

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 22

Session of
2007

INTRODUCED BY MYERS, D. EVANS, GERBER, JAMES, WILLIAMS,
BENNINGTON, BISHOP, COHEN, CRUZ, CURRY, FRANKEL, GALLOWAY,
JOSEPHS, KIRKLAND, LEACH, M. O'BRIEN, PASHINSKI AND ROEBUCK,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for a limit on handgun
3 purchases and sales; establishing the Violence Prevention
4 Fund; and further providing for municipal regulation of
5 firearms and ammunition.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 6111.6. Limit on handgun purchases.

11 (a) Purchase of handgun.--No person may purchase more than
12 one handgun in this Commonwealth within any 30-day period.

13 (b) Sale of handgun.--No person may sell or cause to be sold
14 to a person in this Commonwealth more than one handgun within
15 any 30-day period.

16 (c) Exceptions.--

17 (1) This section shall not apply to purchases by or
18 sales to the following:

1 (i) A licensed firearm dealer.
2 (ii) A licensed firearm collector.
3 (iii) A law enforcement agency or an agency
4 authorized to perform law enforcement duties.
5 (iv) State and local correctional facilities.
6 (v) A private security company licensed to do
7 business within this Commonwealth.
8 (vi) A purchaser or seller of antique firearms.
9 (vii) A person whose handgun is stolen or
10 irretrievably lost if:

11 (A) the person provides the seller with a copy
12 of the official police report of the lost or stolen
13 handgun, or a summary of the report on a form
14 provided by the Pennsylvania State Police;

15 (B) the official police report or summary
16 contains the name and address of the handgun owner,
17 the description of the handgun, the location of the
18 loss or theft, the date of the loss or theft and the
19 date the loss or theft was reported to the law
20 enforcement agency; and

21 (C) the date of the loss or theft as reflected
22 on the official police report or summary occurred
23 within 30 days of the person's attempt to replace the
24 handgun.

25 (2) The seller shall attach a copy of the official
26 police report or summary of the report to the original sales
27 receipt or other document evidencing the original sale and
28 retain it for the period prescribed by regulation of the
29 Pennsylvania State Police.

30 (d) Grading.--

1 (1) Except as set forth in this subsection, a person
2 that violates subsection (a) or (b) commits a summary offense
3 and shall, upon conviction, be sentenced to pay a fine of
4 \$300.

5 (2) Except as set forth in paragraph (3), a person that,
6 after being sentenced under paragraph (1), violates
7 subsection (a) or (b) commits a summary offense and shall,
8 upon conviction, be sentenced to pay a fine of \$1,000 or to
9 imprisonment for not more than 90 days, or both.

10 (3) A person that, after being sentenced more than once
11 under paragraph (1), violates subsection (a) or (b) commits a
12 felony of the third degree.

13 (e) Disposition of fines collected.--The court imposing and
14 collecting a fine under subsection (d) shall transfer the fines
15 thus collected to the State Treasurer for deposit in the
16 Violence Prevention Fund under subsection (f).

17 (f) Violence Prevention Fund.--There is established in the
18 General Fund a nonlapsing, restricted receipt account to be
19 known as the Violence Prevention Fund. Money in the fund is
20 hereby appropriated to the Pennsylvania Commission on Crime and
21 Delinquency solely for purposes of violence prevention and youth
22 violence prevention, including youth education and activities
23 designed to prevent violence and grants to law enforcement
24 agencies for equipment and training designed to prevent gun-
25 related injuries.

26 (g) Notice.--A seller shall notify each prospective
27 purchaser that the purchase of more than one handgun in a 30-day
28 period is prohibited under this section and of the applicable
29 penalties.

30 (h) Handgun purchase history check.--In addition to any

1 other duty prescribed by this section, a seller of a handgun
2 shall request the Pennsylvania State Police to conduct a handgun
3 purchase history check to investigate whether the prospective
4 handgun purchaser is in compliance with this section. A handgun
5 purchase history check shall be conducted in accordance with the
6 procedures governing other background checks under this
7 subchapter. A handgun purchase history shall be conducted at the
8 same time any criminal history, juvenile delinquency or mental
9 health records check is required for a firearm purchase under
10 this subchapter. Information related to a handgun purchase
11 provided to the Pennsylvania State Police by a seller may be
12 retained by the Pennsylvania State Police as necessary to
13 monitor compliance with this section.

14 (i) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Handgun." Either of the following:

18 (1) A firearm which has a short stock and is designed to
19 be held and fired by the use of a single hand.

20 (2) Any combination of parts from which a firearm
21 described under paragraph (1) can be assembled.

22 "Purchase." Does not include the exchange or replacement of
23 a handgun by a seller for a handgun purchased from the seller by
24 the same person seeking the exchange or replacement within the
25 30-day period immediately preceding the date of exchange or
26 replacement.

27 Section 2. Section 6126(b)(1) of Title 18 is amended to
28 read:

29 § 6126. Firearms Background Check Advisory Committee.

30 * * *

1 (b) Duties.--To facilitate compliance with this chapter and
2 the intent thereof, the Firearms Background Check Advisory
3 Committee shall, as follows:

4 (1) Review the operations and procedures of the
5 Pennsylvania State Police relating to the implementation and
6 administration of the criminal history, juvenile delinquency
7 [and], mental health records and handgun purchase history
8 background checks.

9 * * *

10 Section 3. This act shall take effect immediately.