

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1402 Session of
2011

INTRODUCED BY D. O'BRIEN, DAVIS, PASHINSKI, SWANGER AND WAGNER,
APRIL 28, 2011

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 28, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for licensing of
3 dealers.

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

6 Section 1. Section 6113 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 6113. Licensing of dealers.

9 * * *

10 (a.1) Background checks required.--

11 (1) Prior to issuing a license pursuant to this section,
12 the person authorized to issue a license to the applicant
13 shall ensure:

14 (i) that the applicant undergoes an investigation
15 conducted pursuant to section 6109 (relating to licenses)
16 and that the applicant would not be prohibited from
17 obtaining a license pursuant to that section; and

18 (ii) that the applicant possesses a valid Federal

1 firearms license and is in compliance with all Federal
2 and State laws and regulations relating thereto,
3 including any firearm sale or transfer recordkeeping
4 requirements.

5 (2) Notwithstanding any provision of law to the
6 contrary, and except as provided in paragraph (3), no dealer
7 shall permit any person to perform any act on his behalf
8 which is required by any provision of this subchapter unless
9 the dealer first conducts criminal history, juvenile
10 delinquency and mental health records background checks on
11 the person following the procedures set forth in section 6111
12 (relating to sale or transfer of firearms), receives a unique
13 approval number for that inquiry and maintains a record of
14 the date and approval number to ensure the person is not
15 subject to the prohibitions of section 6105 (relating to
16 persons not to possess, use, manufacture, control, sell or
17 transfer firearms). Background checks on such persons shall,
18 at a minimum, be conducted every three years. The dealer
19 shall maintain proof of compliance with this paragraph upon
20 the premises designated in the license and, for each person
21 acting on his behalf at a lawful gun show or meet, at the
22 point of sale at the lawful gun show or meet.

23 (3) The background checks required by paragraph (2)
24 shall not be required if the person performing acts on behalf
25 of the dealer holds a valid license to carry a firearm issued
26 pursuant to section 6109 or if the person is a State
27 constable, sheriff, prison or jail warden, or the person's
28 deputy, a policeman of this Commonwealth or its political
29 subdivisions or other law enforcement officer.

30 * * *

1 Section 2. This act shall take effect in 60 days.