

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1538 Session of 2011

INTRODUCED BY KRIEGER, TURZAI, AUMENT, BARRAR, BENNINGHOFF, BLOOM, BOYD, BROOKS, CALTAGIRONE, CAUSER, CHRISTIANA, CLYMER, D. COSTA, COX, CREIGHTON, CUTLER, DAY, DENLINGER, ELLIS, EVANKOVICH, EVERETT, FARRY, FLECK, GABLER, GEIST, GEORGE, GIBBONS, GILLEN, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HAHN, HALUSKA, HARHART, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, KAUFFMAN, F. KELLER, M. K. KELLER, KORTZ, KULA, LAWRENCE, LONGIETTI, MAJOR, MALONEY, MARSHALL, MASSER, METCALFE, METZGAR, MILLARD, MILLER, MOUL, MULLERY, MUSTIO, OBERLANDER, PEIFER, PERRY, PETRARCA, PICKETT, PYLE, QUIGLEY, RAPP, READSHAW, REED, REESE, ROAE, ROCK, SACCONI, SAYLOR, SCHRODER, SONNEY, STABACK, STERN, STEVENSON, SWANGER, TALLMAN, TAYLOR, VULAKOVICH, WHITE, NEUMAN AND BAKER, MAY 12, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for firearms not to be carried
4 without a license.

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

7 Section 1. Section 6106(b) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 6106. Firearms not to be carried without a license.

10 * * *

11 (b) Exceptions.--The provisions of subsection (a) shall not
12 apply to:

13 (1) Constables, sheriffs, prison or jail wardens, or

1 their deputies, policemen of this Commonwealth or its
2 political subdivisions, or other law-enforcement officers.

3 (2) Members of the army, navy, marine corps, air force
4 or coast guard of the United States or of the National Guard
5 or organized reserves when on duty.

6 (3) The regularly enrolled members of any organization
7 duly organized to purchase or receive such firearms from the
8 United States or from this Commonwealth.

9 [(4) Any persons engaged in target shooting with a
10 firearm, if such persons are at or are going to or from their
11 places of assembly or target practice and if, while going to
12 or from their places of assembly or target practice, the
13 firearm is not loaded.]

14 (5) Officers or employees of the United States duly
15 authorized to carry a concealed firearm.

16 (6) Agents, messengers and other employees of common
17 carriers, banks, or business firms, whose duties require them
18 to protect moneys, valuables and other property in the
19 discharge of such duties.

20 (7) Any person engaged in the business of manufacturing,
21 repairing, or dealing in firearms, or the agent or
22 representative of any such person, having in his possession,
23 using or carrying a firearm in the usual or ordinary course
24 of such business.

25 [(8) Any person while carrying a firearm which is not
26 loaded and is in a secure wrapper from the place of purchase
27 to his home or place of business, or to a place of repair,
28 sale or appraisal or back to his home or place of business,
29 or in moving from one place of abode or business to another
30 or from his home to a vacation or recreational home or

1 dwelling or back, or to recover stolen property under section
2 6111.1(b)(4) (relating to Pennsylvania State Police), or to a
3 place of instruction intended to teach the safe handling, use
4 or maintenance of firearms or back or to a location to which
5 the person has been directed to relinquish firearms under 23
6 Pa.C.S. § 6108 (relating to relief) or back upon return of
7 the relinquished firearm or to a licensed dealer's place of
8 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
9 (relating to relinquishment for consignment sale, lawful
10 transfer or safekeeping) or back upon return of the
11 relinquished firearm or to a location for safekeeping
12 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
13 to third party for safekeeping) or back upon return of the
14 relinquished firearm.]

15 (9) Persons licensed to hunt, take furbearers or fish in
16 this Commonwealth, if such persons are actually hunting,
17 taking furbearers or fishing as permitted by such license, or
18 are going to the places where they desire to hunt, take
19 furbearers or fish or returning from such places.

20 (10) Persons training dogs, if such persons are actually
21 training dogs during the regular training season.

22 (11) Any person while carrying a firearm in any vehicle,
23 which person possesses a valid and lawfully issued license
24 for that firearm which has been issued under the laws of the
25 United States or any other state.

26 (12) A person who has a lawfully issued license to carry
27 a firearm pursuant to section 6109 (relating to licenses) and
28 that said license expired within six months prior to the date
29 of arrest and that the individual is otherwise eligible for
30 renewal of the license.

1 (13) Any person who is otherwise eligible to possess a
2 firearm under this chapter and who is operating a motor
3 vehicle which is registered in the person's name or the name
4 of a spouse or parent and which contains a firearm for which
5 a valid license has been issued pursuant to section 6109 to
6 the spouse or parent owning the firearm.

7 [(14) A person lawfully engaged in the interstate
8 transportation of a firearm as defined under 18 U.S.C. §
9 921(a) (3) (relating to definitions) in compliance with 18
10 U.S.C. § 926A (relating to interstate transportation of
11 firearms).]

12 (15) Any person who possesses a valid and lawfully
13 issued license or permit to carry a firearm which has been
14 issued under the laws of another state, regardless of whether
15 a reciprocity agreement exists between the Commonwealth and
16 the other state under section 6109(k), provided[:

17 (i) The] the other state provides a reciprocal
18 privilege for individuals licensed to carry firearms
19 under section 6109.

20 [(ii) The Attorney General has determined that the
21 firearm laws of the state are similar to the firearm laws
22 of this Commonwealth.]

23 (16) Any person holding a license in accordance with
24 section 6109(f) (3).

25 (17) Any person who is not otherwise prohibited from
26 possessing, using, controlling, selling, transferring or
27 manufacturing a firearm shall be entitled to transport a
28 firearm for any lawful purpose if, during such
29 transportation, the firearm is not loaded.

30 * * *

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