

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 41

Session of  
2005

INTRODUCED BY THOMAS, JOSEPHS, YOUNGBLOOD, BISHOP, CORRIGAN,  
MELIO, JAMES, KIRKLAND, WATERS, MYERS, PRESTON, DALEY,  
WASHINGTON AND CALTAGIRONE, JANUARY 25, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the offense of  
3 carrying firearms without a license, for firearms licenses  
4 and for sale or transfer of firearms; and establishing the  
5 Firearm Safety Education Fund.

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

8 Section 1. Section 6106(a)(1) of Title 18 of the  
9 Pennsylvania Consolidated Statutes is amended and the section is  
10 amended by adding a subsection to read:

11 § 6106. Firearms not to be carried without a license.

12 (a) Offense defined.--

13 (1) Except as provided in paragraph (2), any person who  
14 carries a firearm in any vehicle or any person who carries a  
15 firearm concealed on or about his person, except in his place  
16 of abode or fixed place of business, without a valid and  
17 lawfully issued license under this chapter commits a felony  
18 of the [third] first degree.

19 \* \* \*

1     (e) Restitution.--

2             (1) Any person who violates subsection (a)(1) and uses  
3     the firearm to cause the death or serious bodily injury to  
4     another person shall, in addition to any other penalty  
5     provided by law, be ordered to pay restitution to the victim  
6     or estate of the victim equal to the medical and other  
7     expenses incurred by the victim as a result of the use of the  
8     firearm.

9             (2) Any person who is ordered to pay restitution under  
10    this subsection and is sentenced to a term of imprisonment  
11    may not be released or paroled unless the person has taken  
12    affirmative action to pay such restitution.

13    Section 2. Section 6109(h) of Title 18 is amended to read:

14    § 6109. Licenses.

15             \* \* \*

16             (h) Fee.--

17             (1) The fee for a license to carry a firearm is [\$19]  
18     \$24. This includes a renewal notice processing fee of \$1.50.  
19     This includes an administrative fee of \$5 under section 14(2)  
20     of the act of July 6, 1984 (P.L.614, No.127), known as the  
21     Sheriff Fee Act. No fee other than that provided by this  
22     paragraph or the Sheriff Fee Act may be assessed by the  
23     sheriff for the performance of any background check made  
24     pursuant to this act. The fee is payable to the sheriff to  
25     whom the application is submitted and is payable at the time  
26     of application for the license. Except for the administrative  
27     fee of \$5 under section 14(2) of the Sheriff Fee Act, all  
28     other fees shall be refunded if the application is denied but  
29     shall not be refunded if a license is issued and subsequently  
30     revoked.

1       (2) A person who sells or attempts to sell a license to  
2       carry a firearm for a fee in excess of the amounts fixed  
3       under this subsection commits a summary offense.

4       (3) Five dollars of the fee collected under this  
5       paragraph shall be deposited into the Firearm Safety  
6       Education Fund, which is hereby established as a separate  
7       fund in the State Treasury. The moneys of the fund shall be  
8       distributed by the Pennsylvania Commission on Crime and  
9       Delinquency to entities that provide firearm safety education  
10      to minors in this Commonwealth.

11      \* \* \*

12      Section 3. Section 6111(g) of Title 18 is amended by adding  
13      a paragraph to read:

14      § 6111. Sale or transfer of firearms.

15      \* \* \*

16      (g) Penalties.--

17      \* \* \*

18      (1.1) Any person, licensed dealer, licensed manufacturer  
19      or licensed importer who knowingly or intentionally sells,  
20      delivers or transfers a firearm in violation of this section  
21      to a person who uses the firearm to cause death or serious  
22      bodily injury to another person, and who knew that the  
23      firearm would be so used shall, in addition to any other  
24      penalty provided by law, be ordered to pay restitution to the  
25      victim or estate of the victim equal to the medical and other  
26      expenses incurred by the victim as a result of the use of the  
27      firearm.

28      \* \* \*

29      Section 4. This act shall take effect in 60 days.