

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1209 Session of  
2005

INTRODUCED BY BISHOP, BEBKO-JONES, YOUNGBLOOD, STETLER,  
CORRIGAN, HENNESSEY, DONATUCCI, JAMES, CALTAGIRONE, JOSEPHS,  
KIRKLAND, PRESTON AND CURRY, MARCH 30, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 30, 2005

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  
18 following reasons for obtaining a firearm license shall be set

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

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

20 \* \* \*

21 (e) Issuance of license.--

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

30 (i) An individual whose character and reputation is

1       such that the individual would be likely to act in a  
2       manner dangerous to public safety.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (i) The Pennsylvania State Police.

1           (ii) A local law enforcement agency.

2           (iii) An organization certified by the Pennsylvania  
3           State Police.

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

7           \* \* \*

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

24           \* \* \*

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