

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 565

**PRINTER NO.** 1212

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund  
Local Government Funds

**DATE INTRODUCED**

April 16, 2021

**PRIME SPONSOR**

Senator Dush

**DESCRIPTION**

Senate Bill 565 amends Chapter 61, the Uniform Firearms Act, of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes by eliminating the need to obtain a license to carry a firearm in any vehicle or to carry a concealed firearm, providing for an optional license to carry a firearm and retaining the sportsman’s firearm permit.

This legislation amends Chapter 61 as follows:

- Repeals Section 6106 (relating to firearms not to be carried without a license), which requires a permit or an exemption to a permit in order to carry a concealed firearm or carry a firearm in a vehicle;
- Adds a new Section 6106.2 (relating to license not required) as follows:
  - (a) Declaration - declares that every person present in this Commonwealth who is qualified under the law and is not prohibited from possessing firearms under federal law shall have an affirmative, fundamental and constitutional right to carry firearms open or concealed, loaded or unloaded and to train with, transport, possess, use, acquire, purchase, transfer, inherit, buy, sell, give or otherwise dispose of or receive, without a license, permission or restriction from or by the Commonwealth or any of its subdivisions;
  - (b) Optional license – provides that obtaining a license to carry a firearm shall be optional. Additionally, the legislation stipulates that the voluntary nature of the license shall not be construed to require that any person obtain a license to carry a firearm;
- Eliminates subsection (a) of Section 6107 of Title 18 which currently prohibits an individual from carrying a firearm on streets or on public property during a declared emergency unless the individual:
  - Is actively engaged in defending his life or property or
  - Is licensed to carry firearms under Section 6109 or is exempt under 6106(b).

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- Repeals Section 6108 (relating to carrying firearms on public streets or public property in Philadelphia). This section prohibited carrying a firearm in a city of the first class without a permit or an exemption;
- Transfers the provisions originally contained in Section 6106 (relating to sportsman's firearm permits) to a new Section 6108.1;
- Repeals the current Section 6109(a) (which provides that a license to carry under current law allows the carrying of a firearm concealed or in a vehicle) and replaces it with provisions that a license to carry is optional and that the voluntary nature of a license to carry shall not be construed to require that a person must obtain a license under this section in order to carry a concealed firearm; Section 6109(a)(4) provides that a license to carry a firearm shall provide a license holder with the ability to carry a firearm in any state with which the Commonwealth maintains a reciprocal agreement for mutual recognition of licenses to carry firearms;
- Section 6109(b) provides that an application for a license to carry a firearm shall be made to a proper issuing authority. If an applicant is not a resident of this Commonwealth, the application shall be made with the proper issuing authority of any county;
- Replaces the requirement that a license to carry a firearm be issued within 45 days with a requirement that it be issued within 14 calendar days (unless good cause be shown);
- Replaces a provision that a license may be denied if an individual has been committed to a mental institution with a provision that provides that the license may be denied if the individual has been involuntarily committed, unless the involuntary commitment has been expunged; and
- Repeals Section 6122, which requires a license holder to produce his or her license upon demand by a law enforcement officer or provide proof of an exception from the licensure requirements.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

Enactment of this legislation will not have any fiscal impact on Commonwealth funds.

There may be a negative fiscal impact on county funds depending upon the number of individuals that do not apply for a concealed weapon permit through the county Sheriff's office. The actual revenue loss to counties will be dependent on the number of individuals choosing not to apply for a concealed weapon permit and the fee currently imposed by the county.