

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,
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GLADECK, SEMMEL, DeLUCA, STABACK, TELEK, O'DONNELL AND GEIST,
APRIL 9, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 17, 1986

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

1 inches, any shotgun with a barrel less than 24 inches, or any
2 rifle with a barrel less than 15 inches.

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

9 § 6109. Licenses.

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

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

28 (c) Fee.--The fee for issuing such license shall be 50
29 cents, which fee shall be paid into the county treasury, except
30 that if the applicant exhibits a resident hunter's license

1 issued to him for the current license year, the fee shall not be
2 charged.

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

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

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

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

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

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

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

1 on or about a person or in any vehicle and shall be valid
2 ~~indefinitely~~ FOR NOT MORE THAN FIVE YEARS unless suspended or <—
3 revoked. The fee for a license shall be payable upon issue and
4 shall be \$20 \$2.50, WHICH SHALL BE PAID INTO THE COUNTY <—
5 TREASURY, and shall include the cost of any official forms. A
6 license to carry a firearm may be suspended or revoked by the
7 sheriff or the Commissioner of the Pennsylvania State Police at
8 any time upon having good cause to believe that the licensee is
9 not qualified to be so licensed. The sheriff or the commissioner
10 shall provide the licensee with complete and specific reasons,
11 in writing, for the suspension or revocation. Failure of a
12 licensee to promptly surrender the license upon written notice
13 of suspension or revocation is unlawful. Procedures for
14 administrative appeals of suspension and revocation and for
15 administrative appeals of denials shall be specified by the
16 commissioner and shall include a reasonable opportunity to be
17 heard in an administrative hearing within 20 days of suspension
18 or revocation, a final administrative determination within ten
19 days after the hearing and immediate written notification of the
20 right to judicial review in case of an unfavorable or adverse
21 final administrative determination.

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

1 (h) Licenses not to be issued to certain persons.--A license
2 to carry a firearm shall not be issued to any person who has
3 been convicted in any court of a felony or a crime of violence
4 or has been committed to an institution as a narcotics addict or
5 as a mental patient by any court, except where the applicant has
6 received relief from disabilities in accordance with this
7 subchapter.

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

12 Section 2. Title 18 is amended by adding a section to read:
13 § 6122. Waiver of disability or pardons.

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

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