

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for licenses.

INTRODUCED _____ 20____

By _____ District
NO. _____By _____ District
NO. _____By _____ District
NO. _____By _____ District
NO. _____

See next page for additional co-sponsors.

Referred to Committee on

Date _____ 20____

Reported _____ 20____

As Committed-Amended

Recommendation

By Hon. _____

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for licenses.

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

6 Section 1. Section 6109(e) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding a subsection to read:

9 § 6109. Licenses.

10 * * *

11 (e) Issuance of license.--

12 (1) A license to carry a firearm shall be for the
13 purpose of carrying a firearm concealed on or about one's
14 person or in a vehicle and shall be issued if, after an
15 investigation not to exceed 45 days, it appears that the
16 applicant is an individual concerning whom no good cause
17 exists to deny the license, and the applicant has obtained
18 firearm liability insurance as provided under subsection

1 (e.1). A license shall not be issued to any of the following:

2 (i) An individual whose character and reputation is
3 such that the individual would be likely to act in a
4 manner dangerous to public safety.

5 (ii) An individual who has been convicted of an
6 offense under the act of April 14, 1972 (P.L.233, No.64),
7 known as The Controlled Substance, Drug, Device and
8 Cosmetic Act.

9 (iii) An individual convicted of a crime enumerated
10 in section 6105.

11 (iv) An individual who, within the past ten years,
12 has been adjudicated delinquent for a crime enumerated in
13 section 6105 or for an offense under The Controlled
14 Substance, Drug, Device and Cosmetic Act.

15 (v) An individual who is not of sound mind or who
16 has ever been committed to a mental institution.

17 (vi) An individual who is addicted to or is an
18 unlawful user of marijuana or a stimulant, depressant or
19 narcotic drug.

20 (vii) An individual who is a habitual drunkard.

21 (viii) An individual who is charged with or has been
22 convicted of a crime punishable by imprisonment for a
23 term exceeding one year except as provided for in section
24 6123 (relating to waiver of disability or pardons).

25 (ix) A resident of another state who does not
26 possess a current license or permit or similar document
27 to carry a firearm issued by that state if a license is
28 provided for by the laws of that state, as published
29 annually in the Federal Register by the Bureau of
30 Alcohol, Tobacco and Firearms of the Department of the

1 Treasury under 18 U.S.C. § 921(a)(19) (relating to
2 definitions).

3 (x) An alien who is illegally in the United States.

4 (xi) An individual who has been discharged from the
5 armed forces of the United States under dishonorable
6 conditions.

7 (xii) An individual who is a fugitive from justice.
8 This subparagraph does not apply to an individual whose
9 fugitive status is based upon nonmoving or moving summary
10 offense under Title 75 (relating to vehicles).

11 (xiii) An individual who is otherwise prohibited
12 from possessing, using, manufacturing, controlling,
13 purchasing, selling or transferring a firearm as provided
14 by section 6105.

15 (xiv) An individual who is prohibited from
16 possessing or acquiring a firearm under the statutes of
17 the United States.

18 (xv) An individual who has failed to obtain firearm
19 liability insurance as provided under subsection (e.1).

20 (3) The license to carry a firearm shall be designed to
21 be uniform throughout this Commonwealth and shall be in a
22 form prescribed by the Pennsylvania State Police. The license
23 shall bear the following:

24 (i) The name, address, date of birth, race, sex,
25 citizenship, height, weight, color of hair, color of eyes
26 and signature of the licensee.

27 (ii) The signature of the sheriff issuing the
28 license.

29 (iii) A license number of which the first two
30 numbers shall be a county location code followed by

1 numbers issued in numerical sequence.

2 (iv) The point-of-contact telephone number
3 designated by the Pennsylvania State Police under
4 subsection (1).

5 (v) The reason for issuance.

6 (vi) The period of validation.

7 (4) The sheriff shall require a photograph of the
8 licensee on the license. The photograph shall be in a form
9 compatible with the Commonwealth Photo Imaging Network.

10 (5) The original license shall be issued to the
11 applicant. The first copy of the license shall be forwarded
12 to the Pennsylvania State Police within seven days of the
13 date of issue. The second copy shall be retained by the
14 issuing authority for a period of seven years. Except
15 pursuant to court order, both copies and the application
16 shall, at the end of the seven-year period, be destroyed
17 unless the license has been renewed within the seven-year
18 period.

19 (e.1) Liability insurance.--

20 (1) No individual shall be issued a license under
21 subsection (e) without providing the licensing authority with
22 a certificate of liability insurance verifying that the
23 applicant has a valid insurance policy insuring against harm
24 or damage that may arise out of the use of a firearm covered
25 by the license.

26 (2) The insurance policy shall meet all of the
27 following:

28 (i) Be in an amount of at least \$1,000,000.

29 (ii) Satisfy any judgment for personal injuries or
30 property damages arising out of negligent or willful acts

1 involving the use of an insured firearm.

2 (iii) May not cover any unlawful acts.

3 (3) An insurer who has issued a contract of firearm
4 liability insurance, or any approved self-insurance entity,
5 shall do all the following:

6 (i) Notify the licensing authority of the county in
7 which the insured resides if the firearm liability
8 insurance has been canceled or terminated. An insurer
9 shall provide a copy of the notice of cancellation or a
10 copy of the insurer's filing procedures with proof that
11 the notice was written in the normal course of business
12 and placed in the normal course of mailing.

13 (ii) Provide insurance identification certificates
14 to the insured which shall be valid only for the period
15 for which coverage has been paid by the insured.
16 Insurance identification certificates must disclose the
17 period for which coverage has been paid by the insured.
18 If the insured has financed premiums through a premium
19 finance company or is on an insurer-sponsored or agency-
20 sponsored payment plan, insurance identification
21 certificates may be issued for periods of six months
22 notwithstanding that the payment by the insured may be
23 for a period of less than six months.

24 (4) A licensing authority shall not be required to
25 produce proof that notice of termination, lapse or
26 cancellation was provided to the insured in order to revoke
27 the license to carry a firearm. A licensing authority shall
28 immediately revoke a licensee's license if the licensing
29 authority receives notice that a licensee's firearm liability
30 insurance has been canceled or terminated.

1 (5) The insurer's insurance identification certificate
2 shall be carried simultaneously with the insured firearm and
3 shall be exhibited to any law enforcement officer upon demand
4 for inspection. Failure to produce the insurance
5 identification certification shall result in the following:

6 (i) The law enforcement officer shall confiscate the
7 firearm.

8 (ii) The owner of the confiscated firearm shall be
9 provided with a signed and dated written receipt by the
10 law enforcement officer. This receipt shall include a
11 detailed identifying description indicating the serial
12 number and condition of the firearm.

13 (iii) If, within ten days, the law enforcement
14 officer does not receive proof from the owner of the
15 confiscated firearm that the owner has a valid firearm
16 liability insurance policy, the law enforcement officer
17 shall notify the licensing authority of the county in
18 which the individual resides that proof of insurance was
19 not provided and the firearm was confiscated. Upon
20 receipt of the notification, the licensing authority
21 shall immediately revoke the licensee's license to carry
22 a firearm and immediately notify the law enforcement
23 officer of the revocation.

24 (iv) A confiscated firearm shall be released to an
25 owner as follows:

26 (A) after confirmation has been received that
27 the owner's license to carry has been revoked and the
28 law enforcement officer has notified the owner that
29 the license has been revoked and that the owner may
30 no longer carry the firearm in public; or

1 (B) the law enforcement officer has received
2 proof from the owner of the confiscated firearm that
3 the owner has a valid firearm liability insurance
4 policy.

5 (6) If a licensing authority revokes a licensee's
6 license to carry a firearm, the licensing authority may not
7 reissue the license to carry until the person furnishes proof
8 of insurance. The licensing authority shall charge a fee of
9 \$50 to reissue a license to carry following a revocation.

10 (7) An individual who is in this Commonwealth with a
11 concealed firearm and possesses a valid and lawfully issued
12 license or permit to carry that firearm which has been issued
13 under the laws of another state as provided under section
14 6106(b)(15) (relating to firearms not to be carried without a
15 license) shall be required to obtain firearm liability
16 insurance as provided in this section within 30 days of
17 arriving in this Commonwealth.

18 (8) An individual who fails to maintain liability
19 insurance as provided under this subsection shall be subject
20 to the following:

21 (i) For a first offense, the individual shall be
22 subject to a fine of at least \$1,000.

23 (ii) For a second offense, the individual shall be
24 subject to a fine of at least \$5,000.

25 (iii) For a third offense, the individual commits a
26 a misdemeanor of the third degree and shall be subject to
27 a fine of at least \$10,000.

28 (iv) For a fourth and subsequent offense, the
29 individual commits a misdemeanor of the second degree and
30 shall be subject to a fine of at least \$15,000.

1 * * *

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