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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1405

Session of  
1981

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INTRODUCED BY WHITE, NAHILL, MICHLOVIC, RAPPAPORT, RICHARDSON  
AND PUCCIARELLI, MAY 11, 1981

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 11, 1981

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for firearms and for  
3 penalties relating thereto.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Sections 6102, 6105, 6106 and 6109 of Title 18,  
7 act of November 25, 1970 (P.L.707, No.230), known as the  
8 Pennsylvania Consolidated Statutes, are amended to read:  
9 § 6102. Definitions.

10 Subject to additional definitions contained in subsequent  
11 provisions of this subchapter which are applicable to specific  
12 provisions of this subchapter, the following words and phrases,  
13 when used in this subchapter shall have, unless the context  
14 clearly indicates otherwise, the meanings given to them in this  
15 section:

16 ["Firearm." Any pistol or revolver with a barrel less than  
17 12 inches, any shotgun with a barrel less than 24 inches, or any  
18 rifle with a barrel less than 15 inches.]

1 "Crime of violence." Any of the following crimes, or an  
2 attempt to commit any of the same, namely: murder, voluntary  
3 manslaughter, rape, involuntary deviate sexual intercourse,  
4 aggravated assault, robbery, burglary, [entering a building with  
5 intent to commit a crime therein,] arson and kidnapping.

6 "Firearm." Any pistol or revolver with a barrel less than 16  
7 inches, any shotgun with a barrel less than 18 inches or any  
8 rifle with a barrel less than 26 inches. The barrel length on a  
9 pistol, revolver, shotgun or rifle shall be determined by  
10 measuring from the muzzle end of the barrel to the face of the  
11 closed action, bolt or cylinder, as the case may be. The term  
12 firearm includes any firearm with a matchlock, flintlock,  
13 percussion cap, or similar type of ignition system manufactured  
14 in or before 1898, and any replica of the same if such replica  
15 is not designed or redesigned for using rimfire or conventional  
16 centerfire fixed ammunition, or uses rimfire or conventional  
17 centerfire fixed ammunition which is no longer manufactured in  
18 the United States and which is not readily available in the  
19 ordinary channels of commercial trade. The term does not include  
20 any antique or replica firearm which is not operable, readily  
21 converted to operation or is otherwise unsuitable for use, and  
22 is possessed as a curio or relic.

23 "Local official." With respect to the application for  
24 licensing of any person whose principal place of residence or  
25 business is in a city, the chief, commissioner or superintendent  
26 of the city police department. With respect to the application  
27 for licensing of any other person, the sheriff of the county.

28 "Unloaded." The status of a firearm when all ammunition has  
29 been removed and separated from the firearm.

30 § 6105. [Former convict] Certain persons not to own

1 a firearm, etc.

2 [No person who has been convicted in this Commonwealth or  
3 elsewhere of a crime of violence shall own a firearm, or have  
4 one in his possession or under his control.]

5 No person shall own or possess a firearm who:

6 (1) has been convicted in this Commonwealth of a crime  
7 of violence or solicitation, conspiracy or an attempt to  
8 commit a crime of violence;

9 (2) has been convicted elsewhere of a crime equivalent  
10 to a crime of violence or a solicitation, conspiracy or an  
11 attempt to commit such crime;

12 (3) is a known habitual user of alcohol or drugs, or who  
13 is known to be of unsound mind; or

14 (4) is under the age of 18 years except that any person  
15 under the age of 18 who is otherwise in conformance with the  
16 provisions of this subchapter and any other applicable  
17 statutes is eligible for the exception provided in section  
18 6106(b)(4) (relating to firearms not to be carried without a  
19 license).

20 § 6106. Firearms not to be carried without a license.

21 (a) Offense defined.--No person shall carry a firearm in any  
22 vehicle or [concealed] on or about his person, except in his  
23 place of abode or fixed place of business, without a license  
24 therefor as provided in this subchapter.

25 (b) Exceptions.--The provisions of subsection (a) [of this  
26 section] shall not apply to:

27 [(1) Constables, sheriffs, prison or jail wardens, or  
28 their deputies, policemen of this Commonwealth or its  
29 political subdivisions, or other law-enforcement officers.

30 (2) Members of the army, navy or marine corps of the

1 United States or of the National Guard or organized reserves  
2 when on duty.

3 (3) The regularly enrolled members of any organization  
4 duly organized to purchase or receive such weapons from the  
5 United States or from this Commonwealth.

6 (4) The members of any organization incorporated under  
7 the laws of this Commonwealth, engaged in target shooting  
8 with rifle, pistol, or revolver, if such members are at or  
9 are going to or from their places of assembly or target  
10 practice.]

11 (1) Any person properly licensed to carry firearms  
12 pursuant to section 6109(a) (relating to licenses and  
13 permits).

14 (2) Constables, sheriffs, prison or jail wardens, or  
15 their deputies; law enforcement officers of the Fish and Game  
16 Commission; policemen of this Commonwealth or its political  
17 subdivisions; other law enforcement officers of this  
18 Commonwealth or its political subdivisions, who are duly  
19 authorized to carry firearms; policemen or other law  
20 enforcement officers of foreign jurisdictions, who are duly  
21 authorized to carry firearms, and who are on official duty  
22 within this Commonwealth; policemen or other law enforcement  
23 officers of foreign jurisdictions, who are duly authorized to  
24 carry firearms, and are traveling to and from their  
25 residence, within this Commonwealth, to their place of  
26 employment within a foreign jurisdiction.

27 (3) Members of the armed forces of the United States or  
28 of the National Guard or organized reserves, while on duty.

29 (4) The members of any club or organization organized  
30 and incorporated under the laws of this Commonwealth for the

1 purpose of target shooting with a firearm upon established  
2 target ranges, if:

3 (i) such members are at or going to or returning  
4 from their place of assembly or target practice, at an  
5 established target range;

6 (ii) all firearms are unloaded and carried in a  
7 secure wrapper or container, not concealed on their  
8 person, while traveling to and going from the established  
9 target ranges; and

10 (iii) such members have been issued a permit  
11 pursuant to section 6109(b).

12 (5) All persons, while traveling to and returning from  
13 their place of employment, for which they have been certified  
14 to carry firearms pursuant to and in accordance with the  
15 provisions of the act of October 10, 1974 (P.L.705, No.235),  
16 known as the "Lethal Weapons Training Act."

17 ~~[(5)]~~ (6) Officers or employees of the United States  
18 duly authorized to carry a [concealed] firearm.

19 ~~[(6)]~~ (7) Agents, messengers and other employees of  
20 common carriers, banks, or business firms, whose duties  
21 require them to protect moneys, valuables and other property  
22 in the discharge of such duties. This exception shall not  
23 authorize the carrying of a concealed firearm.

24 ~~[(7)]~~ (8) Any person engaged in the business of  
25 manufacturing, repairing, or dealing in firearms, or the  
26 agent or representative of any such person, having in his  
27 possession, using or carrying a firearm in the usual or  
28 ordinary course of such business.

29 ~~[(8)]~~ (9) Any person while carrying a firearm unloaded  
30 and in a secure wrapper from the place of purchase to his

1 home or place of business, or to a place of repair or back to  
2 his home or place of business, or in moving from one place of  
3 abode or business to another.

4 [(9)] (10) Persons licensed to hunt or fish in this  
5 Commonwealth, if:

6 (i) such persons are actually hunting or fishing or  
7 are going to the places where they desire to hunt or fish  
8 or returning from such places;

9 (ii) such persons have been issued a permit pursuant  
10 to section 6109(b); and

11 (iii) firearms are not concealed on their persons  
12 and, while traveling to and from the place they desire to  
13 hunt or fish, all firearms are unloaded and carried in a  
14 secure wrapper or container.

15 [(10)] (11) Persons training dogs, if:

16 (i) such persons are actually training dogs during  
17 the regular training season or are going to the places  
18 where they are training dogs or are returning from such  
19 places;

20 (ii) such persons have been issued a permit pursuant  
21 to section 6109(b); and

22 (iii) firearms are not concealed on their persons  
23 and, while traveling to and from the place they desire to  
24 train dogs, all firearms are unloaded and carried in a  
25 secure wrapper or container.

26 [(c) Registration required in connection with field or  
27 stream exemptions.--Before any exemption shall be granted under  
28 paragraphs (b)(9) or (b)(10) of this section to any person  
29 licensed to hunt or fish or who desires to train dogs, such  
30 person shall at the time of securing his hunting or fishing

1 license or any time after any such license has issued, register  
2 with the county treasurer the make of the firearm he desires to  
3 carry, and the caliber and number thereof, on a blank to be  
4 furnished by the Pennsylvania State Police. The original  
5 registration shall be delivered to the person registering such  
6 firearm, and a copy thereof shall be forwarded by the county  
7 treasurer to the Pennsylvania State Police. As of January 1,  
8 1972, the county treasurer shall be entitled to collect a fee of  
9 50 cents for each such registration of a firearm which fee shall  
10 be paid to the county. The registration of a firearm, as  
11 provided in this subsection, shall be good only for the year for  
12 which the hunting or fishing license in connection with which it  
13 is granted, is issued.

14 (d) Revocation of registration.--Any registration of a  
15 firearm under subsection (c) of this section may be revoked by  
16 the county treasurer who issued it, upon written notice to the  
17 holder thereof.]

18 § 6109. Licenses and permits.

19 [(a) Issue of license.--The chief or head of any police  
20 force or police department of a city, and, elsewhere, the  
21 sheriff of a county, may, upon the application of any person,  
22 issue a license to such person to carry a firearm in a vehicle  
23 or concealed on or about his person within this Commonwealth for  
24 not more than one year from date of issue, if it appears that  
25 the applicant has good reason to fear an injury to his person or  
26 property, or has any other proper reason for carrying a firearm,  
27 and that he is a suitable person to be so licensed.]

28 (a) Qualifications for license.--

29 (1) The appropriate local official may, upon the  
30 application of any person, issue a license to such person if

1 it appears after reasonable investigation that the applicant  
2 has:

3 (i) good reason to fear an injury to the applicant's  
4 person or property and that carrying a firearm will  
5 materially reduce the chances of such injury occurring;  
6 or

7 (ii) any other proper reason which would necessitate  
8 the carrying of a firearm.

9 (2) A local official shall not knowingly issue a license  
10 to any person disqualified from owning or possessing a  
11 firearm under section 6105 (relating to certain persons not  
12 to own a firearm, etc.).

13 (3) In the case of an application for a license where  
14 the applicant is a resident of or has his principal place of  
15 business in a municipality, other than a city, which has an  
16 organized police department, the application shall require  
17 the approval of the chief, commissioner or superintendent of  
18 such municipal police department in addition to the approval  
19 of the county sheriff processing the application.

20 (b) Sportsperson's firearm permit.--Before any exception  
21 under section 6106(b)(4),(10) or (11) (relating to firearms not  
22 to be carried without a license) shall be valid, a person  
23 desiring the benefit of any such exemption shall secure a  
24 sportsperson's firearm permit from a county treasurer. The  
25 county treasurer shall issue a permit, valid for one year, upon  
26 verifying that the applicant has been issued a current  
27 Pennsylvania hunting or fishing license. A duplicate of the  
28 permit shall be forwarded to the Pennsylvania State Police. The  
29 permit so issued shall be valid throughout the Commonwealth  
30 regardless of which county treasurer issued the permit.



1 (c) Issuance of license.--

2 (1) Upon proper completion of a license application form  
3 and upon approval by the appropriate local official or  
4 officials, the applicant shall be issued the original thereof  
5 which shall constitute a temporary license to carry firearms  
6 throughout this Commonwealth. The temporary license so issued  
7 shall be valid for 30 days unless sooner revoked.

8 (2) Within 48 hours of the issuance of a temporary  
9 license, the issuing local official shall forward a duplicate  
10 of the license application form to the Pennsylvania State  
11 Police who shall make a records investigation to ensure that  
12 the applicant is not ineligible for licensing under section  
13 6105(1) or (2). The records investigation shall be made as  
14 soon as possible after receipt of the duplicate license  
15 application form, but in no event later than 20 days after  
16 its receipt. If the issuing local official does not receive a  
17 notice of disqualification of an applicant from the  
18 Pennsylvania State Police within 30 days from the date of  
19 issuance of the temporary license the local official shall  
20 issue the appropriate duplicate of the original license  
21 application form to the applicant which shall constitute a  
22 permanent license to carry firearms throughout this  
23 Commonwealth. A permanent license shall be valid for four  
24 years from the original date of application, unless sooner  
25 revoked.

26 [(b) Form of license.--The license] (d) License and permit  
27 forms and content.--License applications shall be in  
28 [triplicate] quadruplicate and permit applications shall be in  
29 triplicate, in a form to be prescribed by the Pennsylvania State  
30 Police, and shall bear the name, address, description, and

1 signature of the [licensee] applicant and the reason given for  
2 desiring a license or permit. [The original thereof shall be  
3 delivered to the licensee, the duplicate shall, within seven  
4 days, be sent by registered or certified mail to the  
5 Commissioner of the Pennsylvania State Police, and the  
6 triplicate shall be preserved for six years by the authority  
7 issuing said license.] The Pennsylvania State Police shall  
8 maintain a copy of license and permit application forms for the  
9 period of time prescribed by regulation of the Attorney General.  
10 The issuing local official or county treasurer shall maintain  
11 the final duplicate copy of license or permit applications for  
12 six years.

13 [(c)] (e) Fee.--[The fee for issuing such license shall be  
14 50 cents, which fee shall be paid into the county treasury,  
15 except that if the applicant exhibits a resident hunter's  
16 license issued to him for the current license year, the fee  
17 shall not be charged.] The application fee for a license shall  
18 be \$25 and the application fee for a permit shall be \$10 which  
19 fees shall be payable to the municipality of the issuing local  
20 official or county treasurer as appropriate, except that \$10 of  
21 such fee shall be payable to the Pennsylvania State Police in  
22 the case of licenses.

23 [(d)] (f) Revocation.--Any [such] license to carry firearms  
24 may be revoked by the [person] local official issuing the same,  
25 at any time, upon written notice to the holder thereof.

26 Section 2. Title 18 is amended by adding a section to read:  
27 § 6109.1. License, permit and proof of exception to be  
28 carried.

29 (a) Proof of license or permit.--Any license to carry a  
30 firearm or sportsperson's firearm permit issued under this

1 subchapter shall be in the actual possession of the licensee or  
2 permittee whenever a firearm is being carried on or about his  
3 person or in or on a vehicle, and such licensee or permittee  
4 shall, upon lawful demand of a law enforcement officer, produce  
5 the license or permit for inspection.

6 (b) Proof of exception.--Any person carrying a firearm on or  
7 about his person, or in or on a vehicle, and claiming an  
8 exception pursuant to section 6106(b) (relating to firearms not  
9 to be carried without a license) shall, upon lawful demand of a  
10 law enforcement officer, produce satisfactory evidence of his  
11 qualification for exception.

12 (c) Forfeiture of firearm.--Any person being charged with  
13 violating subsection (a) or (b) shall upon demand immediately  
14 surrender any and all firearms on or about his person for which  
15 a license, permit or exception is required under this  
16 subchapter, and shall receive a written receipt for the firearm,  
17 from the law enforcement officer taking custody of it. Any  
18 person proceeded against under this subsection, may, within 90  
19 days from the date of charge and forfeiture, reclaim any such  
20 firearm upon proof of license, permit or exception. Firearms not  
21 so reclaimed shall escheat to the Commonwealth.

22 Section 3. Section 6111(a) of Title 18 is amended to read:  
23 § 6111. Sale of firearms.

24 (a) Time and manner of delivery.--No seller shall deliver a  
25 firearm to the purchaser thereof until [48 hours] 7 days shall  
26 have elapsed from the time of the application for the purchase  
27 thereof, and when delivered, said firearm shall be securely  
28 wrapped and shall be unloaded.

29 \* \* \*

30 Section 4. Section 6118 of Title 18 is repealed.

1       Section 5.   Section 6119 of Title 18 is amended to read:

2   § 6119.   Violation penalty.

3       An offense under this [section] subchapter constitutes a  
4   misdemeanor of the first degree.

5       Section 6.   This act shall take effect in 120 days.