

AMENDMENTS TO SENATE BILL NO. 565

Sponsor: REPRESENTATIVE WARREN

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1 Amend Bill, page 1, lines 1 through 20, by striking out all
2 of said lines and inserting

3 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
4 Consolidated Statutes, in firearms and other dangerous
5 articles, further providing for definitions, for persons not
6 to possess, use, manufacture, control, sell or transfer
7 firearms, for sale or transfer of firearms and for
8 Pennsylvania State Police.

9 Amend Bill, page 2, lines 3 through 30; pages 3 through 18,
10 lines 1 through 30; page 19, lines 1 through 9; by striking out
11 all of said lines on said pages and inserting

12 Section 1. Section 6102 of Title 18 of the Pennsylvania
13 Consolidated Statutes is amended by adding a definition to read:
14 § 6102. Definitions.

15 Subject to additional definitions contained in subsequent
16 provisions of this subchapter which are applicable to specific
17 provisions of this subchapter, the following words and phrases,
18 when used in this subchapter shall have, unless the context
19 clearly indicates otherwise, the meanings given to them in this
20 section:

21 * * *

22 "Terrorist screening database." A list compiled by the
23 Federal Bureau of Investigation and used by various agencies to
24 consolidate and screen information relating to individuals who
25 are known or suspected as being international terrorists and
26 domestic terrorists.

27 Section 2. Section 6105(c) of Title 18 is amended by adding
28 a paragraph to read:

29 § 6105. Persons not to possess, use, manufacture, control, sell
30 or transfer firearms.

31 * * *

32 (c) Other persons.--In addition to any person who has been
33 convicted of any offense listed under subsection (b), the
34 following persons shall be subject to the prohibition of
35 subsection (a):

1 * * *
2 (11) A person whose name is included on the terrorist
3 screening database.

4 * * *

5 Section 3. Sections 6111(b)(3) and (6) and (g)(3) and
6 6111.1(b)(1) of Title 18 are amended to read:
7 § 6111. Sale or transfer of firearms.

8 * * *

9 (b) Duty of seller.--No licensed importer, licensed
10 manufacturer or licensed dealer shall sell or deliver any
11 firearm to another person, other than a licensed importer,
12 licensed manufacturer, licensed dealer or licensed collector,
13 until the conditions of subsection (a) have been satisfied and
14 until he has:

15 * * *

16 (3) Requested by means of a telephone call that the
17 Pennsylvania State Police conduct a criminal history,
18 juvenile delinquency history, terrorist screening database
19 and a mental health record check. The purchaser and the
20 licensed dealer shall provide such information as is
21 necessary to accurately identify the purchaser. The requester
22 shall be charged a fee equivalent to the cost of providing
23 the service but not to exceed \$2 per buyer or transferee.

24 * * *

25 (6) Unless it has been discovered pursuant to a criminal
26 history, juvenile delinquency, terrorist screening database
27 and mental health records background check that the potential
28 purchaser or transferee is prohibited from possessing a
29 firearm pursuant to section 6105, no information received via
30 telephone following the implementation of the instantaneous
31 background check system from a purchaser or transferee who
32 has received a unique approval number shall be retained by
33 the Pennsylvania State Police.

34 * * *

35 (g) Penalties.--

36 * * *

37 (3) Any person, licensed dealer, licensed manufacturer
38 or licensed importer who knowingly and intentionally requests
39 a criminal history, juvenile delinquency, terrorist screening
40 database or mental health record check or other confidential
41 information from the Pennsylvania State Police under this
42 chapter for any purpose other than compliance with this
43 chapter or knowingly and intentionally disseminates any
44 criminal history, juvenile delinquency or mental health
45 record or other confidential information to any person other
46 than the subject of the information commits a felony of the
47 third degree.

48 * * *

49 § 6111.1. Pennsylvania State Police.

50 * * *

51 (b) Duty of Pennsylvania State Police.--

1 (1) Upon receipt of a request for a criminal history,
2 juvenile delinquency history, terrorist screening database
3 and mental health record check of the potential purchaser or
4 transferee, the Pennsylvania State Police shall immediately
5 during the licensee's call or by return call [forthwith]:

6 (i) review the Pennsylvania State Police criminal
7 history and fingerprint records to determine if the
8 potential purchaser or transferee is prohibited from
9 receipt or possession of a firearm under Federal or State
10 law[;] and determine whether the name of the potential
11 purchaser or transferee is included on the terrorist
12 screening database;

13 (ii) review the juvenile delinquency and mental
14 health records of the Pennsylvania State Police to
15 determine whether the potential purchaser or transferee
16 is prohibited from receipt or possession of a firearm
17 under Federal or State law; and

18 (iii) inform the licensee making the inquiry either:

19 (A) that the potential purchase or transfer is
20 prohibited; or

21 (B) provide the licensee with a unique approval
22 number.

23 * * *

24 Section 4. This act shall take effect in 60 days.