
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1325 Session of
2011

INTRODUCED BY STEVENSON, METCALFE, AUMENT, BOYD, CAUSER,
CREIGHTON, CUTLER, DENLINGER, DeWEESE, J. EVANS, FLECK,
GABLER, GEIST, GIBBONS, GILLEN, GROVE, HALUSKA, HARHART,
HARRIS, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN,
KOTIK, LONGIETTI, MAJOR, MARSHALL, METZGAR, MICOZZIE,
MILLARD, MILLER, MURT, OBERLANDER, PEIFER, PETRARCA, PICKETT,
PYLE, RAPP, READSHAW, REICHLEY, ROAE, ROCK, SCAVELLO, SONNEY,
STERN, SWANGER, TALLMAN AND WHITE, APRIL 8, 2011

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2011

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 and for sale or
4 transfer of firearms; and imposing duties on the Attorney
5 General.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 6109(i), (i.1), (m.1)(6) and (n) of Title
9 18 of the Pennsylvania Consolidated Statutes are amended to
10 read:

11 § 6109. Licenses.

12 * * *

13 (i) Revocation.--

14 (1) A license to carry firearms may be revoked by the
15 issuing authority for good cause. A license to carry firearms
16 shall be revoked by the issuing authority for any reason

1 stated in subsection (e) (1) which occurs during the term of
2 the [permit] license. Notice of revocation shall be provided
3 in writing and shall state the specific reason for
4 revocation. [Notice]

5 (2) The issuing authority shall immediately revoke the
6 license of any licensee who is prohibited from possessing or
7 acquiring firearms as provided by section 6105 or under the
8 statutes of the United States. An individual whose license is
9 revoked under this paragraph shall, upon request, immediately
10 surrender the license to the issuing authority.

11 (3) Except as provided in paragraph (2), notice of
12 revocation shall be sent by certified mail to the individual
13 whose license is revoked[, and, at that time, notice shall
14 also be provided to the Pennsylvania State Police by
15 electronic means, including e-mail or facsimile transmission,
16 that the license is no longer valid]. An individual whose
17 license is revoked under this paragraph shall surrender the
18 license to the issuing authority within five days of receipt
19 of the notice.

20 (4) At the time an issuing authority commences
21 revocation under paragraph (2) or (3), notice shall also be
22 provided to the Pennsylvania State Police by electronic
23 means, including e-mail or facsimile transmission, that a
24 license is no longer valid.

25 (5) An individual whose license is revoked may appeal to
26 the court of common pleas for the judicial district in which
27 the individual resides.

28 (6) An individual who violates this section commits a
29 summary offense.

30 (i.1) Notice to sheriff.--Notwithstanding any statute to the

1 contrary:

2 (1) Upon conviction of a person for a crime specified in
3 section 6105(a) or (b) or upon conviction of a person for a
4 crime punishable by imprisonment exceeding one year or upon a
5 determination that the conduct of a person meets the criteria
6 specified in section 6105(c)(1), (2), (3), (5), (6) or (9),
7 the court shall determine if the defendant has a license to
8 carry firearms issued pursuant to this section. If the
9 defendant has such a license, the court shall notify the
10 sheriff of the county [in which that person resides] which
11 issued the license, on a form developed by the Pennsylvania
12 State Police, of the identity of the person and the nature of
13 the crime or conduct which resulted in the notification. The
14 notification shall be transmitted by the judge within seven
15 days of the conviction or determination.

16 (2) Upon adjudication that a person is incompetent or
17 upon the involuntary commitment of a person to a mental
18 institution for inpatient care and treatment under the act of
19 July 9, 1976 (P.L.817, No.143), known as the Mental Health
20 Procedures Act, or upon involuntary treatment of a person as
21 described under section 6105(c)(4), the judge of the court of
22 common pleas, mental health review officer or county mental
23 health and mental retardation administrator shall notify the
24 sheriff of the county in which that person resides, on a form
25 developed by the Pennsylvania State Police, of the identity
26 of the person who has been adjudicated, committed or treated
27 and the nature of the adjudication, commitment or treatment.
28 The notification shall be transmitted by the judge, mental
29 health review officer or county mental health and mental
30 retardation administrator within seven days of the

1 adjudication, commitment or treatment.

2 (3) Upon receipt of the notification under paragraph
3 (2), the sheriff shall determine if such person has a license
4 to carry a firearm issued pursuant to this section and, if
5 the license was issued by a sheriff in another county, shall
6 provide notice of the identity of the person and the nature
7 of the commitment, treatment or adjudication to the issuing
8 sheriff. The notification shall be provided as follows:

9 (i) as soon as practicable, by electronic mail,
10 telephone or facsimile transmission; and

11 (ii) within seven days, on a form developed by the
12 Pennsylvania State Police.

13 (4) Upon arrest of a person for a crime specified in
14 section 6105(a) or (b) or upon arrest of a person for a crime
15 punishable by imprisonment exceeding one year, a law
16 enforcement officer shall determine if the person has a
17 license to carry firearms issued pursuant to this section. If
18 the person has such a license, the law enforcement officer or
19 the law enforcement agency employing the law enforcement
20 officer shall notify the sheriff of the county which issued
21 the license of the identity of the person and the nature of
22 the crime which resulted in the notification. Notice shall be
23 provided as follows:

24 (i) as soon as practicable, notice shall be provided
25 by electronic mail, telephone or facsimile transmission;
26 and

27 (ii) within seven days of the arrest, notice shall
28 be provided on a form developed by the Pennsylvania State
29 Police.

30 (5) Upon indictment of a person for a crime specified in

1 section 6105(a) or (b) or upon indictment of a person for a
2 crime punishable by imprisonment exceeding one year, a
3 prosecutor shall determine if the person has a license to
4 carry firearms issued pursuant to this section. If the person
5 has such a license, the prosecutor shall notify the sheriff
6 of the county which issued the license of the identity of the
7 person and nature of the crime which resulted in the
8 notification. Notice shall be provided as follows:

9 (i) as soon as practicable, notice shall be provided
10 by electronic mail, telephone or facsimile transmission;
11 and

12 (ii) within seven days of the indictment, notice
13 shall be provided on a form developed by the Pennsylvania
14 State Police.

15 * * *

16 (m.1) Temporary emergency licenses.--

17 * * *

18 (6) [A] Except as provided in section 6111(f)(3.1), a
19 person who holds a temporary emergency license to carry a
20 firearm shall have the same rights to carry a firearm as a
21 person issued a license to carry a firearm under this
22 section. A licensee under this subsection shall be subject to
23 all other duties, restrictions and penalties under this
24 section, including revocation pursuant to subsection (i).

25 * * *

26 [(n) Definition.--As used in this section, the term
27 "licensee" means an individual who is licensed to carry a
28 firearm under this section.]

29 (n) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Licensee." An individual who is licensed to carry a firearm
3 under this section.

4 "Prosecutor." A prosecutor as defined in section 4953.1(c)
5 (relating to retaliation against prosecutor or judicial
6 official).

7 Section 2. Section 6111(a), (b) introductory paragraph and
8 (1.1) and (f) (3) and (4) of Title 18 are amended and subsection
9 (f) is amended by adding a paragraph to read:

10 § 6111. Sale or transfer of firearms.

11 (a) [Time and manner] Manner of delivery.--

12 [(1) Except as provided in paragraph (2), no seller
13 shall deliver a firearm to the purchaser or transferee
14 thereof until 48 hours shall have elapsed from the time of
15 the application for the purchase thereof, and, when
16 delivered, the firearm shall be securely wrapped and shall be
17 unloaded.

18 (2) Thirty days after publication in the Pennsylvania
19 Bulletin that the Instantaneous Criminal History Records
20 Check System has been established in accordance with the
21 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
22 U.S.C. § 921 et seq.), no] No seller shall deliver a firearm
23 to the purchaser thereof until the provisions of this section
24 have been satisfied, and, when delivered, the firearm shall
25 be securely wrapped and shall be unloaded.

26 (b) Duty of seller.--No licensed importer, licensed
27 manufacturer or licensed dealer shall sell or deliver any
28 firearm to another person, other than a licensed importer,
29 licensed manufacturer, licensed dealer or licensed collector,
30 [until the conditions of subsection (a) have been satisfied and]

1 until he has:

2 * * *

3 (1.1) [On the date of publication in the Pennsylvania
4 Bulletin of a notice by the Pennsylvania State Police that
5 the instantaneous records check has been implemented,] In the
6 event of an electronic failure under section 6111.1(b)(2)
7 (relating to Pennsylvania State Police) for purposes of a
8 firearm which exceeds the barrel and related lengths set
9 forth in section 6102, obtained a completed application/
10 record of sale from the potential buyer or transferee and all
11 of the following shall apply:

12 (i) [In the event of an electronic failure under
13 section 6111.1(b)(2) (relating to Pennsylvania State
14 Police) for purposes of a firearm which exceeds the
15 barrel and related lengths set forth in section 6102,
16 obtained a completed application/record of sale from the
17 potential buyer or transferee to] The application/record
18 of sale shall be filled out in triplicate, the original
19 copy [to be] sent to the Pennsylvania State Police,
20 postmarked via first class mail, within 14 days of sale,
21 one copy [to be] retained by the licensed importer,
22 licensed manufacturer or licensed dealer for a period of
23 20 years and one copy [to be] provided to the purchaser
24 or transferee.

25 (ii) The form of the application/record of sale
26 shall be no more than one page in length and shall be
27 promulgated by the Pennsylvania State Police and provided
28 by the licensed importer, licensed manufacturer or
29 licensed dealer.

30 (iii) For purposes of conducting the criminal

1 history, juvenile delinquency and mental health records
2 background check which shall be completed within ten days
3 of receipt of the information from the dealer, the
4 application/record of sale shall include the name,
5 address, birthdate, gender, race, physical description
6 and Social Security number of the purchaser or transferee
7 and the date of application.

8 (iv) No information regarding the type of firearm
9 need be included other than an indication that the
10 firearm exceeds the barrel lengths set forth in section
11 6102.

12 (v) Unless it has been discovered pursuant to a
13 criminal history, juvenile delinquency and mental health
14 records background check that the potential purchaser or
15 transferee is prohibited from possessing a firearm
16 pursuant to section 6105 (relating to persons not to
17 possess, use, manufacture, control, sell or transfer
18 firearms), no information on the application/record of
19 sale provided pursuant to this subsection shall be
20 retained as precluded by section 6111.4 (relating to
21 registration of firearms) by the Pennsylvania State
22 Police either through retention of the application/record
23 of sale or by entering the information onto a computer,
24 and, further, an application/record of sale received by
25 the Pennsylvania State Police pursuant to this subsection
26 shall be destroyed within 72 hours of the completion of
27 the criminal history, juvenile delinquency and mental
28 health records background check.

29 * * *

30 (f) Application of section.--

1 * * *

2 (3) Except as provided in (3.1), the provisions
3 contained in [subsection (a)] subsections (a) and (b)(1.1),
4 (3), (4), (5), (6) and (7) shall not apply to any law
5 enforcement officer whose current identification as a law
6 enforcement officer shall be construed as a valid license to
7 carry a firearm or any person who possesses a valid license
8 to carry a firearm under section 6109 (relating to licenses).

9 (3.1) The exceptions in paragraph (3) shall not apply to
10 any person who possesses a temporary emergency license to
11 carry a firearm under section 6109(m.1).

12 [(4) (i) The provisions of subsection (a) shall not
13 apply to any person who presents to the seller or
14 transferor a written statement issued by the official
15 described in subparagraph (iii) during the ten-day period
16 ending on the date of the most recent proposal of such
17 transfer or sale by the transferee or purchaser stating
18 that the transferee or purchaser requires access to a
19 firearm because of a threat to the life of the transferee
20 or purchaser or any member of the household of that
21 transferee or purchaser.

22 (ii) The issuing official shall notify the
23 applicant's local police authority that such a statement
24 has been issued. In counties of the first class the chief
25 of police shall notify the police station or substation
26 closest to the applicant's residence.

27 (iii) The statement issued under subparagraph (ii)
28 shall be issued by the district attorney, or his
29 designee, of the county of residence if the transferee or
30 purchaser resides in a municipality where there is no

1 chief of police. Otherwise, the statement shall be issued
2 by the chief of police in the municipality in which the
3 purchaser or transferee resides.]

4 * * *

5 Section 3. The Attorney General shall:

6 (1) Contact the Bureau of Alcohol, Tobacco and Firearms
7 or other appropriate Federal agency to determine if the
8 provisions of this act allow a Pennsylvania license to carry
9 a firearm to serve as an alternative to the background check
10 for firearm purchases pursuant to 18 U.S.C. § 922(t)(3)(A).

11 (2) Transmit to the Legislative Reference Bureau, for
12 publication in the Pennsylvania Bulletin, notice of a
13 determination under paragraph (1) that a Pennsylvania license
14 to carry a firearm fulfills the requirements of 18 U.S.C. §
15 922(t)(3)(A).

16 Section 4. This act shall take effect as follows:

17 (1) Section 3 and this section shall take effect
18 immediately.

19 (2) The remainder of this act shall take effect 30 days
20 after publication of the notice under section 3.