

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2829 Session of
2004

INTRODUCED BY PALLONE, ARMSTRONG, BELFANTI, BOYD, CAPPELLI,
CLYMER, DENLINGER, DeWEESE, EGOLF, FAIRCHILD, FEESE, FLEAGLE,
GABIG, GEORGE, GERGELY, GODSHALL, GOODMAN, HALUSKA, HARHAI,
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REICHLEY, SATHER, SOLOBAY, STABACK, R. STEVENSON, SURRA,
J. TAYLOR, TIGUE, WASHINGTON, WATERS AND WILT,
SEPTEMBER 2, 2004

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 2, 2004

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for firearms not to
3 be carried without a license and for firearms licenses.

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

6 Section 1. Section 6106(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:

8 § 6106. Firearms not to be carried without a license.

9 * * *

10 (b) Exceptions.--The provisions of subsection (a) shall not
11 apply to:

12 * * *

13 (14) Any person who possesses a valid and lawfully
14 issued license or permit to carry a firearm which has been
15 issued under the laws of any other state or jurisdiction if

1 all of the following apply:

2 (i) The other state or jurisdiction provides a
3 reciprocal privilege for persons licensed to carry
4 firearms under section 6109, regardless of whether a
5 reciprocity agreement exists between the Commonwealth and
6 the other state or jurisdiction pursuant to section
7 6109(k).

8 (ii) The Attorney General makes a determination that
9 the licensing requirements of the other state or
10 jurisdiction are similar to those of the Commonwealth.

11 (iii) A notice of the determination under
12 subparagraph (ii) is published in the Pennsylvania
13 Bulletin.

14 * * *

15 Section 2. Section 6109(e)(3), (h), (i) and (k) of Title 18
16 are amended and the section is amended by adding subsections to
17 read:

18 § 6109. Licenses.

19 * * *

20 (e) Issuance of license.--

21 * * *

22 (3) The license shall bear the name, address, date of
23 birth, race, sex, citizenship, Social Security number,
24 height, weight, color of hair, color of eyes and signature of
25 the licensee; the signature of the sheriff issuing the
26 license; a license number of which the first two numbers
27 shall be a county location code followed by numbers issued in
28 numerical sequence; the Firearms License Validation System
29 toll-free telephone number; the reason for issuance; [and]
30 the period of validation[. The sheriff may also require]; and

1 a photograph of the licensee [on the license]. The original
2 license shall be issued to the applicant. [The first copy of
3 the license shall be forwarded to the commissioner within
4 seven days of the date of issue, and a second copy] A copy of
5 the license shall be retained by the issuing authority for a
6 period of six years[.] and shall, at the end of the six-year
7 period, be destroyed unless it has been renewed within that
8 six-year period. The sheriff issuing a license shall, within
9 24 hours of the issuance, provide the Attorney General with
10 the valid license number. The sheriff may not provide any
11 other information on the license to the Attorney General.
12 Within 24 hours of the expiration of the six-month grace
13 period established by section 6106(b)(12) (relating to
14 firearms not to be carried without a license) for a license
15 which has not been renewed, the sheriff shall inform the
16 Attorney General that the license number has expired.

17 * * *

18 (h) Fee.--

19 (1) The fee for a license to carry a firearm is [\$19]
20 \$22. This includes [a] all of the following:

21 (i) A renewal notice processing fee of [\$1.50. This
22 includes an] \$2.50.

23 (ii) An administrative fee of \$5 under section 14(2)
24 of the act of July 6, 1984 (P.L.614, No.127), known as
25 the Sheriff Fee Act.

26 (iii) A reciprocity fee of \$2. The sheriff shall
27 remit the fee under this subparagraph to the Attorney
28 General, who shall use the fee to administer subsection
29 (k) and section 6106(b)(14).

30 (2) No fee other than that provided by this [paragraph]

1 subsection or the Sheriff Fee Act may be assessed by the
2 sheriff for the performance of any background check made
3 pursuant to this act.

4 (3) The fee is payable to the sheriff to whom the
5 application is submitted and is payable at the time of
6 application for the license.

7 (4) Except for the administrative fee of \$5 under
8 section 14(2) of the Sheriff Fee Act, all other fees shall be
9 refunded if the application is denied but shall not be
10 refunded if a license is issued and subsequently revoked.

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

14 (i) Revocation.--A license to carry firearms may be revoked
15 by the issuing authority for good cause. A license to carry
16 firearms shall be revoked by the issuing authority for any
17 reason stated in subsection (e)(1) which occurs during the term
18 of the permit. Notice of revocation shall be in writing and
19 shall state the specific reason for revocation. Notice shall be
20 sent by certified mail, and, at that time, [a copy shall be
21 forwarded to the commissioner] notice shall also be provided to
22 the Attorney General that the license number has been revoked.

23 An individual whose license is revoked shall surrender the
24 license to the issuing authority within five days of receipt of
25 the notice. An individual whose license is revoked may appeal to
26 the court of common pleas for the judicial district in which the
27 individual resides. An individual who violates this section
28 commits a summary offense.

29 * * *

30 (k) Reciprocity.--The Attorney General [may] shall have the

1 power and duty to enter into reciprocity agreements with other
2 states providing for the mutual recognition of each state's or
3 other jurisdiction's license or permit to carry a firearm. In
4 order to carry out this duty, the Attorney General may negotiate
5 reciprocity agreements and grant recognition of any state's or
6 other jurisdiction's license or permit to carry a firearm. The
7 Attorney General shall provide the toll-free telephone number
8 for the Firearms License Validation System to any other state or
9 jurisdiction which has entered into a reciprocity agreement with
10 the Commonwealth.

11 (1) Inquiries.--

12 (1) The Attorney General shall, no later than 30 days
13 after the effective date of this subsection and not less than
14 once every six months thereafter, make written inquiry of the
15 appropriate authorities in any other state which does not
16 have a current reciprocity agreement with the Commonwealth as
17 to whether a resident of this Commonwealth may carry a
18 concealed firearm in that state or within a jurisdiction
19 within that state based upon having a valid Pennsylvania
20 license to carry a firearm or whether a resident of this
21 Commonwealth may apply for a concealed firearm carrying
22 license or permit in that state or in a jurisdiction within
23 the state based upon having a valid Pennsylvania license to
24 carry a firearm.

25 (2) The Attorney General shall maintain a current list
26 of those states which have a reciprocity agreement with the
27 Commonwealth, those states and jurisdictions which allow
28 residents of this Commonwealth to carry a concealed firearm
29 based upon having a valid Pennsylvania license to carry a
30 firearm and those states and jurisdictions which allow

1 residents of this Commonwealth to apply for a concealed
2 firearm carrying license or permit based upon a valid
3 Pennsylvania license to carry a firearm. The list shall be
4 made available to the public and shall be published on the
5 Internet.

6 (m) Firearms License Validation System.--The Attorney
7 General shall establish a nationwide toll-free telephone number,
8 known as the Firearms License Validation System, which shall be
9 operational seven days per week, 24 hours per day for the
10 purpose of responding to inquiries regarding the validity of the
11 license number of any Pennsylvania license to carry a firearm.
12 Notwithstanding any other law to the contrary regarding the
13 confidentiality of information under this chapter, inquiries to
14 the system regarding the validity of license numbers may be made
15 by any individual, including the Pennsylvania State Police and
16 other law enforcement personnel. The Attorney General shall
17 employ and train such personnel as are necessary to administer
18 the provisions of this subsection.

19 Section 3. The Attorney General shall report to the General
20 Assembly within 180 days of the effective date of this act on
21 the agreements which have been consummated pursuant to 18
22 Pa.C.S. § 6109(k).

23 Section 4. Within 60 days of the effective date of this act,
24 the Pennsylvania State Police shall destroy any records, whether
25 in a computerized or automated system or in any other format,
26 concerning any Pennsylvania license to carry a firearm. This
27 section shall not apply to records of individuals who have, in
28 violation of the laws of this Commonwealth, carried a firearm in
29 a vehicle or concealed on or about their persons.

30 Section 5. Within 30 days of the effective date of this act,

1 each sheriff and the chief of police in a city of the first
2 class shall provide the Attorney General with a list of license
3 numbers for all currently valid licenses to carry a firearm
4 which the sheriff or chief of police has issued.

5 Section 6. This act shall take effect in 90 days.