

2016D10416LKK:CDM

No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for definitions, for evidence of intent, for persons not to possess, use, manufacture, control, sell or transfer firearms, for firearms not to be carried without a license and for licenses, providing for firearm eligibility license, for application for firearm eligibility license, for fee and qualification, for investigations and training course and for issuance and terms and further providing for sale or transfer of firearms, for Pennsylvania State Police, for proof of license and exception and for administrative regulations.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

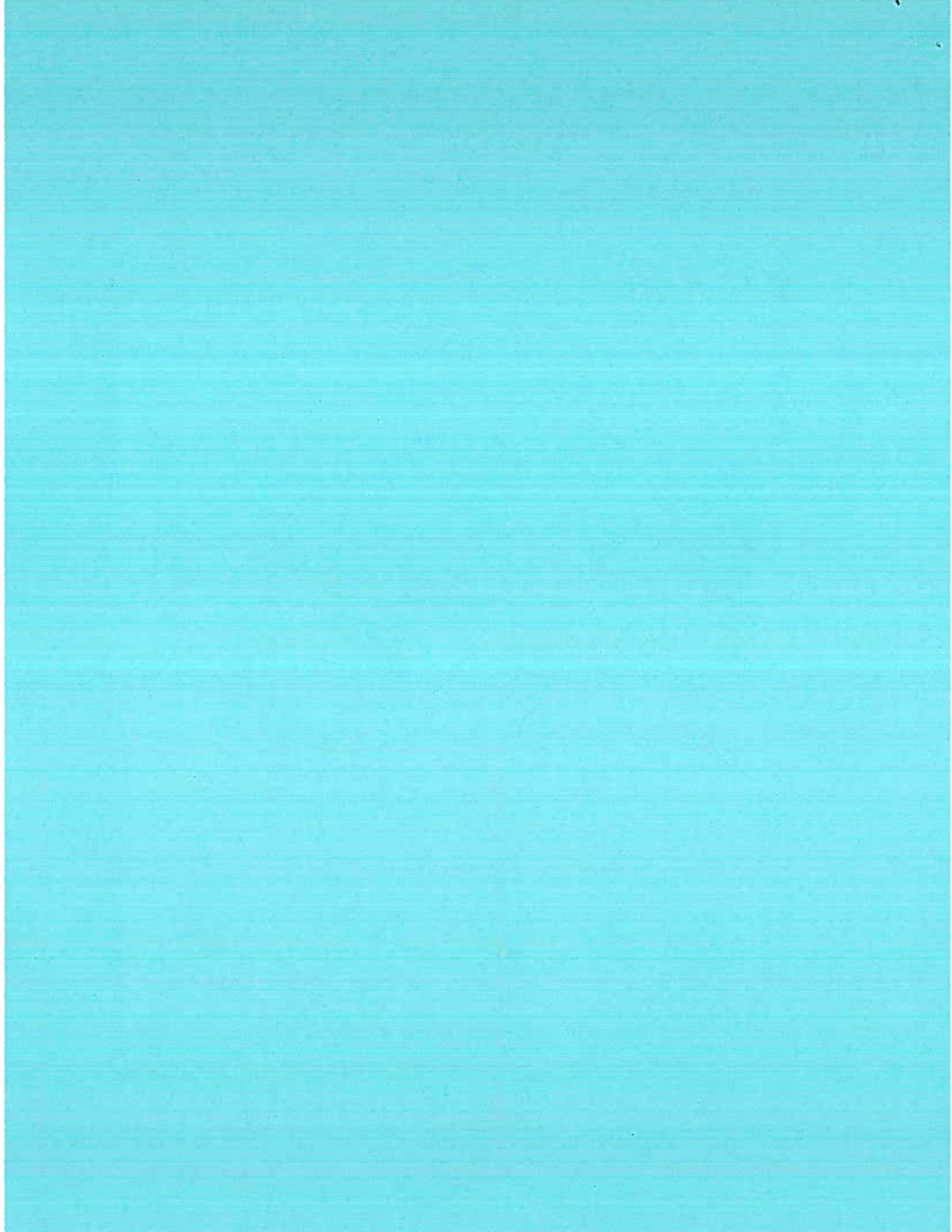
By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20 _____
Reported _____	20 _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	



## 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 definitions, for evidence of  
4 intent, for persons not to possess, use, manufacture,  
5 control, sell or transfer firearms, for firearms not to be  
6 carried without a license and for licenses, providing for  
7 firearm eligibility license, for application for firearm  
8 eligibility license, for fee and qualification, for  
9 investigations and training course and for issuance and terms  
10 and further providing for sale or transfer of firearms, for  
11 Pennsylvania State Police, for proof of license and exception  
12 and for administrative regulations.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 6102 of Title 18 of the Pennsylvania  
16 Consolidated Statutes is amended by adding definitions to read:  
17 § 6102. Definitions.

18 Subject to additional definitions contained in subsequent  
19 provisions of this subchapter which are applicable to specific  
20 provisions of this subchapter, the following words and phrases,  
21 when used in this subchapter shall have, unless the context  
22 clearly indicates otherwise, the meanings given to them in this

1 section:

2 \* \* \*

3 "Firearm eligibility license." A license issued by the  
4 commissioner that authorizes a person to purchase, possess,  
5 control or use a firearm.

6 \* \* \*

7 "Qualified firearm instructor." A certified firearms  
8 instructor who is recognized by the Pennsylvania State Police  
9 and has one of the following:

10 (1) A valid qualified firearm instructor license issued  
11 by the commissioner.

12 (2) A certificate issued by a nationally recognized  
13 firearms organization.

14 \* \* \*

15 Section 2. Section 6104 of Title 18 is amended to read:  
16 § 6104. Evidence of intent.

17 In the trial of a person for committing or attempting to  
18 commit a crime enumerated in section 6105 (relating to persons  
19 not to possess, use, manufacture, control, sell or transfer  
20 firearms), the fact that that person was armed with a firearm,  
21 used or attempted to be used, and had no license to possess or  
22 carry the same, shall be evidence of that person's intention to  
23 commit the offense.

24 Section 3. Section 6105(c) of Title 18 is amended by adding  
25 a paragraph to read:

26 § 6105. Persons not to possess, use, manufacture, control, sell  
27 or transfer firearms.

28 \* \* \*

29 (c) Other persons.--In addition to any person who has been  
30 convicted of any offense listed under subsection (b), the

1 following persons shall be subject to the prohibition of  
2 subsection (a):

3 \* \* \*

4 (10) A person who does not possess a valid firearm  
5 eligibility license required under section 6109.1 (relating  
6 to firearm eligibility license).

7 \* \* \*

8 Section 4. Section 6106(a) of Title 18 is amended to read:

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

10 (a) Offense defined.--

11 (1) Except as provided in paragraph (2), any person who  
12 carries a firearm in any vehicle or any person who carries a  
13 firearm concealed on or about his person, except in his place  
14 of abode or fixed place of business, without a valid and  
15 lawfully issued license [under this chapter] to carry under  
16 section 6109 (relating to license to carry) commits a felony  
17 of the third degree.

18 (2) A person who is otherwise eligible to possess a  
19 valid license [under this chapter] to carry under section  
20 6109 but carries a firearm in any vehicle or any person who  
21 carries a firearm concealed on or about his person, except in  
22 his place of abode or fixed place of business, without a  
23 valid and lawfully issued license to carry and has not  
24 committed any other criminal violation commits a misdemeanor  
25 of the first degree.

26 \* \* \*

27 Section 5. Section 6109 heading, (c) and (d) of Title 18 are  
28 amended and subsection (e)(1) and (3) are amended by adding  
29 subparagraphs to read:

30 § 6109. [Licenses.] License to carry.

1 \* \* \*

2 (c) Form of application and content.--The application for a  
3 license to carry a firearm shall be uniform throughout this  
4 Commonwealth and shall be on a form prescribed by the  
5 Pennsylvania State Police. The form may contain provisions, not  
6 exceeding one page, to assure compliance with this section.  
7 Issuing authorities shall use only the application form  
8 prescribed by the Pennsylvania State Police. One of the  
9 following reasons for obtaining a firearm license shall be set  
10 forth in the application: self-defense, employment, hunting and  
11 fishing, target shooting, gun collecting or another proper  
12 reason. The application form shall be dated and signed by the  
13 applicant and shall contain the following statement:

14 I am the holder of a valid firearm eligibility license. I  
15 have never been convicted of a crime that prohibits me  
16 from possessing or acquiring a firearm under Federal or  
17 State law. I am of sound mind and have never been  
18 committed to a mental institution. I hereby certify that  
19 the statements contained herein are true and correct to  
20 the best of my knowledge and belief. I understand that,  
21 if I knowingly make any false statements herein, I am  
22 subject to penalties prescribed by law. I authorize the  
23 sheriff, or his designee, or, in the case of first class  
24 cities, the chief or head of the police department, or  
25 his designee, to inspect only those records or documents  
26 relevant to information required for this application. If  
27 I am issued a license and knowingly become ineligible to  
28 legally possess or acquire firearms, I will promptly  
29 notify the sheriff of the county in which I reside or, if  
30 I reside in a city of the first class, the chief of

1 police of that city.

2 (d) Sheriff to conduct investigation.--The sheriff to whom  
3 the application is made shall:

4 (1) investigate the applicant's record of criminal  
5 conviction;

6 (2) investigate whether or not the applicant is under  
7 indictment for or has ever been convicted of a crime  
8 punishable by imprisonment exceeding one year;

9 (3) investigate whether the applicant's character and  
10 reputation are such that the applicant will not be likely to  
11 act in a manner dangerous to public safety;

12 (4) investigate whether the applicant would be precluded  
13 from receiving a license under subsection (e)(1) or section  
14 6105(h) (relating to persons not to possess, use,  
15 manufacture, control, sell or transfer firearms); [and]

16 (5) conduct a criminal background, juvenile delinquency  
17 and mental health check following the procedures set forth in  
18 section 6111 (relating to sale or transfer of firearms),  
19 receive a unique approval number for that inquiry and record  
20 the date and number on the application[.]; and

21 (6) confirm with the Pennsylvania State Police that the  
22 applicant holds a valid firearm eligibility license.

23 (e) Issuance of license.--

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

1 \* \* \*

2 (xv) An individual who does not possess a valid  
3 firearm eligibility license under section 6109.1  
4 (relating to firearm eligibility license).

5 (3) The license to carry a firearm shall be designed to  
6 be uniform throughout this Commonwealth and shall be in a  
7 form prescribed by the Pennsylvania State Police. The license  
8 shall bear the following:

9 \* \* \*

10 (vii) The number of the licensee's firearm  
11 eligibility license.

12 \* \* \*

13 Section 6. Title 18 is amended by adding sections to read:  
14 § 6109.1. Firearm eligibility license.

15 (a) Required.--Except as provided in subsection (b), a  
16 firearm eligibility license shall be required to own or possess  
17 a firearm within this Commonwealth.

18 (b) Exception.--Subsection (a) may not apply to any of the  
19 following:

20 (1) A licensed firearms manufacturer.

21 (2) A dealer licensed under section 6113 (relating to  
22 licensing of dealers).

23 (3) A law enforcement officer or person who is retired  
24 in good standing from service with a law enforcement agency  
25 of the United States, this Commonwealth or a local law  
26 enforcement agency of this Commonwealth.

27 (4) A member or retired member of the armed forces of  
28 the United States or the Pennsylvania National Guard.

29 (5) A person purchasing, owning, possessing or receiving  
30 an antique firearm as defined in section 6118 (relating to



1 antique firearms) or reproductions or replicas of firearms if  
2 the antique firearm, reproduction or replica is not suitable  
3 for use.

4 § 6109.2. Application for firearm eligibility license.

5 (a) Place of application.--An individual may apply to an  
6 issuing authority for a firearm eligibility license. If the  
7 applicant is a resident of this Commonwealth, the applicant must  
8 apply with the sheriff of the county in which the applicant  
9 resides. If the applicant lives in a city of the first class,  
10 the applicant must apply with the chief of police of the city.

11 (b) Form of application and content.--The application for a  
12 firearm eligibility license shall be uniform across this  
13 Commonwealth and shall be on a form prescribed by the  
14 Pennsylvania State Police. Each application shall be signed and  
15 dated by the applicant. The form may contain provisions, not  
16 exceeding one page, to assure compliance with this section.  
17 Issuing authorities shall use only the application form  
18 prescribed by the Pennsylvania State Police. The application  
19 shall contain the following statement:

20 I have never been convicted of a crime that prohibits me  
21 from possessing or acquiring a firearm under Federal or  
22 State law. I am of sound mind and have never been  
23 committed to a mental institution. I hereby certify that  
24 the statements contained herein are true and correct to  
25 the best of my knowledge and belief. I understand that,  
26 if I knowingly make any false statement herein, I am  
27 subject to penalties prescribed by law. I authorize the  
28 sheriff or the sheriff's designee, or the chief of the  
29 police department or the chief's designee, to inspect  
30 only those records or documents relevant to the

1 information required for this application. If I am issued  
2 a license and knowingly become ineligible to legally  
3 possess or acquire firearms, I will promptly notify the  
4 sheriff of the county in which I reside or, if I reside  
5 in a city of the first class, the chief of police of that  
6 city.

7 § 6109.3. Fee and qualification.

8 (a) Firearm eligibility license fee.--

9 (1) The fees for a firearm eligibility license are as  
10 follows:

11 (i) Fifty dollars for the original license.

12 (ii) Thirty dollars for a license renewal which  
13 includes the following:

14 (A) A renewal processing fee of \$1.50.

15 (B) An administrative fee of \$5 under section  
16 14(2) of the act of July 6, 1984 (P.L.614, No.127),  
17 known as the Sheriff Fee Act.

18 (C) An administrative fee of \$2 for the costs of  
19 completing the background investigation under section  
20 6109.2(b) (relating to application for firearm  
21 eligibility license). This fee shall be deposited  
22 into the Firearms Instant Records Check Fund under  
23 section 6111.2 (relating to firearm sales surcharge).

24 (2) All license fees remaining after the deduction under  
25 paragraph (1) shall be deposited in the General Fund.

26 (3) No fee other than under this section or the Sheriff  
27 Fee Act may be assessed by the issuing authority for the cost  
28 of a background check performed in the process of issuing a  
29 firearm eligibility license.

30 (b) Qualifications for license.--The issuing authority shall

1 issue a firearm eligibility license to an applicant who meets  
2 the following criteria:

3 (1) Be at least 21 years of age.

4 (2) Be a resident of this Commonwealth.

5 (3) Within three years prior to the submission of the  
6 application, demonstrate satisfactory completion of a  
7 certified firearms training course approved by the  
8 commissioner that includes all the following:

9 (i) A minimum of 16 hours of instruction by a  
10 qualified firearm instructor.

11 (ii) Classroom instruction on all the following:

12 (A) Commonwealth firearm law.

13 (B) Home firearm safety.

14 (C) Firearm mechanisms and operations.

15 (iii) A firearms orientation component that  
16 demonstrates the person's safe operation, handling and  
17 use of a firearm.

18 (4) Is not prohibited by Federal or State law from  
19 purchasing or possessing a firearm. For purposes of  
20 determining this, the following shall apply:

21 (i) The applicant shall provide a full set of  
22 fingerprints to the Pennsylvania State Police.

23 (ii) The Pennsylvania State Police shall submit the  
24 fingerprints to the Federal Bureau of Investigation to  
25 verify the identity of the applicant and obtain a current  
26 record of criminal arrests and convictions.

27 § 6109.4. Investigations and training course.

28 (a) Firearms training course.--The commissioner has the  
29 following powers and duties:

30 (1) To promulgate guidelines setting forth the

1 requirements to become a qualified firearm instructor in this  
2 Commonwealth.

3 (2) To designate any program as a certified firearm  
4 training course if the program meets the minimum requirements  
5 established by the commissioner.

6 (b) Waiver of training course.--An applicant for a firearm  
7 eligibility license is not required to complete a firearm safety  
8 training course under subsection (a) if the applicant is any of  
9 the following:

10 (1) A qualified firearm instructor.

11 (2) A member or honorably discharged member of the armed  
12 forces of the United States or the National Guard.

13 (3) A police officer, as defined in 53 Pa.C.S. § 2162  
14 (relating to definitions) who is certified under 53 Pa.C.S.  
15 Ch. 21 Subch. D (relating to municipal police education and  
16 training). The term includes a school police officer  
17 appointed under section 778 of the act of March 10, 1949  
18 (P.L.30, No.14), known as the Public School Code of 1949.

19 (4) An active or retired Federal or State law  
20 enforcement officer.

21 (5) Certified under 61 Pa.C.S. Ch. 63 (relating to  
22 county probation officers' firearm education and training).

23 (6) A Commonwealth or county corrections officer or  
24 probation or parole agent.

25 (7) A county sheriff, deputy sheriff or constable.

26 (8) The lawful owner of a firearm prior to the effective  
27 date of this subsection.

28 (c) Conduct of investigation.--The issuing authority to whom  
29 the application is made shall:

30 (1) Investigate the applicant's record of criminal

1 conviction.

2 (2) Review the applicant's completed Federal criminal  
3 history check.

4 (3) Investigate whether the applicant would be precluded  
5 from or is prohibited from possessing, using, controlling,  
6 selling, purchasing, transferring or manufacturing a firearm  
7 under section 6105 (relating to persons not to possess, use,  
8 manufacture, control, sell or transfer firearms).

9 (4) Conduct a criminal background, juvenile delinquency  
10 and mental health check following the procedures set forth in  
11 section 6111 (relating to sale or transfer of firearms),  
12 receive a unique approval number for that inquiry and record  
13 the date and number on the application.

14 (d) Notice to issuing authority.--Notwithstanding any other  
15 law to the contrary, a court, mental health review officer or  
16 county mental health and mental retardation administrator shall  
17 notify the issuing authority of the county or city in which an  
18 individual holds a firearm eligibility license on a form  
19 prescribed by the Pennsylvania State Police within seven days of  
20 the individual's conviction or adjudication or upon  
21 determination of any of the following:

22 (1) A crime specified in section 6105(a) or (b).

23 (2) A crime punishable by imprisonment exceeding one  
24 year.

25 (3) Conduct that meets the criteria of section 6105(c)  
26 (1), (2), (3), (5), (6) or (9).

27 (4) Incompetency.

28 (5) Involuntary commitment to a mental institution for  
29 inpatient care and treatment under the act of July 9, 1976  
30 (P.L.817, No.143), known as the Mental Health Procedures Act.

1           (6) Involuntary treatment for an individual meeting the  
2           criteria of section 6105(c)(4).

3           (e) Immunity.--An issuing authority which complies in good  
4           faith with this section shall be immune from liability resulting  
5           or arising from the action of misconduct with a firearm  
6           committed by an individual who was issued a firearm eligibility  
7           license.

8           (f) Definition.--As used in this section, the term "issuing  
9           authority" shall mean a county sheriff or chief of police of a  
10           city of the the first class.

11   § 6109.5. Issuance and terms.

12           (a) Issuance of license.--

13           (1) If the applicant meets the requirements of this  
14           section, a firearm eligibility license shall be issued. A  
15           license shall not be issued to an individual who is  
16           prohibited from possessing, using, controlling, selling,  
17           purchasing, transferring or manufacturing a firearm under  
18           section 6105 (relating to persons not to possess, use,  
19           manufacture, control, sell or transfer firearms) or under any  
20           other Federal or State law.

21           (2) The firearm eligibility license shall be designed to  
22           be uniform throughout this Commonwealth and shall be in a  
23           form prescribed by the Pennsylvania State Police. The license  
24           shall bear the following:

25                   (i) The name, address, date of birth, race, sex,  
26                   citizenship, height, weight, color of hair, color of eyes  
27                   and signature of the licensee.

28                   (ii) The signature of the issuing authority.

29                   (iii) A license number of which the first two  
30                   numbers shall be a county location code. The remaining

1 numbers shall be issued in numerical sequence.

2 (iv) The period of validation.

3 (3) The firearm eligibility license shall include a  
4 photograph of the licensee. The photograph shall be in a form  
5 compatible with the Commonwealth Photo Imaging Network.

6 (4) The original firearm eligibility license shall be  
7 issued to the applicant. The first copy of the license shall  
8 be forwarded to the Pennsylvania State Police within seven  
9 days of the date of issuance. The second copy shall be  
10 retained by the issuing authority for a period of seven  
11 years. Except under a court order, both copies and the  
12 application shall, at the end of the seven-year period, be  
13 destroyed unless the license has been renewed.

14 (b) Grant or denial of license.--Upon receipt of an  
15 application for a firearm eligibility license, the issuing  
16 authority shall issue or refuse to issue within 30 days a  
17 license on the basis of the investigation under subsection (d)  
18 and the accuracy of the information contained in the  
19 application. If the issuing authority refuses to issue a  
20 license, the issuing authority shall notify the applicant in  
21 writing of the refusal and the specific reason. The notice shall  
22 be sent by certified mail to the applicant at the address  
23 included in the application.

24 (c) Term of license.--

25 (1) A firearm eligibility license issued under  
26 subsection (e) shall be valid throughout this Commonwealth  
27 for a period of five years unless extended under paragraph  
28 (3) or revoked.

29 (2) At least 60 days prior to the expiration of each  
30 license, the issuing authority shall send to the licensee an

1 application for renewal of the license. Failure to receive a  
2 renewal application shall not relieve a licensee from the  
3 responsibility to renew the license.

4 (3) Notwithstanding paragraph (1) or any other  
5 provisions of law to the contrary, a firearm eligibility  
6 license that is held by a member of the United States Armed  
7 Forces or the Pennsylvania National Guard on Federal active  
8 duty and deployed overseas that is scheduled to expire during  
9 the period of deployment shall be extended until 90 days  
10 after the end of the deployment.

11 (4) Possession of a firearm eligibility license,  
12 together with a copy of the person's military orders showing  
13 the dates of the overseas deployment, including the date that  
14 the overseas deployment ends, shall constitute a defense to  
15 any charge filed under this section during the extension  
16 period.

17 (d) Revocation.--

18 (1) A firearm eligibility license may be revoked by the  
19 issuing authority for any reason under section 6105(b) or (c)  
20 if the violation occurs during the term of the license. The  
21 revocation shall be in accordance with the following:

22 (i) Notice of revocation shall:

23 (A) Be in writing and shall state the specific  
24 reason for revocation.

25 (B) Be sent by certified mail to the individual.

26 (C) Be provided to the Pennsylvania State Police  
27 by electronic means including e-mail or facsimile  
28 transmission.

29 (ii) An individual who has had a license revoked may  
30 appeal to the court of common pleas for the judicial



1 district in which the individual resides.

2 (2) Anyone who violates this subsection commits a  
3 summary offense.

4 (e) Immunity.--An issuing authority which complies in good  
5 faith with this section shall be immune from liability resulting  
6 or arising from the action of misconduct with a firearm  
7 committed by an individual who was issued a firearm eligibility  
8 license.

9 (f) Reciprocity.--The Attorney General shall:

10 (1) Have the power and duty to enter into reciprocity  
11 agreements with other states providing for the mutual  
12 recognition of a firearm eligibility license issued by the  
13 Commonwealth and a firearm eligibility license or permit  
14 issued by another state.

15 (2) Have the power to negotiate reciprocity agreements  
16 and grant recognition to a firearm eligibility license or  
17 permit issued by another state.

18 (3) Report to the General Assembly within 180 days of  
19 the effective date of this paragraph and annually thereafter  
20 on the agreements which have been made under this section.

21 (g) Definition.--As used in this section, the term "issuing  
22 authority" means a county sheriff or chief of police of a city  
23 of the first class.

24 Section 7. Section 6111(b)(1.1)(iii) and (g)(4)(iii) of  
25 Title 18 are amended and subsection (b) is amended by adding a  
26 paragraph to read:

27 § 6111. Sale or transfer of firearms.

28 \* \* \*

29 (b) Duty of seller.--No licensed importer, licensed  
30 manufacturer or licensed dealer shall sell or deliver any

1 firearm to another person, other than a licensed importer,  
2 licensed manufacturer, licensed dealer or licensed collector,  
3 until the conditions of subsection (a) have been satisfied and  
4 until he has:

5 \* \* \*

6 (1.1) On the date of publication in the Pennsylvania  
7 Bulletin of a notice by the Pennsylvania State Police that  
8 the instantaneous records check has been implemented, all of  
9 the following shall apply:

10 \* \* \*

11 (iii) For purposes of conducting the criminal  
12 history, juvenile delinquency and mental health records  
13 background check which shall be completed within ten days  
14 of receipt of the information from the dealer, the  
15 application/record of sale shall include the name,  
16 address, birthdate, gender, race, physical description  
17 [and], Social Security number of the purchaser or  
18 transferee, the purchaser or transferee's firearm  
19 eligibility license number and the date of application.

20 \* \* \*

21 (2.1) Inspected the firearm eligibility license of the  
22 potential purchaser or transferee.

23 \* \* \*

24 (g) Penalties.--

25 \* \* \*

26 (4) Any person, purchaser or transferee commits a felony  
27 of the third degree if, in connection with the purchase,  
28 delivery or transfer of a firearm under this chapter, he  
29 knowingly and intentionally:

30 \* \* \*

1 (iii) willfully furnishes or exhibits any false  
2 identification, including a false firearm eligibility  
3 license, intended or likely to deceive the seller,  
4 licensed dealer or licensed manufacturer.

5 \* \* \*

6 Section 8. Section 6111.1(b)(2) and (3) and (e)(1) of Title  
7 18 are amended and subsections (b) and (i) are amended by adding  
8 paragraphs to read:

9 § 6111.1. Pennsylvania State Police.

10 \* \* \*

11 (b) Duty of Pennsylvania State Police.--

12 \* \* \*

13 (1.1) Upon receipt of an application for a firearm  
14 eligibility license under section 6109.1 (relating to firearm  
15 eligibility license), the Pennsylvania State Police shall  
16 immediately:

17 (i) Review the Pennsylvania State Police criminal  
18 history and fingerprint records to determine whether the  
19 applicant is prohibited from receipt or possession of a  
20 firearm under Federal or State law.

21 (ii) Review the juvenile delinquency and mental  
22 health records of the Pennsylvania State Police to  
23 determine whether the applicant is prohibited from  
24 receipt or possession of a firearm under Federal or State  
25 law.

26 (iii) Inform the issuing authority of one of the  
27 following:

28 (A) That the issuance of a firearm eligibility  
29 license is prohibited.

30 (B) The the individual is cleared for a firearm

1 eligibility license. If the Pennsylvania State Police  
2 determine that the individual is eligible, the  
3 Pennsylvania State Police shall provide the issuing  
4 authority with the individual's firearm eligibility  
5 license.

6 (2) In the event of electronic failure, scheduled  
7 computer downtime or similar event beyond the control of the  
8 Pennsylvania State Police, the Pennsylvania State Police  
9 shall immediately notify the requesting licensee under  
10 paragraph (1) or the applicant under paragraph (1.1) of the  
11 reason for and estimated length of the delay. If the failure  
12 or event lasts for a period exceeding 48 hours, the dealer  
13 shall not be subject to any penalty for completing a  
14 transaction absent the completion of an instantaneous records  
15 check for the remainder of the failure or similar event, but  
16 the dealer shall obtain a completed application/record of  
17 sale following the provisions of section 6111(b)(1) and (1.1)  
18 (relating to sale or transfer of firearms) as if an  
19 instantaneous records check has not been established for any  
20 sale or transfer of a firearm for the purpose of a subsequent  
21 background check.

22 (3) The Pennsylvania State Police shall fully comply,  
23 execute and enforce the directives of this section as  
24 follows:

25 (i) The instantaneous background check for firearms  
26 as defined in section 6102 (relating to definitions)  
27 shall begin on July 1, 1998.

28 (ii) The instantaneous background check for firearms  
29 that exceed the barrel lengths set forth in section 6102  
30 shall begin on the later of:

1 (A) the date of publication of the notice under  
2 section 6111(a)(2); or

3 (B) December 31, 1998.

4 (iii) The instantaneous background check for a  
5 firearm eligibility license shall take effect on the  
6 effective date of this subparagraph.

7 \* \* \*

8 (e) Challenge to records.--

9 (1) Any person who is denied a firearm eligibility  
10 license or is denied the right to receive, sell, transfer,  
11 possess, carry, manufacture or purchase a firearm as a result  
12 of the procedures established by this section may challenge  
13 the accuracy of that person's criminal history, juvenile  
14 delinquency history or mental health record pursuant to a  
15 denial by the instantaneous records check by submitting a  
16 challenge to the Pennsylvania State Police within 30 days  
17 from the date of the denial.

18 \* \* \*

19 (i) Reports.--The Pennsylvania State Police shall annually  
20 compile and report to the General Assembly, on or before  
21 December 31, the following information for the previous year:

22 \* \* \*

23 (1.1) number of firearm eligibility license applications  
24 submitted, number of applications denied, number of  
25 challenges of the denials and number of reversals of initial  
26 denials;

27 \* \* \*

28 Section 9. Sections 6122(a) and 6124 of Title 18 are amended  
29 to read:

30 § 6122. Proof of license and exception.

1 (a) General rule.--When carrying a firearm concealed on or  
2 about one's person or in a vehicle, an individual licensed to  
3 carry a firearm shall, upon lawful demand of a law enforcement  
4 officer, produce the [license] individual's firearm eligibility  
5 license and license to carry for inspection. Failure to produce  
6 such license either at the time of arrest or at the preliminary  
7 hearing shall create a rebuttable presumption of nonlicensure.

8 \* \* \*

9 § 6124. Administrative regulations.

10 The commissioner may establish form specifications and  
11 regulations, consistent with [section] sections 6109(c)  
12 (relating to licenses) and 6109.1(d) (relating to firearm  
13 eligibility license), with respect to uniform forms control,  
14 including the following:

- 15 (1) License to carry firearms.
- 16 (2) Firearm registration.
- 17 (3) Dealer's license.
- 18 (4) Application for purchase of a firearm.
- 19 (5) Record of sale of firearms.
- 20 (6) Firearm eligibility license.

21 Section 10. This act shall take effect in 60 days.