

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

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
JUNE 22, 2004

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for ~~issuance of~~ <—  
3 ~~licenses to carry firearms.~~ FIREARMS LICENSE EXCEPTIONS, <—  
4 ISSUANCE FEES AND RECIPROCITY AND RELATED INQUIRIES;  
5 PROVIDING FOR THE FIREARMS LICENSE VALIDATION SYSTEM AND FOR  
6 POWERS AND DUTIES OF THE ATTORNEY GENERAL, THE COMMISSIONER  
7 OF THE PENNSYLVANIA STATE POLICE AND THE PENNSYLVANIA  
8 COMMISSION ON CRIME AND DELINQUENCY; AND ESTABLISHING THE  
9 FIREARMS LICENSE TO CARRY MODERNIZATION FUND.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 ~~Section 1. Section 6109(c)(1) and (3) and (k) of Title 18 of~~ <—  
13 ~~the Pennsylvania Consolidated Statutes are amended to read:~~

14 SECTION 1. SECTION 6106(B) OF TITLE 18 OF THE PENNSYLVANIA <—  
15 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:

16 § 6106. FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE.

17 \* \* \*

(B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT  
APPLY TO:

\* \* \*

(14) ANY PERSON WHO POSSESSES A VALID AND LAWFULLY  
ISSUED LICENSE OR PERMIT TO CARRY A FIREARM WHICH HAS BEEN  
ISSUED UNDER THE LAWS OF ANY OTHER STATE OR JURISDICTION IF  
THE OTHER STATE OR JURISDICTION PROVIDES A RECIPROCAL  
PRIVILEGE FOR INDIVIDUALS LICENSED TO CARRY FIREARMS UNDER  
SECTION 6109, REGARDLESS OF WHETHER A RECIPROCITY AGREEMENT  
EXISTS BETWEEN THE COMMONWEALTH AND THE OTHER STATE OR  
JURISDICTION PURSUANT TO SECTION 6109(K). THE ATTORNEY  
GENERAL SHALL PUBLISH IN THE PENNSYLVANIA BULLETIN A LISTING  
OF OTHER STATES AND JURISDICTIONS THAT PROVIDE SUCH  
RECIPROCITY.

\* \* \*

SECTION 2. SECTION 6109(E), (H), (I) AND (K) OF TITLE 18 ARE  
AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO  
READ:

§ 6109. Licenses.

\* \* \*

(e) Issuance of license.--

(1) A license to carry a firearm shall be for the  
purpose of carrying a firearm concealed on or about one's  
person or in a vehicle and shall be issued if, after an  
investigation not to exceed 45 days, it appears that the  
applicant is an individual concerning whom no good cause  
exists to deny the license. A license shall not be issued to  
any of the following:

(i) An individual whose character and reputation is

such that the individual would be likely to act in a

1 manner dangerous to public safety.

2 (ii) An individual who has been convicted of an  
3 offense under the act of April 14, 1972 (P.L.233, No.64),  
4 known as The Controlled Substance, Drug, Device and  
5 Cosmetic Act.

6 (iii) An individual convicted of a crime enumerated  
7 in section 6105.

8 (iv) An individual who, within the past ten years,  
9 has been adjudicated delinquent for a crime enumerated in  
10 section 6105 or for an offense under The Controlled  
11 Substance, Drug, Device and Cosmetic Act.

12 (v) An individual who is not of sound mind or who  
13 has ever been committed to a mental institution.

14 (vi) An individual who is addicted to or is an  
15 unlawful user of marijuana or a stimulant, depressant or  
16 narcotic drug.

17 (vii) An individual who is a habitual drunkard.

18 (viii) An individual who is charged with or has been  
19 convicted of a crime punishable by imprisonment for a  
20 term exceeding one year except as provided for in section  
21 6123 (relating to waiver of disability or pardons).

22 (ix) A resident of another state who does not  
23 possess a current license or permit or similar document  
24 to carry a firearm issued by that state if a license is  
25 provided for by the laws of that state, as published  
26 annually in the Federal Register by the Bureau of  
27 Alcohol, Tobacco and Firearms of the Department of the  
28 Treasury under 18 U.S.C. § 921(a)(19) (relating to  
29 definitions). This subparagraph shall not be applicable  
30 to any individual who is either a law enforcement officer

1 to the United States, any other state or the District of  
2 Columbia, or licensed as a manufacturer, importer or  
3 dealer of firearms pursuant to 18 U.S.C. § 923 (relating  
4 to licensing).

5 (x) An alien who is illegally in the United States.

6 (xi) An individual who has been discharged from the  
7 armed forces of the United States under dishonorable  
8 conditions.

9 (xii) An individual who is a fugitive from justice.

10 This subparagraph does not apply to an individual whose  
11 fugitive status is based upon nonmoving or moving summary  
12 offense under Title 75 (relating to vehicles).

13 (xiii) An individual who is otherwise prohibited  
14 from possessing, using, manufacturing, controlling,  
15 purchasing, selling or transferring a firearm as provided  
16 by section 6105.

17 ~~(3) The license shall bear the name, address, date of~~ <—  
18 ~~birth, race, sex, citizenship, [Social Security number,]~~  
19 ~~height, weight, color of hair, color of eyes and signature of~~  
20 ~~the licensee; the signature of the sheriff issuing the~~  
21 ~~license; the reason for issuance; and the period of~~  
22 ~~validation. The sheriff may also require a photograph of the~~  
23 ~~licensee on the license. The original license shall be issued~~  
24 ~~to the applicant. The first copy of the license shall be~~  
25 ~~forwarded to the commissioner within seven days of the date~~  
26 ~~of issue, and a second copy shall be retained by the issuing~~  
27 ~~authority for a period of six years.~~

28 \* \* \*

29 ~~(k) Reciprocity. The Attorney General may enter into~~  
30 ~~reciprocity agreements with other states providing for the~~

~~mutual recognition of each state's license to carry a firearm.~~

~~Reciprocity agreements shall not provide for recognition of~~

(3) THE LICENSE [SHALL BEAR THE] TO CARRY A FIREARM  
SHALL BE DESIGNED TO BE UNIFORM THROUGHOUT THIS COMMONWEALTH  
AND SHALL BE ON A FORM PRESCRIBED BY THE COMMISSIONER. THE  
LICENSE SHALL BEAR THE FOLLOWING:

(I) THE NAME, ADDRESS, DATE OF BIRTH, RACE, SEX,  
CITIZENSHIP, [SOCIAL SECURITY NUMBER,] HEIGHT, WEIGHT,  
COLOR OF HAIR, COLOR OF EYES AND SIGNATURE OF THE  
LICENSEE[; THE].

(II) THE SIGNATURE OF THE SHERIFF ISSUING THE  
LICENSE[; THE].

(III) A LICENSE NUMBER OF WHICH THE FIRST TWO  
NUMBERS SHALL BE A COUNTY LOCATION CODE FOLLOWED BY  
NUMBERS ISSUED IN NUMERICAL SEQUENCE.

(IV) THE POINT-OF-CONTACT TELEPHONE NUMBER  
DESIGNATED BY THE COMMISSIONER.

(V) THE REASON FOR ISSUANCE[; AND THE].

(VI) THE PERIOD OF VALIDATION.

THE SHERIFF [MAY ALSO] SHALL REQUIRE A PHOTOGRAPH OF THE  
LICENSEE ON THE LICENSE.

(4) THE ORIGINAL LICENSE SHALL BE ISSUED TO THE  
APPLICANT. THE FIRST COPY OF THE LICENSE SHALL BE FORWARDED  
TO THE COMMISSIONER WITHIN SEVEN DAYS OF THE DATE OF ISSUE,  
AND A SECOND COPY OF THE LICENSE SHALL BE RETAINED BY THE  
ISSUING AUTHORITY FOR A PERIOD OF [SIX YEARS.] SEVEN YEARS  
AND SHALL, AT THE END OF THE SEVEN-YEAR PERIOD, BE DESTROYED  
UNLESS IT HAS BEEN RENEWED WITHIN THAT SEVEN-YEAR PERIOD.

\* \* \*

(H) FEE.--

1           (1) THE FEE FOR A LICENSE TO CARRY A FIREARM IS \$19 PLUS  
2           A TEMPORARY FEE AS DESCRIBED IN PARAGRAPH (2). THIS INCLUDES  
3           [A] ALL OF THE FOLLOWING:

4                 (I) A RENEWAL NOTICE PROCESSING FEE OF \$1.50. [THIS  
5           INCLUDES AN]

6                 (II) AN ADMINISTRATIVE FEE OF \$5 UNDER SECTION 14(2)  
7           OF THE ACT OF JULY 6, 1984 (P.L.614, NO.127), KNOWN AS  
8           THE SHERIFF FEE ACT.

9           (2) A FEE OF \$6 SHALL BE REMITTED BY THE SHERIFF TO THE  
10          FIREARMS LICENSE TO CARRY MODERNIZATION FUND, WHICH IS HEREBY  
11          ESTABLISHED AS A SEPARATE FUND IN THE STATE TREASURY. THE  
12          FUND SHALL BE ADMINISTERED BY THE PENNSYLVANIA COMMISSION ON  
13          CRIME AND DELINQUENCY AND USED TO DESIGN, DEVELOP AND  
14          IMPLEMENT, WITHIN FIVE YEARS OF THE EFFECTIVE DATE OF THIS  
15          SUBPARAGRAPH, A SYSTEM IN CONJUNCTION WITH THE COMMISSIONER  
16          AND THE PENNSYLVANIA SHERIFFS' ASSOCIATION, TO STANDARDIZE  
17          AND MODERNIZE THE PROCESS OF ISSUING LICENSES TO CARRY  
18          FIREARMS. MONEYS DIRECTED IN THE FUND AND INTEREST WHICH  
19          ACCRUES FROM THOSE FUNDS ARE APPROPRIATED ON A CONTINUING  
20          BASIS TO THE PENNSYLVANIA COMMISSION ON CRIME AND  
21          DELINQUENCY. UPON ADOPTION OF THE SYSTEM UNDER THIS  
22          PARAGRAPH, THE PENNSYLVANIA COMMISSION ON CRIME AND  
23          DELINQUENCY SHALL PUBLISH NOTICE THEREOF IN THE PENNSYLVANIA  
24          BULLETIN. THIS PARAGRAPH SHALL EXPIRE UPON PUBLICATION OF THE  
25          NOTICE UNDER THIS PARAGRAPH, OR FIVE YEARS AFTER THE  
26          EFFECTIVE DATE OF THIS PARAGRAPH, WHICHEVER OCCURS FIRST. ANY  
27          FUNDS REMAINING IN THE FUND AT SUCH TIME SHALL LAPSE INTO THE  
28          GENERAL FUND.

29                 (3) NO FEE OTHER THAN THAT PROVIDED BY THIS [PARAGRAPH]  
30          SUBSECTION OR THE SHERIFF FEE ACT MAY BE ASSESSED BY THE

SHERIFF FOR THE PERFORMANCE OF ANY BACKGROUND CHECK MADE  
PURSUANT TO THIS ACT.

(4) THE FEE IS PAYABLE TO THE SHERIFF TO WHOM THE  
APPLICATION IS SUBMITTED AND IS PAYABLE AT THE TIME OF  
APPLICATION FOR THE LICENSE.

(5) EXCEPT FOR THE ADMINISTRATIVE FEE OF \$5 UNDER  
SECTION 14(2) OF THE SHERIFF FEE ACT, ALL OTHER FEES SHALL BE  
REFUNDED IF THE APPLICATION IS DENIED BUT SHALL NOT BE  
REFUNDED IF A LICENSE IS ISSUED AND SUBSEQUENTLY REVOKED.

(6) A PERSON WHO SELLS OR ATTEMPTS TO SELL A LICENSE TO  
CARRY A FIREARM FOR A FEE IN EXCESS OF THE AMOUNTS FIXED  
UNDER THIS SUBSECTION COMMITS A SUMMARY OFFENSE.

(I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED  
BY THE ISSUING AUTHORITY FOR GOOD CAUSE. A LICENSE TO CARRY  
FIREARMS SHALL BE REVOKED BY THE ISSUING AUTHORITY FOR ANY  
REASON STATED IN SUBSECTION (E)(1) WHICH OCCURS DURING THE TERM  
OF THE PERMIT. NOTICE OF REVOCATION SHALL BE IN WRITING AND  
SHALL STATE THE SPECIFIC REASON FOR REVOCATION. NOTICE SHALL BE  
SENT BY CERTIFIED MAIL TO THE INDIVIDUAL WHOSE LICENSE IS  
REVOKED, AND, AT THAT TIME, [A COPY SHALL BE FORWARDED TO THE  
COMMISSIONER.] NOTICE SHALL ALSO BE PROVIDED TO THE  
COMMISSIONER, BY MAIL, ELECTRONIC MAIL OR FACSIMILE  
TRANSMISSION, THAT THE LICENSE IS NO LONGER VALID. AN INDIVIDUAL  
WHOSE LICENSE IS REVOKED SHALL SURRENDER THE LICENSE TO THE  
ISSUING AUTHORITY WITHIN FIVE DAYS OF RECEIPT OF THE NOTICE. AN  
INDIVIDUAL WHOSE LICENSE IS REVOKED MAY APPEAL TO THE COURT OF  
COMMON PLEAS FOR THE JUDICIAL DISTRICT IN WHICH THE INDIVIDUAL  
RESIDES. AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A  
SUMMARY OFFENSE.

\* \* \*

(K) RECIPROCITY.--

(1) THE ATTORNEY GENERAL [MAY] SHALL HAVE THE POWER AND DUTY TO ENTER INTO RECIPROCITY AGREEMENTS WITH OTHER STATES AND JURISDICTIONS PROVIDING FOR THE MUTUAL RECOGNITION OF EACH STATE'S [LICENSE] OR OTHER JURISDICTION'S LICENSE OR PERMIT TO CARRY A FIREARM. TO CARRY OUT THIS DUTY, THE ATTORNEY GENERAL IS AUTHORIZED TO NEGOTIATE RECIPROCITY AGREEMENTS AND GRANT RECOGNITION OF ANY STATE'S OR OTHER JURISDICTION'S LICENSE OR PERMIT TO CARRY A FIREARM.

(2) THE ATTORNEY GENERAL SHALL REPORT TO THE GENERAL ASSEMBLY WITHIN 180 DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH AND ANNUALLY THEREAFTER ON THE AGREEMENTS WHICH HAVE BEEN CONSUMMATED PURSUANT TO THIS SUBSECTION.

(3) RECIPROCITY AGREEMENTS SHALL NOT PROVIDE FOR RECOGNITION OF another state's license to carry a firearm which has been issued to a Pennsylvania resident who does not possess a valid license to carry a firearm issued under this section.

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

(L) FIREARMS LICENSE VALIDATION SYSTEM.--THE COMMISSIONER SHALL ESTABLISH A NATIONWIDE TOLL-FREE TELEPHONE NUMBER, KNOWN AS THE FIREARMS LICENSE VALIDATION SYSTEM, WHICH SHALL BE OPERATIONAL SEVEN DAYS PER WEEK, 24 HOURS PER DAY, FOR THE PURPOSE OF RESPONDING TO LAW ENFORCEMENT INQUIRIES REGARDING THE VALIDITY OF THE LICENSE OF ANY PENNSYLVANIA RESIDENT TO CARRY A FIREARM. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY REGARDING THE CONFIDENTIALITY OF INFORMATION UNDER THIS CHAPTER, INQUIRIES TO THE SYSTEM REGARDING THE VALIDITY OF LICENSE NUMBERS MAY BE MADE BY THE PENNSYLVANIA STATE POLICE OR OTHER LAW ENFORCEMENT PERSONNEL. THE COMMISSIONER SHALL PROVIDE AN ORIGINATING AGENCY



1 IDENTIFIER (ORI) NUMBER AND A TELEPHONE NUMBER FOR THE POINT OF  
2 CONTACT FOR OTHER STATES AND OTHER JURISDICTIONS TO ASCERTAIN  
3 THE STATUS OF AN INDIVIDUAL'S PENNSYLVANIA LICENSE TO CARRY A  
4 FIREARM FOR ANY OTHER STATE OR JURISDICTION WHICH HAS ENTERED  
5 INTO A RECIPROCITY AGREEMENT WITH THE COMMONWEALTH.

6 (M) INQUIRIES.--THE ATTORNEY GENERAL SHALL, NOT LATER THAN  
7 30 DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION AND NOT LESS  
8 THAN ONCE ANNUALLY, MAKE WRITTEN INQUIRY OF THE APPROPRIATE  
9 AUTHORITIES IN ANY OTHER STATE WHICH DOES NOT HAVE A CURRENT  
10 RECIPROCITY AGREEMENT WITH THE COMMONWEALTH AS TO WHETHER A  
11 RESIDENT OF THIS COMMONWEALTH MAY CARRY A CONCEALED FIREARM IN  
12 THAT STATE OR WITHIN A JURISDICTION WITHIN THAT STATE BASED UPON  
13 HAVING A VALID PENNSYLVANIA LICENSE TO CARRY A FIREARM OR  
14 WHETHER A RESIDENT OF THIS COMMONWEALTH MAY APPLY FOR A  
15 CONCEALED FIREARM CARRYING LICENSE OR PERMIT IN THAT STATE OR IN  
16 A JURISDICTION WITHIN THE STATE BASED UPON HAVING A VALID  
17 PENNSYLVANIA LICENSE TO CARRY A FIREARM. THE ATTORNEY GENERAL  
18 SHALL MAINTAIN A CURRENT LIST OF THOSE STATES WHICH HAVE A  
19 RECIPROCITY AGREEMENT WITH THE COMMONWEALTH, THOSE STATES AND  
20 JURISDICTIONS WHICH ALLOW RESIDENTS OF THIS COMMONWEALTH TO  
21 CARRY A CONCEALED FIREARM BASED UPON HAVING A VALID PENNSYLVANIA  
22 LICENSE TO CARRY A FIREARM AND THOSE STATES AND JURISDICTIONS  
23 WHICH ALLOW RESIDENTS OF THIS COMMONWEALTH TO APPLY FOR A  
24 CONCEALED FIREARM CARRYING LICENSE OR PERMIT BASED UPON A VALID  
25 PENNSYLVANIA LICENSE TO CARRY A FIREARM. THIS LIST SHALL BE  
26 POSTED ON THE INTERNET, PROVIDED TO THE COMMISSIONER, AND MADE  
27 AVAILABLE TO THE PUBLIC UPON REQUEST.

28 SECTION 3. THE PENNSYLVANIA COMMISSION ON CRIME AND  
29 DELINQUENCY SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY THREE  
30 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION ON THE PROGRESS

1 OF THE FIREARMS LICENSE TO CARRY MODERNIZATION FUND.

2 SECTION 4. A LICENSE TO CARRY A FIREARM ISSUED PRIOR TO THE  
3 EFFECTIVE DATE OF THE AMENDMENT OF 18 PA.C.S. § 6109(E)(3) SHALL  
4 BE VALID UNTIL SUCH TIME AS THE EXPIRATION DATE OF THE LICENSE.

5 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

6 (1) THE AMENDMENT OF 18 PA.C.S. § 6109(E)(3) SHALL TAKE  
7 EFFECT UPON PUBLICATION OF THE NOTICE UNDER 18 PA.C.S. §  
8 6109(H)(2) OR FIVE YEARS FOLLOWING THE EFFECTIVE DATE OF THE  
9 ADDITION OF 18 PA.C.S. § 6109(H)(2), WHICHEVER OCCURS FIRST.

10 (2) THE AMENDMENT OF 18 PA.C.S. § 6109(H) SHALL TAKE  
11 EFFECT IN 60 DAYS.

12 (3) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
13 IMMEDIATELY:

14 (I) THIS SECTION.

15 (II) SECTION 4 OF THIS ACT.

16 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90  
17 DAYS.