
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 242 Session of
2025

INTRODUCED BY MASTRIANO, DUSH, ROTHMAN, BROOKS, PENNYCUICK,
PHILLIPS-HILL, J. WARD, STEFANO, GEBHARD, YAW AND ARGALL,
FEBRUARY 13, 2025

REFERRED TO JUDICIARY, FEBRUARY 13, 2025

AN ACT

1 Providing that any Federal action that attempts to register,
2 restrict or ban a firearm or accessory, or to limit, inhibit
3 or regulate the ownership of magazines in this Commonwealth
4 shall be unenforceable in this Commonwealth; and imposing
5 penalties.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Right-to-
10 Bear-Arms Protection Act.

11 Section 2. Findings and declarations.

12 The General Assembly finds and declares as follows:

13 (1) Section 21 of Article I of the Constitution of
14 Pennsylvania, in clear and unambiguous language states that
15 the "right of the citizens to bear arms in defense of
16 themselves and the State shall not be questioned." Section 25
17 of Article I of the Constitution of Pennsylvania also clearly
18 and unambiguously states that "to guard against
19 transgressions of the high powers which we have delegated, we

1 declare that everything in this article is excepted out of
2 the general powers of government and shall forever remain
3 inviolate," and further finds that both of these are rights
4 of "The People," which are clearly laid out prior to any
5 mention of the framework of government having been defined in
6 the Constitution of Pennsylvania.

7 (2) The right to keep and bear arms is a fundamental
8 right possessed by the individual necessary for defense of
9 self and preservation of liberty and shall not be infringed.

10 (3) It is the intent of the General Assembly to protect
11 State actors from being directed through Federal action to
12 violate their oath of defense and preservation of these
13 individual rights as enumerated in the Constitution of the
14 United States and section 21 of Article I of the Constitution
15 of Pennsylvania of its residents' right to bear arms in
16 defense of themselves and the State.

17 (4) Pursuant to and in furtherance of the principles of
18 Federalism enshrined in the Constitution of the United
19 States, the Federal Government may not commandeer this
20 State's actors to participate in the enforcement or
21 facilitation of any Federal action or regulatory program.

22 (5) This right to be free from the commandeering hand of
23 the Federal Government has been most notably recognized by
24 the United States Supreme Court in *Printz v. United States*,
25 521 U.S. 898 (1997), when the Court held: "The Federal
26 Government may neither issue directives requiring the States
27 to address particular problems, nor command the States'
28 officers, or those of their political subdivisions, to
29 administer or enforce a federal regulatory program."

30 (6) The anticommandeering principles recognized by the

1 Supreme Court in *Printz v. United States* are predicated upon
2 the advice of James Madison, who in Federalist #46 advised a
3 "refusal to co-operate with the officers of the Union" in
4 response to either unconstitutional Federal measures or
5 constitutional but unpopular Federal measures.

6 Section 3. Definitions.

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

10 "Federal action." Any of the following issued or enacted by
11 the Federal Government:

12 (1) An executive order.

13 (2) An agency order.

14 (3) A statute.

15 (4) A law.

16 (5) A rule.

17 (6) A regulation.

18 (7) An arbitrary clarification or classification,

19 including any of the following:

20 (i) A classification of weapons based on attributes
21 that do not go to a primary combustion function of the
22 firearm, such as natural unmodified rate of fire.

23 (ii) A classification designed to prohibit
24 possession for nonmechanically necessary attributes, such
25 as bayonet lugs, telescoping stocks, muzzle breaks or
26 other fixtures, pistol grips and pistol braces.

27 (iii) A clarification issued through executive or
28 legislative agencies designed to prohibit ownership or
29 possession of firearms based on attributes that are
30 nonmechanically necessary or in common use.

1 "Firearm accessory." An item used in conjunction with or
2 affixed to a firearm but that is not mechanically essential to
3 the basic functions of that firearm.

4 "Registry." A list generated by regulation, mandate, order
5 or statute that indicates the ownership, residence or storage
6 location of firearms purchased or otherwise legally owned or
7 stored within this Commonwealth.

8 "State actor." An official, agent or employee of the
9 Commonwealth or a political subdivision of the Commonwealth. The
10 term includes persons contracting with the Commonwealth.

11 Section 4. Prohibitions.

12 (a) State actors.--A Federal action relating to a firearm,
13 magazine of a firearm, accessory and ammunition, intended to
14 restrict possession, transfer or use of a firearm, magazine of a
15 firearm, accessory and ammunition, shall be unenforceable by a
16 State actor in this Commonwealth.

17 (b) Enforceability.--A Federal action created or taking
18 effect after December 31, 2020, shall be unenforceable within
19 this Commonwealth if the Federal action attempts to register,
20 restrict or ban the ownership or purchase of a firearm, magazine
21 of a firearm, firearm accessory or ammunition, or to reclassify
22 the firearm, accessory or magazine ex post facto where the
23 result is to prohibit or restrict continued ownership or common
24 use. An attempt by the Federal Government to create within this
25 Commonwealth a registry regarding a firearm, component or
26 accessory, ammunition or magazine shall be prohibited.

27 (c) Duty, immunity and penalty.--

28 (1) An official, agent or employee of the Federal
29 Government, or a person who works for the Federal Government
30 in any capacity located within this Commonwealth, or a State

1 actor, owes an individual duty to each resident of this
2 Commonwealth to not violate the resident's Federal Second
3 Amendment rights or any similarly situated or applicable
4 rights under the Constitution of the United States or the
5 Commonwealth of Pennsylvania. This duty is established for
6 the purpose of establishing a direct action for civil
7 liability if a State actor breaches this duty against a
8 Commonwealth resident.

9 (2) A State actor charged with or served with processes
10 relating to an act related to enforcing or aiding or abetting
11 an unconstitutional action under paragraph (1) forfeits any
12 civil protections of qualified immunity that their position
13 may bestow and consents jurisdiction necessary to adjudicate
14 action against them for civil violations their actions
15 contributed to in any degree. An action by a State actor
16 enforcing or aiding or abetting an unconstitutional action
17 under paragraph (1):

18 (i) Effectively and summarily waives all qualified
19 immunity that the State actor may have been entitled to
20 prior to taking the action.

21 (ii) Shall constitute prima facie evidence of a
22 civil rights and tort action of a nature that shall
23 afford the affected party a right to a private action
24 against the State actor, their employer dictating the
25 action and persons affiliated or aiding in the commission
26 of the action.

27 (iii) Shall constitute consent to litigation in the
28 forum most convenient to the plaintiff, subject to the
29 Pennsylvania Rules of Civil Procedure.

30 (3) A State actor enforcing or aiding or abetting an

1 unconstitutional action under paragraph (1) shall be subject
2 to the following:

3 (i) Damages, such as compensatory damages, general
4 damages and punitive damages.

5 (ii) Beginning on the date of a judicial
6 adjudication of a violation of this section:

7 (A) Termination of employment and any
8 entitlements, except for pension or health care
9 benefits related to retirement, bestowed by the
10 employment.

11 (B) A bar from State employment in any capacity
12 for a period of at least 10 years.

13 (iii) A bar from contracting with any State
14 department, agency or office having contracts with the
15 Commonwealth or acting as subcontractors for the
16 Commonwealth.

17 (4) No person may contract with the Commonwealth or
18 submit bids for consideration to a Commonwealth bid request
19 who hires, employs or subcontracts with anyone found liable
20 under this act. A person who violates this paragraph shall be
21 liable as an accessory.

22 (d) Enforcement.--The Attorney General or a district
23 attorney shall prosecute violations of this section. An affected
24 party may bring a private action for a violation of this
25 section, notwithstanding if the Attorney General or a district
26 attorney fails to prosecute.

27 (e) Grant funds and forfeitures.--

28 (1) A political subdivision of this Commonwealth may not
29 receive funds from the Commonwealth if the political
30 subdivision adopts a rule, order, ordinance or policy in

1 violation of this section. State grant funds for the
2 political subdivision shall be denied for the fiscal year
3 following the year in which a final judicial determination in
4 an action brought under this section is made that the
5 political subdivision has intentionally required actions that
6 violate this section.

7 (2) An agency, office, department or entity of the
8 Commonwealth or a political subdivision of the Commonwealth
9 may not accept Federal money or grants to support or advance
10 a restriction, such as a Federal legislation or directive,
11 that are in violation of this section. Federal money or
12 grants to support or advance a restriction that are deposited
13 with the Commonwealth shall be used for the improvement of
14 State Game Lands and shooting ranges owned and maintained by
15 the Commonwealth. To the extent that a political subdivision
16 has received Federal money or grants to support or advance a
17 restriction, the Federal money or grant must be remitted,
18 within 10 days of receipt, to the State Treasurer for deposit
19 in the General Fund and shall be used for the improvement of
20 State Game Lands and shooting ranges owned and maintained by
21 the Commonwealth. If the use of Federal money or grants is
22 restricted by Federal action, the Federal money or grant must
23 be returned to the appropriate Federal entity.

24 Section 5. Attorney General.

25 The Attorney General shall defend a resident of this
26 Commonwealth who is prosecuted by the Federal Government for a
27 violation of Federal law under section 4(a) that attempts to
28 register, restrict or ban the ownership or purchase of a
29 firearm, magazine of a firearm, firearm accessory or ammunition
30 that is retained in this Commonwealth.

1 Section 6. Severability.

2 The provisions of this act are severable. If any provision of
3 this act is held invalid, the invalidity shall not affect other
4 provisions or applications of this act that can be given effect
5 without the invalid provision or application.

6 Section 7. Effective date.

7 This act shall take effect in 30 days.