

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 819

Session of
1985

INTRODUCED BY GODSHALL, LETTERMAN, PHILLIPS, NOYE, TRELLO,
WILSON, BOWSER, HALUSKA, FARGO, J. L. WRIGHT, MERRY,
AFFLERBACH, FISCHER, BLACK, HERSHEY, BALDWIN, BIRMELIN,
HERMAN, JOHNSON, BELFANTI, McVERRY, REBER, BOOK,
E. Z. TAYLOR, MORRIS, ARGALL, BUNT, PERZEL, CIMINI, DISTLER,
GLADECK, SEMMEL, DeLUCA, STABACK, TELEK, O'DONNELL AND GEIST,
APRIL 10, 1985

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 1985

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

1 rifle with a barrel less than 15 inches.

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

8 § 6109. Licenses.

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

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

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

1 charged.

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

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

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

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

30 (d) Sheriff to conduct investigation.--The sheriff to whom

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

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

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

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

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

28 (h) Licenses not to be issued to certain persons.--A license
29 to carry a firearm shall not be issued to any person who has
30 been convicted in any court of a felony or a crime of violence

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

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

9 Section 2. Title 18 is amended by adding a section to read:
10 § 6122. Waiver of disability or pardons.

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

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