or more essential internal components of the
11 device, including a baffle, baffling material or expansion
12 chamber.

13 * * *

14 "Partially complete, disassembled or inoperable firearm frame
15 or receiver." A frame or receiver that has reached a stage in
16 manufacture where it may readily be completed, assembled or
17 restored to a functional state or is readily convertible to a
18 functional state. The term includes a forging, casting,
19 printing, extrusion, machined body or similar article that has
20 reached a stage in manufacture where it is clearly identifiable
21 as an unfinished component part of a weapon.

22 * * *

23 "Privately made firearm." A firearm or firearm frame or
24 receiver, assembled or otherwise produced by a person other than
25 a Federal firearms licensee that does not contain a serial
26 number or other identifying markings placed by a Federal
27 firearms licensee at the time the firearm was produced.

28 "Readily convertible." An object that can be so converted
29 without any special skill on the part of the person converting
30 it and the work involved in converting it does not require

1 equipment or tools other than such as are in common use by a
2 person carrying out works of construction and maintenance in the
3 person's home.

4 "Split or modular firearm frame or receiver." A firearm with
5 more than one part that provides housing or a structure designed
6 to hold or integrate one or more fire control or essential
7 internal components. The term includes frames or receivers of
8 different weapons that are combined to create a similar weapon
9 with each retaining respective classifications as frames or
10 receivers provided the original design and configuration of the
11 frames or receivers remains unaltered.

12 * * *

13 Section 2. Title 18 is amended by adding sections to read:

14 § 6110.3. Sale of firearm or firearm parts without serial
15 numbers.

16 (a) Offense defined.--

17 (1) A person who sells OR OTHERWISE TRANSFERS any of the <--
18 following, separately or as part of a firearm kit, not
19 imprinted with a serial number registered with a Federal
20 firearms licensee, commits a felony of the ~~second~~ THIRD <--
21 degree:

22 (i) a firearm frame or receiver;

23 (ii) a firearm muffler or silencer frame or
24 receiver;

25 (iii) a split or modular firearm frame or receiver;

26 or

27 (iv) a partially complete, disassembled or
28 inoperable firearm frame or receiver.

29 (2) A person who, with the purpose to manufacture or
30 otherwise assemble a firearm and without being registered or

1 licensed to do so under 18 U.S.C. § 923(a) (relating to
2 licensing), purchases or otherwise obtains separately or as
3 part of a firearm kit any of the following that is not
4 imprinted with a serial number registered with a Federal
5 firearms licensee, commits a felony of the second degree:

6 (i) a firearm frame or receiver;

7 (ii) a firearm muffler or silencer frame or
8 receiver;

9 (iii) a split or modular firearm frame or receiver;

10 or

11 (iv) a partially complete, disassembled or
12 inoperable firearm frame or receiver.

13 (b) Exception.--The sale, purchase or acquisition of a
14 destroyed firearm frame or receiver shall not constitute an
15 offense under this section.

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

19 "Firearm." A weapon that is designed to or is readily
20 convertible to expel any projectile by the action of an
21 explosive or the frame or receiver of any weapon.

22 § 6110.4. Privately made firearms.

23 (a) Licensee requirements.--A Federal firearms licensee
24 shall:

25 (1) Regarding a privately made firearm that was acquired
26 prior to the effective date of this paragraph and that is
27 still in the possession of the licensee, conduct one of the
28 following within 60 days of the effective date of this
29 paragraph or prior to the date of disposition, whichever is
30 sooner:

1 (i) properly mark the firearm, unless already marked
2 by another licensee;
3 (ii) arrange to have another licensee properly mark
4 the firearm on their behalf; or
5 (iii) destroy or surrender the firearm to law
6 enforcement.

7 (2) Regarding a privately made firearm that is acquired
8 by a licensee after the effective date of this paragraph,
9 conduct one of the following within seven days following the
10 date of receipt or other acquisition of the firearm,
11 including from a personal collection or before the date of
12 disposition, whichever is sooner:

13 (i) properly mark the firearm, unless already marked
14 by another licensee;
15 (ii) arrange for another Federal firearms licensee
16 to properly mark the firearm; or
17 (iii) destroy or surrender the firearm to law
18 enforcement.

19 (3) Record privately made firearms in the Federal
20 firearms licensee's acquisition and disposition records,
21 whether or not kept overnight and update acquisition entries
22 with information marked on privately made firearms.

23 (b) Prohibition.--Federal firearms licensees who are dealers
24 or gunsmiths may not perform repairs, modify, embellish,
25 refurbish or install parts in or on firearms, firearm frames or
26 receivers or other firearm parts for or on behalf of a licensed
27 importer or licensed manufacturer.

28 (c) Right of refusal.--Federal firearms licensees shall have
29 the right to refuse to accept, purchase, properly mark, perform
30 repairs, modify, embellish, refurbish or install parts in or on

1 any privately made firearms.

2 (d) Applicability.--Subsection (a) shall not apply to a
3 Federal firearms licensee who:

4 (1) Purchases or otherwise obtains a firearm frame or
5 firearm receiver, uses the firearm frame or receiver in the
6 assembly of a firearm and places a serial number on the
7 completed firearm as required under subsection (a).

8 (2) Obtains a privately made firearm for the purpose of
9 properly marking the firearm as required under subsection
10 (a).

11 (e) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection unless the context clearly indicates otherwise:

14 "Conspicuous." Identification markings that are capable of
15 being easily seen with normal handling of the firearm and
16 unobstructed by other markings when the complete firearm is
17 assembled.

18 "Firearm." A weapon that is designed to or is readily
19 convertible to expel any projectile by the action of an
20 explosive or the frame or receiver of any weapon.

21 "Legible." Identification markings that use exclusively
22 Roman letters and Arabic numerals, or solely Arabic numerals,
23 and may include a hyphen.

24 "Properly mark." The legible and conspicuous identification
25 of each frame or receiver of a firearm subject to the
26 identification procedures in 27 CFR 478.92 (relating to
27 identification of firearms and armor piercing ammunition by
28 licensed manufacturers and licensed importers).

29 Section 3. This act shall take effect in 60 days.