

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 346 Session of 2001

INTRODUCED BY BISHOP, YOUNGBLOOD, C. WILLIAMS, WASHINGTON,
THOMAS, ROONEY, MICHLOVIC, HORSEY, LAUGHLIN, FREEMAN,
FRANKEL, CORRIGAN, L. I. COHEN, WATERS, J. WILLIAMS AND
D. EVANS, JANUARY 31, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2001

AN ACT

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

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

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

9 § 6109. Licenses.

10 * * *

11 (c) Form of application and content.--The application for a
12 license to carry a firearm shall be uniform throughout this
13 Commonwealth and shall be on a form prescribed by the
14 Pennsylvania State Police. The form may contain provisions, not
15 exceeding one page, to assure compliance with this section.
16 Issuing authorities shall use only the application form
17 prescribed by the Pennsylvania State Police. One of the

1 following reasons for obtaining a firearm license shall be set
2 forth in the application: self-defense, employment, hunting and
3 fishing, target shooting, gun collecting or another proper
4 reason. A nonrenewal application shall include notarized
5 documentation that the applicant has successfully completed a
6 certified firearms safety course. The application form shall be
7 dated and signed by the applicant and shall contain the
8 following statement:

9 I have never been convicted of a crime of violence in the
10 Commonwealth of Pennsylvania or elsewhere. I am of sound
11 mind and have never been committed to a mental
12 institution. I hereby certify that the statements
13 contained herein are true and correct to the best of my
14 knowledge and belief. I understand that, if I knowingly
15 make any false statements herein, I am subject to
16 penalties prescribed by law. I authorize the sheriff, or
17 his designee, or, in the case of first class cities, the
18 chief or head of the police department, or his designee,
19 to inspect only those records or documents relevant to
20 information required for this application.

21 * * *

22 (e) Issuance of license.--

23 (1) A license to carry a firearm shall be for the
24 purpose of carrying a firearm concealed on or about one's
25 person or in a vehicle and shall be issued if, after an
26 investigation not to exceed 45 days, it appears that the
27 applicant is an individual concerning whom no good cause
28 exists to deny the license and if a nonrenewal applicant has
29 completed a firearms safety course. A license shall not be
30 issued to any of the following:

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

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

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

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

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

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

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

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

24 (ix) A resident of another state who does not
25 possess a current license or permit or similar document
26 to carry a firearm issued by that state if a license is
27 provided for by the laws of that state, as published
28 annually in the Federal Register by the Bureau of
29 Alcohol, Tobacco and Firearms of the Department of the
30 Treasury under 18 U.S.C. § 921(a)(19) (relating to

1 definitions).

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

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

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

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

14 (3) The license shall bear the name, address, date of
15 birth, race, sex, citizenship, Social Security number,
16 height, weight, color of hair, color of eyes and signature of
17 the licensee; the signature of the sheriff issuing the
18 license; the reason for issuance; and the period of
19 validation. The sheriff may also require a photograph of the
20 licensee on the license. The original license shall be issued
21 to the applicant. The first copy of the license shall be
22 forwarded to the commissioner within seven days of the date
23 of issue, and a second copy shall be retained by the issuing
24 authority for a period of six years.

25 (e.1) Firearms safety course certification.--

26 (1) The Pennsylvania State Police shall develop the
27 criteria for certified firearms safety courses and shall
28 certify participating organizations.

29 (2) The following organizations may provide certified
30 firearms safety programs:

1 (i) The Pennsylvania State Police.

2 (ii) Local law enforcement agency.

3 (iii) Organization certified by the Pennsylvania
4 State Police.

5 Certification shall not be approved for organizations whose
6 mission, character and reputation are such that the organization
7 would be likely to act in a manner dangerous to public safety.

8 * * *

9 (h) Fee.--The fee for a license to carry a firearm is [\$19]
10 \$25. This includes a renewal notice processing fee of \$1.50.
11 This includes an administrative fee of \$5 under section 14(2) of
12 the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff
13 Fee Act. No fee other than that provided by this paragraph or
14 the Sheriff Fee Act may be assessed by the sheriff for the
15 performance of any background check made pursuant to this act.
16 The fee is payable to the sheriff to whom the application is
17 submitted and is payable at the time of application for the
18 license. Except for the administrative fee of \$5 under section
19 14(2) of the Sheriff Fee Act, all other fees shall be refunded
20 if the application is denied but shall not be refunded if a
21 license is issued and subsequently revoked. A person who sells
22 or attempts to sell a license to carry a firearm for a fee in
23 excess of the amounts fixed under this subsection commits a
24 summary offense.

25 * * *

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