
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2290 Session of
1990

INTRODUCED BY GODSHALL, PRESSMANN, HECKLER, VEON, WOGAN, BUNT,
ARGALL, JOHNSON, HERMAN, CIVERA, MELIO, SEMMEL, NAHILL,
GEIST, R. C. WRIGHT, FAIRCHILD, PITTS, JOSEPHS, TRELLO,
RAYMOND, GLADECK, GIGLIOTTI, MICHLOVIC, BLAUM, STUBAN,
LANGTRY, DEMPSEY, NOYE, SAURMAN, J. L. WRIGHT, BUSH,
S. H. SMITH, HESS, JAROLIN, KAISER, KASUNIC, GAMBLE,
BATTISTO, MORRIS, MERRY, D. F. CLARK, E. Z. TAYLOR, HERSHEY,
SCRIMENTI, CORNELL, COY, LEH, MICOZZIE, LLOYD AND DeLUCA,
FEBRUARY 12, 1990

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 1990

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the sale of
3 firearms; providing for criminal record checks; and making an
4 appropriation.

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

7 Section 1. Section 6111 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 6111. Sale of firearms.

10 [(a) Time and manner of delivery.--No seller shall deliver a
11 firearm to the purchaser thereof until 48 hours shall have
12 elapsed from the time of the application for the purchase
13 thereof, and when delivered, said firearm shall be securely
14 wrapped and shall be unloaded.

15 (b) Statement to be signed by purchaser.--At the time of

1 applying for the purchase of a firearm, the purchaser shall sign
2 in quadruplicate and deliver to the seller a statement
3 containing his full name, address, occupation, color, place of
4 birth, the date and hour of application, the caliber, length of
5 barrel, make, model, and manufacturer's number of the firearm to
6 be purchased, and a statement that he has never been convicted
7 in this Commonwealth, or elsewhere, of a crime of violence. The
8 seller shall, within six hours after such application, sign and
9 attach his address and forward by registered or certified mail
10 one copy of such statement to the chief or head of the police
11 force or police department of the city, or the sheriff of the
12 county of the place of business of the seller, the duplicate,
13 duly signed by the seller, shall, within seven days, be sent by
14 him, with his address, to the Commissioner of the Pennsylvania
15 State Police, the triplicate he shall retain for six years, and
16 the quadruplicate with the proper signature and address of the
17 seller shall, within six hours after such application, be
18 forwarded by registered or certified mail to the chief or head
19 of the police force or police department of the city or to the
20 sheriff of the county of which the buyer is a resident.

21 (c) Exemption.--This section shall not apply to sales at
22 wholesale.]

23 (a) Duty of seller.--No licensed importer, licensed
24 manufacturer or licensed dealer shall sell or deliver from his
25 inventory at his licensed premises any firearm to another
26 person, other than a licensed importer, licensed manufacturer,
27 licensed dealer or licensed collector, until he has:

28 (1) Obtained a completed application/record of sale from
29 the potential buyer or transferee, to be filled out in
30 quadruplicate, the original copy to be sent to the

Pennsylvania State Police, one copy to be retained by the licensed importer, licensed manufacturer or licensed dealer, one copy to be retained by the buyer or transferee and one copy to be sent to the chief of police or sheriff of the county in which the buyer or transferee resides. The form of this application/record of sale shall be promulgated by the State Police and provided by the licensed importer, licensed manufacturer or licensed dealer. The application/record of sale shall include the name, address, birth date, gender, race, physical description and Social Security number of the buyer or transferee, the date of the application and the firearm to be purchased or transferred. When delivered to the buyer or transferee, the firearm shall be securely wrapped and shall be unloaded.

(2) Inspected identification of the potential buyer or transferee.

(3) Requested, by means of a toll-free telephone call, that the State Police conduct a criminal history record check.

(4) Received a unique approval number for that inquiry from the State Police, and recorded the date and such number on the application/record of sale form.

(b) Duty of State Police.--

(1) Upon receipt of a request for a criminal history record check, the State Police shall immediately, during the licensee's call or by return call, forthwith:

(i) review its criminal history records to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Pennsylvania or Federal law; and

1 (ii) inform the licensee making the inquiry either:

2 (A) that its records demonstrate that the
3 potential buyer or transferee is so prohibited; or

4 (B) provide the licensee with a unique approval
5 number.

6 (2) In the event of electronic failure or similar
7 emergency beyond the control of the State Police, they shall
8 immediately notify the requesting licensee of the reason for,
9 and estimated length of, such delay. After this notification,
10 the State Police shall forthwith, and in no event later than
11 the end of the next business day of the licensee, either:

12 (i) inform the licensee that its records demonstrate
13 that the potential buyer or transferee is prohibited from
14 receipt or possession of a firearm pursuant to
15 Pennsylvania or Federal law; or

16 (ii) provide the licensee with a unique approval
17 number.

18 Unless notified by the end of the next business day that the
19 potential buyer or transferee is so prohibited, and without
20 regard to whether he has received a unique approval number,
21 the licensee may complete the sale or delivery and shall not
22 be deemed in violation of this section with respect to such
23 sale or delivery.

24 (c) Maintenance and confidentiality of records.--

25 (1) Any records containing any of the information set
26 forth in subsection (a)(1) pertaining to a potential buyer or
27 transferee who is not found to be prohibited from receipt or
28 transfer of a firearm by reason of Pennsylvania or Federal
29 law and which are created by the State Police to conduct the
30 criminal history record check shall be confidential and may

1 not be disclosed by the State Police or any officer or
2 employee thereof to any person or to another agency. The
3 State Police shall destroy any such records forthwith after
4 it communicated the corresponding approval number to the
5 licensee, and, in any event, such records shall be destroyed
6 within 48 hours after the day of the receipt of the
7 licensee's request.

8 (2) Notwithstanding the provisions of this subsection,
9 the State Police may maintain only a log of dates of requests
10 for criminal history records checks and unique approval
11 numbers corresponding to the dates for a period of not longer
12 than one year.

13 (3) Nothing in this section shall be construed to allow
14 the Commonwealth of Pennsylvania to maintain records
15 containing the names of licensees who receive unique approval
16 numbers or to maintain records of firearm transactions,
17 including the names or other identification of licensees and
18 potential buyers or transferees, including persons not
19 otherwise prohibited by law from the receipt or possession of
20 firearms.

21 (d) Toll-free number.--The State Police shall establish a
22 toll-free telephone number which shall be operational seven days
23 a week between the hours of 8:00 a.m. and 10:00 p.m. local time
24 for purposes of responding to inquiries as described in this
25 section from licensed manufacturers, licensed importers and
26 licensed dealers. The State Police shall employ and train such
27 personnel as are necessary to administer expeditiously the
28 provisions of this section.

29 (e) Rules and regulations.--The State Police shall, in the
30 manner provided by law, promulgate the rules and regulations

necessary to carry out this section, including regulations to ensure the identity, confidentiality and security of all records and data provided pursuant hereto.

(f) Challenge to records.--Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may challenge the accuracy of his criminal record pursuant to section 9152 (relating to procedure).

(g) Compliance by seller.--A licensed importer, licensed manufacturer or licensed dealer is not required to comply with this section in the event of:

(1) unavailability of telephone service at the licensed premises due to:

(i) the failure of the entity which provides telephone service in the State, region or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of the premises; or

(ii) the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster or other act of God, or war, invasion, insurrection, riot or other bona fide emergency, or other reason beyond the control of the licensee; or

(2) failure of the State Police to comply reasonably with the requirements of subsection (b).

(h) Defense.--Compliance with the provisions of this section shall be a complete defense to any claim or cause of action under the laws of this Commonwealth for liability for damages arising from the importation, manufacture or subsequent sale or transfer of any firearm which has been shipped or transported in

interstate or foreign commerce to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

(i) Application of section.--The provisions of this section shall not apply to the following:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898.

(2) Any replica of any firearm described in paragraph (1) if the replica:

(i) is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition; or

(ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(3) Transactions at a gun show.

(4) Any person holding a valid license to carry a firearm issued pursuant to the provisions of section 6109 (relating to licenses) shall be exempted from the criminal history record check when purchasing a firearm.

(j) Penalties.--

(1) Any licensed dealer, licensed manufacturer or licensed importer who willfully and intentionally requests a criminal history record check from the State Police for any purpose other than compliance with subsection (a), or willfully and intentionally disseminates any criminal history record information to any person other than the subject of the information, commits a misdemeanor of the first degree.

(2) Any person who, in connection with the purchase,

1 transfer, or attempted purchase or transfer, of a firearm
2 pursuant to this section willfully and intentionally makes
3 any materially false oral or written statement or willfully
4 and intentionally furnishes or exhibits any false
5 identification intended or likely to deceive the licensee
6 commits a misdemeanor of the first degree.

7 (3) Any licensed importer, licensed manufacturer or
8 licensed dealer who willfully and intentionally sells or
9 delivers a firearm in violation of this section commits a
10 misdemeanor of the first degree.

11 Section 2. The Pennsylvania State Police shall provide the
12 Judiciary Committees of the Senate and the House of
13 Representatives an annual report, including the number of
14 inquiries made pursuant to this act for the prior calendar year.
15 This report shall include, but not be limited to, the number of
16 inquiries received from licensees and the number of inquiries
17 resulting in a determination that the potential buyer or
18 transferee was prohibited from receipt or possession of a
19 firearm pursuant to Federal or Pennsylvania law.

20 Section 3. The sum of \$1,000,000 is hereby appropriated to
21 the Pennsylvania State Police for start-up costs relating to the
22 administration of this act. This appropriation shall not lapse.

23 Section 4. This act shall take effect upon publication in
24 the Pennsylvania Bulletin of notice by the Pennsylvania State
25 Police that it has notified all licensed importers, licensed
26 manufacturers and licensed dealers in writing that the
27 procedures and toll-free number described in this act are
28 operational.