

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2046 Session of  
2003

INTRODUCED BY HUTCHINSON, S. H. SMITH, ARMSTRONG, BAKER,  
BASTIAN, BOYD, CAPPELLI, CAUSER, CLYMER, COLEMAN, DENLINGER,  
DeWEESE, EGOLF, FAIRCHILD, FLEAGLE, FORCIER, GEIST, GEORGE,  
GERGELY, GINGRICH, GOODMAN, HARRIS, HESS, HORSEY, KOTIK,  
LAUGHLIN, LEH, MAITLAND, McGEEHAN, McILHATTAN, METCALFE,  
R. MILLER, S. MILLER, NICKOL, PHILLIPS, PICKETT, PISTELLA,  
READSHAW, REED, REICHLEY, ROHRER, SATHER, SAYLOR, SHANER,  
SOLOBAY, STABACK, STERN, R. STEVENSON, T. STEVENSON, SURRA,  
TIGUE, TURZAI, WEBER, WILT AND PETRARCA, SEPTEMBER 30, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JANUARY 27, 2004

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for license ISSUANCE <—  
3 OF LICENSES to carry firearms.

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

6 ~~Section 1. Section 6109(e)(3) of Title 18 of the~~ <—  
7 ~~Pennsylvania Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTION 6109(E)(1) AND (3) AND (K) OF TITLE 18 OF <—  
9 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 6109. Licenses.

11 \* \* \*

12 (e) Issuance of license.--

13 (1) A LICENSE TO CARRY A FIREARM SHALL BE FOR THE <—  
14 PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT ONE'S

1 PERSON OR IN A VEHICLE AND SHALL BE ISSUED IF, AFTER AN  
2 INVESTIGATION NOT TO EXCEED 45 DAYS, IT APPEARS THAT THE  
3 APPLICANT IS AN INDIVIDUAL CONCERNING WHOM NO GOOD CAUSE  
4 EXISTS TO DENY THE LICENSE. A LICENSE SHALL NOT BE ISSUED TO  
5 ANY OF THE FOLLOWING:

6 (I) AN INDIVIDUAL WHOSE CHARACTER AND REPUTATION IS  
7 SUCH THAT THE INDIVIDUAL WOULD BE LIKELY TO ACT IN A  
8 MANNER DANGEROUS TO PUBLIC SAFETY.

9 (II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF AN  
10 OFFENSE UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),  
11 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
12 COSMETIC ACT.

13 (III) AN INDIVIDUAL CONVICTED OF A CRIME ENUMERATED  
14 IN SECTION 6105.

15 (IV) AN INDIVIDUAL WHO, WITHIN THE PAST TEN YEARS,  
16 HAS BEEN ADJUDICATED DELINQUENT FOR A CRIME ENUMERATED IN  
17 SECTION 6105 OR FOR AN OFFENSE UNDER THE CONTROLLED  
18 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

19 (V) AN INDIVIDUAL WHO IS NOT OF SOUND MIND OR WHO  
20 HAS EVER BEEN COMMITTED TO A MENTAL INSTITUTION.

21 (VI) AN INDIVIDUAL WHO IS ADDICTED TO OR IS AN  
22 UNLAWFUL USER OF MARIJUANA OR A STIMULANT, DEPRESSANT OR  
23 NARCOTIC DRUG.

24 (VII) AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD.

25 (VIII) AN INDIVIDUAL WHO IS CHARGED WITH OR HAS BEEN  
26 CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A  
27 TERM EXCEEDING ONE YEAR EXCEPT AS PROVIDED FOR IN SECTION  
28 6123 (RELATING TO WAIVER OF DISABILITY OR PARDONS).

29 (IX) A RESIDENT OF ANOTHER STATE WHO DOES NOT  
30 POSSESS A CURRENT LICENSE OR PERMIT OR SIMILAR DOCUMENT

1 TO CARRY A FIREARM ISSUED BY THAT STATE IF A LICENSE IS  
2 PROVIDED FOR BY THE LAWS OF THAT STATE, AS PUBLISHED  
3 ANNUALLY IN THE FEDERAL REGISTER BY THE BUREAU OF  
4 ALCOHOL, TOBACCO AND FIREARMS OF THE DEPARTMENT OF THE  
5 TREASURY UNDER 18 U.S.C. § 921(A)(19) (RELATING TO  
6 DEFINITIONS). THIS SUBPARAGRAPH SHALL NOT BE APPLICABLE  
7 TO ANY INDIVIDUAL WHO IS EITHER A LAW ENFORCEMENT OFFICER  
8 TO THE UNITED STATES, ANY OTHER STATE OR THE DISTRICT OF  
9 COLUMBIA, OR LICENSED AS A MANUFACTURER, IMPORTER OR  
10 DEALER OF FIREARMS PURSUANT TO 18 U.S.C. § 923 (RELATING  
11 TO LICENSING).

12 (X) AN ALIEN WHO IS ILLEGALLY IN THE UNITED STATES.

13 (XI) AN INDIVIDUAL WHO HAS BEEN DISCHARGED FROM THE  
14 ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE  
15 CONDITIONS.

16 (XII) AN INDIVIDUAL WHO IS A FUGITIVE FROM JUSTICE.  
17 THIS SUBPARAGRAPH DOES NOT APPLY TO AN INDIVIDUAL WHOSE  
18 FUGITIVE STATUS IS BASED UPON NONMOVING OR MOVING SUMMARY  
19 OFFENSE UNDER TITLE 75 (RELATING TO VEHICLES).

20 (XIII) AN INDIVIDUAL WHO IS OTHERWISE PROHIBITED  
21 FROM POSSESSING, USING, MANUFACTURING, CONTROLLING,  
22 PURCHASING, SELLING OR TRANSFERRING A FIREARM AS PROVIDED  
23 BY SECTION 6105.

24 \* \* \*

<—

25 (3) The license shall bear the name, address, date of  
26 birth, race, sex, citizenship, [Social Security number,]  
27 height, weight, color of hair, color of eyes and signature of  
28 the licensee; the signature of the sheriff issuing the  
29 license; the reason for issuance; and the period of  
30 validation. The sheriff may also require a photograph of the

1        licensee on the license. The original license shall be issued  
2        to the applicant. The first copy of the license shall be  
3        forwarded to the commissioner within seven days of the date  
4        of issue, and a second copy shall be retained by the issuing  
5        authority for a period of six years.

6        \* \* \*

7        (K)    RECIPROCITY.--THE ATTORNEY GENERAL MAY ENTER INTO        <—  
8        RECIPROCITY AGREEMENTS WITH OTHER STATES PROVIDING FOR THE  
9        MUTUAL RECOGNITION OF EACH STATE'S LICENSE TO CARRY A FIREARM.  
10       RECIPROCITY AGREEMENTS SHALL NOT PROVIDE FOR RECOGNITION OF  
11       ANOTHER STATE'S LICENSE TO CARRY A FIREARM WHICH HAS BEEN ISSUED  
12       TO A PENNSYLVANIA RESIDENT WHO DOES NOT POSSESS A VALID LICENSE  
13       TO CARRY A FIREARM ISSUED UNDER THIS SECTION.

14       Section 2.    This act shall take effect in 60 days.