



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 714

PRINTER'S NO. 1150

PRIME SPONSOR: Warren

COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	\$0	See Fiscal Impact

SUMMARY:

Ensures that all firearm sales must be subject to a background check.

ANALYSIS:

House Bill 714 Printer's Number 1150 amends Title 18 § 6111 (Sale or transfer of firearms) by deleting language that exempts the private sale of certain guns from requiring a background check. Background check requirements for a private sale currently apply solely to (1) pistols with a barrel length of less than 15 inches, (2) any shotgun with a barrel length of less than 18 inches, (3) any rifle with a barrel length of less than 16 inches, or (4) any firearm with an overall length of less than 26 inches. This legislation would remove these requirements and require that private sales of firearms have the same background check requirements as sales conducted by a licensed importer, manufacturer, or dealer of firearms.

The legislation also adds a requirement that the Pennsylvania State Police report the failed background check for the purchase or transfer of a firearm of any individuals who are illegally or unlawfully in the United States to the United States Immigration and Customs Enforcement.

This legislation would take effect in 60 days upon enactment.

FISCAL IMPACT:

The Pennsylvania State Police anticipate an increase in the number of background checks that they will have to perform because of this legislation. There is no available data on the private sale of long guns in Pennsylvania, so it is impossible to estimate the increased use of the gun check system.

The Pennsylvania Instant Check System (PICS) is funded by an appropriation from the General Fund and from fees paid to use the system. The fee for a PICS check for a firearm purchase or transfer is \$2. There is an additional \$3 surcharge added to a PICS check on the purchase of a "firearm subject to tax". Private sales of firearms are only subject to the \$2 fee. According to a 2020 report from the Legislative Budget and Finance Committee¹, the revenues from the statutory \$5 instant check fee and surcharge continue to be insufficient to fully fund the costs to operate PICS. The \$5 fee funds approximately 31 percent of actual costs. The report suggests that fees would need to be raised to \$16 to fully fund the instant check system.

¹ <http://lbfc.legis.state.pa.us/Resources/Documents/Reports/690.pdf>

Due to the lack of data on privately transferred long guns, it is impossible to determine how many additional checks the Pennsylvania State Police (PSP) would be required to perform. However, nearly two-thirds of background checks are automatically approved without requiring any additional staff input² and there is no reason to believe that the ratio would be any different for the added checks. Therefore, unless usage of PICS substantially increases, the PSP should be able to perform the additional checks without noticeably increasing wait time for gun sales and with no additional cost to the Commonwealth.

According to the Pennsylvania State Police, 92 background checks were denied in 2022 because the individual was illegally or unlawfully in the United States. Although it represents an additional burden to report these failed checks to the United States Immigration and Customs Enforcement, the PSP does not anticipate any additional costs because of this requirement.

PREPARED BY: Bradley Keen
House Appropriations Committee (D)

DATE: May 16, 2023

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.

² <https://www.psp.pa.gov/firearms-information/Pages/Firearms-Annual-Reports.aspx>