

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 871 Session of
2005

INTRODUCED BY MYERS, LEDERER, JOSEPHS, BLACKWELL, THOMAS, CURRY,
FRANKEL, YOUNGBLOOD, KIRKLAND, WASHINGTON, JAMES, CRUZ,
BISHOP, OLIVER AND WATERS, MARCH 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for a limit on handgun
3 purchases and sales; establishing the Violence Prevention
4 Fund; and further providing for municipal regulation of
5 firearms and ammunition.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 6111.6. Limit on handgun purchases.

11 (a) Purchase of handgun.--No person may purchase more than
12 one handgun in this Commonwealth within any 30-day period.

13 (b) Sale of handgun.--No person may sell or cause to be sold
14 to a person in this Commonwealth more than one handgun within
15 any 30-day period.

16 (c) Exceptions.--

17 (1) This section shall not apply to purchases by or
18 sales to the following:

19 (i) A licensed firearm dealer.

1 (ii) A licensed firearm collector.

2 (iii) A law enforcement agency or an agency
3 authorized to perform law enforcement duties.

4 (iv) State and local correctional facilities.

5 (v) A private security company licensed to do
6 business within this Commonwealth.

7 (vi) A purchaser or seller of antique firearms.

8 (vii) A person whose handgun is stolen or
9 irretrievably lost if:

10 (A) the person provides the seller with a copy
11 of the official police report of the lost or stolen
12 handgun, or a summary of the report on a form
13 provided by the Pennsylvania State Police;

14 (B) the official police report or summary
15 contains the name and address of the handgun owner,
16 the description of the handgun, the location of the
17 loss or theft, the date of the loss or theft and the
18 date the loss or theft was reported to the law
19 enforcement agency; and

20 (C) the date of the loss or theft as reflected
21 on the official police report or summary occurred
22 within 30 days of the person's attempt to replace the
23 handgun.

24 (2) The seller shall attach a copy of the official
25 police report or summary of the report to the original sales
26 receipt or other document evidencing the original sale and
27 retain it for the period prescribed by regulation of the
28 Pennsylvania State Police.

29 (d) Grading.--

30 (1) Except as set forth in this subsection, a person

1 that violates subsection (a) or (b) commits a summary offense
2 and shall, upon conviction, be sentenced to pay a fine of
3 \$300.

4 (2) Except as set forth in paragraph (3), a person that,
5 after being sentenced under paragraph (1), violates
6 subsection (a) or (b) commits a summary offense and shall,
7 upon conviction, be sentenced to pay a fine of \$1,000 or to
8 imprisonment for not more than 90 days, or both.

9 (3) A person that, after being sentenced more than once
10 under paragraph (1), violates subsection (a) or (b) commits a
11 felony of the third degree.

12 (e) Disposition of fines collected.--The court imposing and
13 collecting a fine under subsection (d) shall transfer the fines
14 thus collected to the State Treasurer for deposit in the
15 Violence Prevention Fund under subsection (f).

16 (f) Violence Prevention Fund.--There is established in the
17 General Fund a nonlapsing, restricted receipt account to be
18 known as the Violence Prevention Fund. Money in the fund is
19 hereby appropriated to the Pennsylvania Commission on Crime and
20 Delinquency solely for purposes of violence prevention and youth
21 violence prevention, including youth education and activities
22 designed to prevent violence and grants to law enforcement
23 agencies for equipment and training designed to prevent gun-
24 related injuries.

25 (g) Notice.--A seller shall notify each prospective
26 purchaser that the purchase of more than one handgun in a 30-day
27 period is prohibited under this section and of the applicable
28 penalties.

29 (h) Handgun purchase history check.--In addition to any
30 other duty prescribed by this section, a seller of a handgun

1 shall request the Pennsylvania State Police to conduct a handgun
2 purchase history check to investigate whether the prospective
3 handgun purchaser is in compliance with this section. A handgun
4 purchase history check shall be conducted in accordance with the
5 procedures governing other background checks under this
6 subchapter. A handgun purchase history shall be conducted at the
7 same time any criminal history, juvenile delinquency or mental
8 health records check is required for a firearm purchase under
9 this subchapter. Information related to a handgun purchase
10 provided to the Pennsylvania State Police by a seller may be
11 retained by the Pennsylvania State Police as necessary to
12 monitor compliance with this section.

13 (i) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 "Handgun." Either of the following:

17 (1) A firearm which has a short stock and is designed to
18 be held and fired by the use of a single hand.

19 (2) Any combination of parts from which a firearm
20 described under paragraph (1) can be assembled.

21 "Purchase." Does not include the exchange or replacement of
22 a handgun by a seller for a handgun purchased from the seller by
23 the same person seeking the exchange or replacement within the
24 30-day period immediately preceding the date of exchange or
25 replacement.

26 Section 2. Section 6126(b)(1) of Title 18 is amended to
27 read:

28 § 6126. Firearms Background Check Advisory Committee.

29 * * *

30 (b) Duties.--To facilitate compliance with this chapter and

1 the intent thereof, the Firearms Background Check Advisory
2 Committee shall, as follows:

3 (1) Review the operations and procedures of the
4 Pennsylvania State Police relating to the implementation and
5 administration of the criminal history, juvenile delinquency
6 [and], mental health records and handgun purchase history
7 background checks.

8 * * *

9 Section 3. This act shall take effect immediately.