

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2398 Session of
2008

INTRODUCED BY D. O'BRIEN, BRENNAN, CALTAGIRONE, CARROLL, COHEN,
FRANKEL, GRELL, HARPER, JOSEPHS, W. KELLER, MCGEEHAN, MELIO,
R. MILLER, MILNE, SABATINA, SIPTROTH, SONNEY, SWANGER,
J. TAYLOR, THOMAS AND YOUNGBLOOD, MARCH 27, 2008

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 27, 2008

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

1 (ii) that the applicant possesses a valid Federal
2 firearms license and is in compliance with all Federal
3 and State laws and regulations relating thereto,
4 including any firearm sale or transfer recordkeeping
5 requirements.

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

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

1 * * *

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