

AMENDMENTS TO HOUSE BILL NO. 80

Sponsor: SENATOR ALLOWAY

Printer's No. 4248

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in burglary and other criminal intrusion,

3 Amend Bill, page 1, line 4, by striking out "and"

4 Amend Bill, page 1, line 4, by inserting after "penalties"  
5 ; and, in firearms and other dangerous articles, further  
6 providing for Pennsylvania State Police and for limitation on  
7 the regulation of firearms and ammunition

8 Amend Bill, page 4, by inserting between lines 2 and 3

9 Section 3. Section 6111.1(f) (3) and (g) (1) and (3) of Title  
10 18 are amended to read:

11 § 6111.1. Pennsylvania State Police.

12 \* \* \*

13 (f) Notification of mental health adjudication, treatment,  
14 commitment, drug use or addiction.--

15 \* \* \*

16 (3) Notwithstanding any law to the contrary, the  
17 Pennsylvania State Police [may] shall, within 72 hours of  
18 receipt, disclose, electronically or otherwise, to the United  
19 States Attorney General or a designee, any record relevant to  
20 a determination of whether a person is disqualified from  
21 possessing or receiving a firearm under 18 U.S.C. § 922 (g)  
22 (3) or (4) or an applicable state statute[.], and any record  
23 relevant to a determination of whether a person is not  
24 disqualified or is no longer disqualified from possessing or  
25 receiving a firearm under 18 U.S.C. § 922(g) (3) or (4) or an  
26 applicable state statute.

27 (g) Review by court.--

28 (1) Upon receipt of a copy of the order of a court of  
29 competent jurisdiction which vacates a final order or an  
30 involuntary certification issued by a mental health review  
31 officer, the Pennsylvania State Police shall, after  
32 disclosing relevant records under subsection (f) (3), expunge  
33 all records of the involuntary treatment received under  
34 subsection (f).

35 \* \* \*

1           (3) The Pennsylvania State Police, after disclosing  
2 relevant records under subsection (f)(3), shall expunge all  
3 records of an involuntary commitment of an individual who is  
4 discharged from a mental health facility based upon the  
5 initial review by the physician occurring within two hours of  
6 arrival under section 302(b) of the Mental Health Procedures  
7 Act and the physician's determination that no severe mental  
8 disability existed pursuant to section 302(b) of the Mental  
9 Health Procedures Act. The physician shall provide signed  
10 confirmation of the determination of the lack of severe  
11 mental disability following the initial examination under  
12 section 302(b) of the Mental Health Procedures Act to the  
13 Pennsylvania State Police.

14 \* \* \*

15 Section 4. Section 6120(b) of Title 18 is amended and the  
16 section is amended by adding subsections to read:  
17 § 6120. Limitation on the regulation of firearms and  
18 ammunition.

19 \* \* \*

20 (a.2) Relief.--A person adversely affected by an ordinance,  
21 a resolution, regulation, rule, practice or any other action  
22 promulgated or enforced by a county, municipality or township  
23 prohibited under subsection (a) or 53 Pa.C.S. § 2962(g)  
24 (relating to limitation on municipal powers) may seek  
25 declaratory or injunctive relief and actual damages in an  
26 appropriate court.

27 (a.3) Reasonable expenses.--A court shall award reasonable  
28 expenses to a person adversely affected in an action under  
29 subsection (a.2) for any of the following:

30 (1) A final determination by the court is granted in  
31 favor of the person adversely affected.

32 (2) The regulation in question is rescinded, repealed or  
33 otherwise abrogated after suit has been filed under  
34 subsection (a.2) but before the final determination by the  
35 court.

36 (b) Definitions.--As used in this section, the following  
37 words and phrases shall have the meanings given to them in this  
38 subsection:

39 "Dealer." The term shall include any person engaged in the  
40 business of selling at wholesale or retail a firearm or  
41 ammunition.

42 "Firearms." This term shall have the meaning given to it in  
43 section 5515 (relating to prohibiting of paramilitary training)  
44 but shall not include air rifles as that term is defined in  
45 section 6304 (relating to sale and use of air rifles).

46 "Person adversely affected." Any of the following:

47 (1) A resident of this Commonwealth who may legally  
48 possess a firearm under Federal and State law.

49 (2) A person who otherwise has standing under the laws  
50 of this Commonwealth to bring an action under subsection  
51 (a.2).

1           (3) A membership organization, in which a member is a  
2           person described under paragraphs (1) or (2).

3           "Political subdivision." The term shall include any home  
4 rule charter municipality, county, city, borough, incorporated  
5 town, township or school district.

6           "Reasonable expenses." The term includes, but is not limited  
7 to, attorney fees, expert witness fees, court costs and  
8 compensation for loss of income.

9           Amend Bill, page 4, line 3, by striking out "3" and inserting

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