
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2493

Session of
1984

INTRODUCED BY GODSHALL, LETTERMAN, NOYE, MERRY, GRIECO, MADIGAN,
FARGO, DAWIDA, COLE, OLASZ, ALDERETTE, BALDWIN, HERMAN,
McCALL, MARKOSEK, SHOWERS, MORRIS, GEIST AND GLADECK,
SEPTEMBER 26, 1984

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 26, 1984

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the licensing of
3 persons to carry a firearm.

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

6 Section 1. Sections 6102 and 6109 of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6102. Definitions.

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

15 "Firearm." Any pistol or revolver with a barrel less than 12
16 inches, any shotgun with a barrel less than 24 inches, or any
17 rifle with a barrel less than 15 inches.

1 "Crime of violence." Any of the following crimes, or an
2 attempt to commit any of the same, namely: murder, voluntary
3 manslaughter, rape, assault, assault and battery with intent to
4 commit a felony, aggravated assault, robbery, burglary, entering
5 a building with intent to commit a crime therein, involuntary
6 deviate sexual intercourse, arson and kidnapping.

7 § 6109. Licenses.

8 [(a) Issue of license.--The chief or head of any police
9 force or police department of a city, and, elsewhere, the
10 sheriff of a county, may, upon the application of any person,
11 issue a license to such person to carry a firearm in a vehicle
12 or concealed on or about his person within this Commonwealth for
13 not more than one year from date of issue, if it appears that
14 the applicant has good reason to fear an injury to his person or
15 property, or has any other proper reason for carrying a firearm,
16 and that he is a suitable person to be so licensed.

17 (b) Form of license.--The license shall be in triplicate, in
18 form to be prescribed by the Pennsylvania State Police, and
19 shall bear the name, address, description, and signature of the
20 licensee and the reason given for desiring a license. The
21 original thereof shall be delivered to the licensee, the
22 duplicate shall, within seven days, be sent by registered or
23 certified mail to the Commissioner of the Pennsylvania State
24 Police, and the triplicate shall be preserved for six years by
25 the authority issuing said license.

26 (c) Fee.--The fee for issuing such license shall be 50
27 cents, which fee shall be paid into the county treasury, except
28 that if the applicant exhibits a resident hunter's license
29 issued to him for the current license year, the fee shall not be
30 charged.

(d) Revocation.--Any such license to carry firearms may be revoked by the person issuing the same, at any time, upon written notice to the holder thereof.]

(a) Application.--A person desiring a license to carry a firearm shall make application to the sheriff of the county in which he resides or, if he is a resident of another state and has a regular place of business or employment in this Commonwealth, to the sheriff of the county in which he has a regular place of business or employment.

(b) Contents of application.--The sheriff to whom the application is made shall ascertain concerning the applicant his name, full address, criminal record of convictions (minor traffic offenses excepted), age, race, sex, date of birth, citizenship, height, weight, color of hair, color of eyes, whether or not the applicant has previously held a Pennsylvania license to carry a firearm, whether or not his license has ever been suspended or revoked and, if so, the year and reason for the suspension or revocation.

(c) Out-of-State applicant.--In a case where the applicant is a resident of another state, the applicant must, in addition to the information provided in subsection (b), include the applicant's state of residence, occupation, place of business or employment and a copy of a license to carry a firearm from the applicant's state of residence. A license for a resident of another state to carry a firearm shall be valid for a period of one year unless sooner suspended or revoked and may be renewed by the applicant in the same way as the initial license was applied for.

(d) Sheriff to conduct investigation.--The sheriff to whom the application is made shall conduct an investigation into the

1 applicant's official records and verify thereby the applicant's
2 character and reputation and whether or not the applicant has
3 ever been convicted of a felony or crime of violence, and shall,
4 in addition, verify for accuracy the information contained in
5 the application and forward this information, together with his
6 recommendation for approval or disapproval, to the Commissioner
7 of the Pennsylvania State Police, who may make whatever further
8 investigation is deemed necessary and may make a report to the
9 sheriff. If it appears to the sheriff that the applicant is of
10 good character and reputation and that the applicant is a person
11 concerning whom no good cause exists to deny the license, the
12 sheriff shall issue to the applicant a license to carry any
13 firearm anywhere in this Commonwealth. If the application is
14 approved, the original license shall be delivered immediately to
15 the licensee; a copy shall be retained by the sheriff to whom
16 the application for license was made and a copy shall be
17 delivered by the sheriff, within seven days, to the Commissioner
18 of the Pennsylvania State Police by registered mail.

19 (d) Disapproved applications.--Whenever the application is
20 disapproved, the sheriff to whom the application is made shall
21 provide the Commissioner of the Pennsylvania State Police and
22 the applicant with complete and specific reasons, in writing,
23 for the disapproval.

24 (e) Action upon application; fee and revocation.--Every
25 initial application for a license to carry a firearm as provided
26 by this subchapter shall be granted or denied within 30 days
27 after the application is filed. A license to carry a firearm
28 shall be issued for the purpose of carrying a firearm concealed
29 on or about a person or in any vehicle and shall be valid
30 indefinitely unless suspended or revoked. The fee for a license

1 shall be payable upon issue and shall be \$20 and shall include
2 the cost of any official forms. A license to carry a firearm may
3 be suspended or revoked by the sheriff or the Commissioner of
4 the Pennsylvania State Police at any time upon having good cause
5 to believe that the licensee is not qualified to be so licensed.
6 The sheriff or the Commissioner of the Pennsylvania State Police
7 shall provide the licensee with complete and specific reasons,
8 in writing, for the suspension or revocation. Failure of a
9 licensee to promptly surrender the license upon written notice
10 of suspension or revocation is unlawful. Procedures for
11 administrative appeals of suspension and revocation and for
12 administrative appeals of denials shall be specified by the
13 Commissioner of the Pennsylvania State Police and shall include
14 a reasonable opportunity to be heard in an administrative
15 hearing within 20 days of suspension or revocation, a final
16 administrative determination within ten days after the hearing
17 and immediate written notification of the right to judicial
18 review in case of an unfavorable or adverse final administrative
19 determination.

20 (f) Applications and licenses to be uniform.--The license
21 and application for a license to carry a firearm shall be
22 uniform throughout this Commonwealth and shall be prescribed by
23 and on a form furnished by the Commissioner of the Pennsylvania
24 State Police. The application form shall provide space to enter
25 only the information specified in subsections (b) and (c) and
26 shall be made available upon request. The license shall bear the
27 name, address, description of applicant, period of validation
28 and signature of the licensee.

29 (g) Licenses not to be issued to certain persons.--A license
30 to carry a firearm shall not be issued to any person who has

1 been convicted in any court of a felony or a crime of violence
2 or has been committed to an institution as a narcotics addict or
3 as a mental patient by any court, except where the applicant has
4 received relief from disabilities in accordance with this
5 subchapter.

6 (h) Sheriff to be immune from liability.--The sheriff shall
7 be immune from any liability resulting or arising from the
8 actions or misconduct with a firearm committed by any individual
9 to whom a license has been issued.

10 Section 2. Title 18 is amended by adding a section to read:

11 § 6121. Waiver of disability or pardons.

12 A waiver of disability from Federal authorities, a full
13 pardon from the Governor or other chief executive of the
14 Commonwealth or an expungement of a conviction shall remove any
15 corresponding disability under this subchapter.

16 Section 3. This act shall take effect in 90 days.