

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 3/25/10)

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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 sale or transfer of firearms and for Pennsylvania State Police and providing for self-exclusion from purchasing a firearm.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

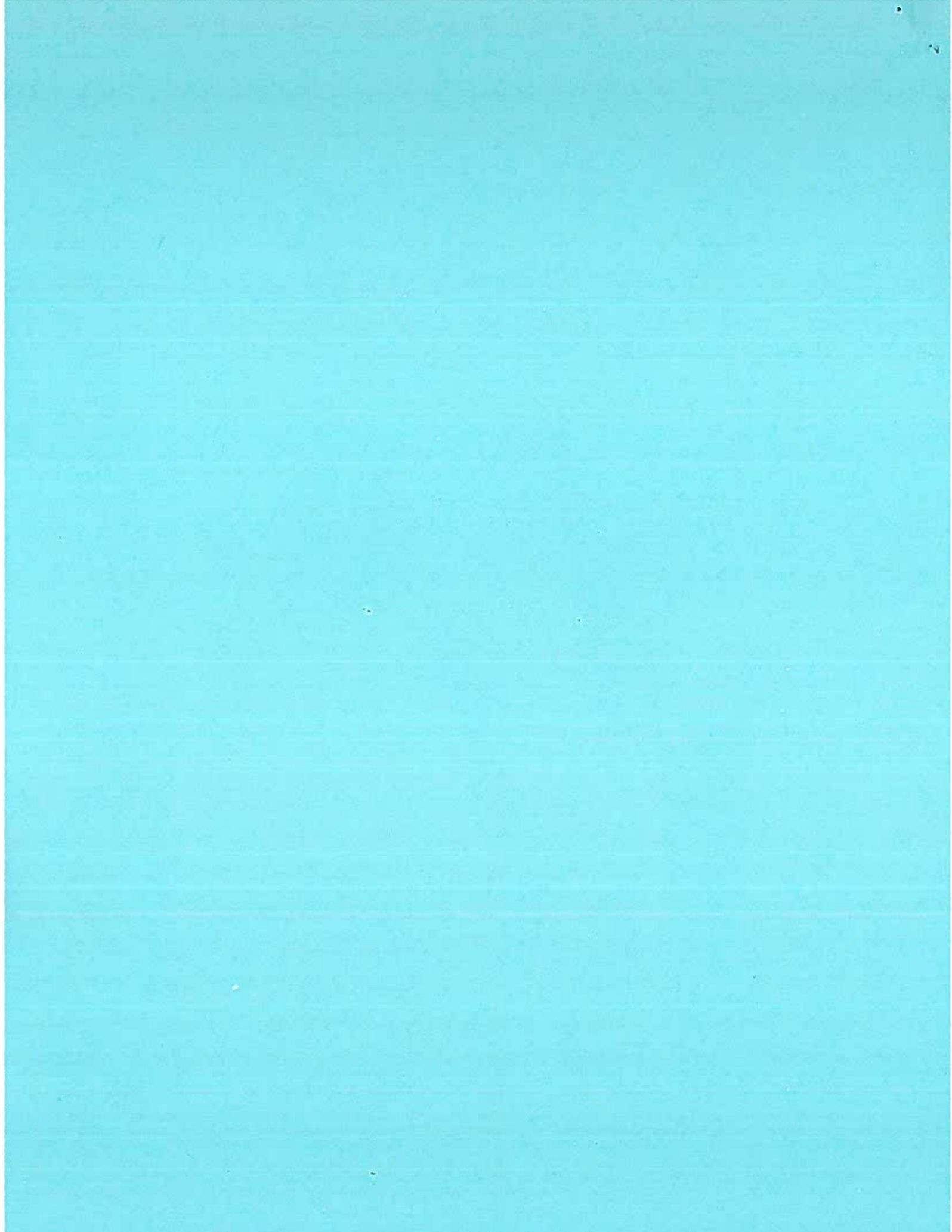
By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	



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 sale or
4 transfer of firearms and for Pennsylvania State Police and
5 providing for self-exclusion from purchasing a firearm.

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

8 Section 1. Section 6102 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:
10 § 6102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this subchapter which are applicable to specific
13 provisions of this subchapter, the following words and phrases,
14 when used in this subchapter shall have, unless the context
15 clearly indicates otherwise, the meanings given to them in this
16 section:

17 * * *

18 "Voluntary self-exclusion list." The list established under
19 section 6128 (relating to self-exclusion from purchasing a

1 firearm) and maintained by the Pennsylvania State Police of
2 names and identifying information of persons who have
3 voluntarily agreed to be prohibited from purchasing a firearm or
4 receiving a firearm by transfer.

5 Section 2. Sections 6111(b)(1.1), (3) and (6) and 6111.1(b)
6 (1) and (3) of Title 18 are amended to read:

7 § 6111. Sale or transfer of firearms.

8 * * *

9 (b) Duty of seller.--No licensed importer, licensed
10 manufacturer or licensed dealer shall sell or deliver any
11 firearm to another person, other than a licensed importer,
12 licensed manufacturer, licensed dealer or licensed collector,
13 until the conditions of subsection (a) have been satisfied and
14 until he has:

15 * * *

16 (1.1) On the date of publication in the Pennsylvania
17 Bulletin of a notice by the Pennsylvania State Police that
18 the instantaneous records check has been implemented, all of
19 the following shall apply:

20 (i) In the event of an electronic failure under
21 section 6111.1(b)(2) (relating to Pennsylvania State
22 Police) for purposes of a firearm which exceeds the
23 barrel and related lengths set forth in section 6102,
24 obtained a completed application/record of sale from the
25 potential buyer or transferee to be filled out in
26 triplicate, the original copy to be sent to the
27 Pennsylvania State Police, postmarked via first class
28 mail, within 14 days of sale, one copy to be retained by
29 the licensed importer, licensed manufacturer or licensed
30 dealer for a period of 20 years and one copy to be

1 provided to the purchaser or transferee.

2 (ii) The form of the application/record of sale
3 shall be no more than one page in length and shall be
4 promulgated by the Pennsylvania State Police and provided
5 by the licensed importer, licensed manufacturer or
6 licensed dealer.

7 (iii) For purposes of conducting the criminal
8 history, juvenile delinquency, voluntary self-exclusion
9 list and mental health records background check which
10 shall be completed within ten days of receipt of the
11 information from the dealer, the application/record of
12 sale shall include the name, address, birthdate, gender,
13 race, physical description and Social Security number of
14 the purchaser or transferee and the date of application.

15 (iv) No information regarding the type of firearm
16 need be included other than an indication that the
17 firearm exceeds the barrel lengths set forth in section
18 6102.

19 (v) Unless it has been discovered pursuant to a
20 criminal history, juvenile delinquency, voluntary self-
21 exclusion list and mental health records background check
22 that the potential purchaser or transferee is prohibited
23 from possessing a firearm pursuant to section 6105
24 (relating to persons not to possess, use, manufacture,
25 control, sell or transfer firearms) or that the potential
26 purchaser or transferee is prohibited from purchasing or
27 receiving a firearm because the potential purchaser or
28 transferee's name appears on the voluntary self-exclusion
29 list, no information on the application/record of sale
30 provided pursuant to this subsection shall be retained as

1 precluded by section 6111.4 (relating to registration of
2 firearms) by the Pennsylvania State Police either through
3 retention of the application/record of sale or by
4 entering the information onto a computer, and, further,
5 an application/record of sale received by the
6 Pennsylvania State Police pursuant to this subsection
7 shall be destroyed within 72 hours of the completion of
8 the criminal history, juvenile delinquency and mental
9 health records background check.

10 * * *

11 (3) Requested by means of a telephone call that the
12 Pennsylvania State Police conduct a criminal history,
13 juvenile delinquency history, check of the voluntary self-
14 exclusion list and a mental health record check. The
15 purchaser and the licensed dealer shall provide such
16 information as is necessary to accurately identify the
17 purchaser. The requester shall be charged a fee equivalent to
18 the cost of providing the service but not to exceed \$2 per
19 buyer or transferee.

20 * * *

21 (6) Unless it has been discovered pursuant to a criminal
22 history, juvenile delinquency [and], mental health records
23 background check and check of the voluntary self-exclusion
24 list that the potential purchaser or transferee is prohibited
25 from possessing a firearm pursuant to section 6105 or that
26 the potential purchaser or transferee is prohibited from
27 purchasing or receiving a firearm because the potential
28 purchaser or transferee's name appears on the voluntary self-
29 exclusion list, no information received via telephone
30 following the implementation of the instantaneous background

1 check system from a purchaser or transferee who has received
2 a unique approval number shall be retained by the
3 Pennsylvania State Police.

4 * * *

5 § 6111.1. Pennsylvania State Police.

6 * * *

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

8 (1) Upon receipt of a request for a criminal history,
9 juvenile delinquency history, voluntary self-exclusion list
10 and mental health record check of the potential purchaser or
11 transferee, the Pennsylvania State Police shall immediately
12 during the licensee's call or by return call forthwith:

13 (i) review the Pennsylvania State Police criminal
14 history and fingerprint records to determine if the
15 potential purchaser or transferee is prohibited from
16 receipt or possession of a firearm under Federal or State
17 law;

18 (ii) review the juvenile delinquency and mental
19 health records of the Pennsylvania State Police to
20 determine whether the potential purchaser or transferee
21 is prohibited from receipt or possession of a firearm
22 under Federal or State law; [and]

23 (ii.1) review the voluntary self-exclusion list to
24 determine whether the potential purchaser or transferee's
25 name appears on the voluntary self-exclusion list and
26 makes the person ineligible to purchase a firearm or
27 receive a firearm by transfer; and

28 (iii) inform the licensee making the inquiry either:

29 (A) that the potential purchase or transfer is
30 prohibited; or

1 (B) provide the licensee with a unique approval
2 number.

3 * * *

4 (3) The Pennsylvania State Police shall fully comply,
5 execute and enforce the directives of this section as
6 follows:

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

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

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

15 (B) December 31, 1998.

16 (iii) The Pennsylvania State Police shall begin
17 reviewing the voluntary self-exclusion list once the
18 Pennsylvania State Police has promulgated regulations and
19 established a standardized form by which a person may
20 request placement on the voluntary self-exclusion list.
21 If an inquiry by a licensee reveals that a potential
22 purchaser or transferee's name appears on the voluntary
23 self-exclusion list, the Pennsylvania State Police shall
24 inform the licensee making the inquiry that the potential
25 purchase or transfer is prohibited on that basis.

26 * * *

27 Section 3. Title 18 is amended by adding a section to read:

28 § 6128. Self-exclusion from purchasing a firearm.

29 (a) General rule.--The Pennsylvania State Police shall
30 establish and maintain a list of persons self-excluded from

1 purchasing a firearm or receiving a firearm by transfer. A
2 person may, in a form and manner to be established by the
3 Pennsylvania State Police, request placement on the voluntary
4 self-exclusion list. The form shall require the person to agree
5 that, during any period of placement on the voluntary self-
6 exclusion list, the person will not be permitted to purchase a
7 firearm or receive a firearm by transfer.

8 (b) Period of exclusion.--The length of placement of the
9 voluntary self-exclusion list requested by a person must be one
10 of the following:

11 (1) One year.

12 (2) Five years.

13 (3) Lifetime.

14 (c) Voluntary surrender of firearms.--A person whose name
15 appears on the voluntary self-exclusion list may voluntarily
16 surrender to the Pennsylvania State Police any firearm owned or
17 possessed by the person. The Pennsylvania State Police shall:

18 (1) Hold the firearm in safekeeping until the person's
19 name is no longer placed on the voluntary self-exclusion
20 list, at which time the Pennsylvania State Police shall
21 return the firearm to the person.

22 (2) Retain the firearm if the person's name appears on a
23 voluntary self-exclusion list for lifetime placement.

24 (d) Removal from voluntary self-exclusion list.--

25 (1) A person whose name is placed on the voluntary self-
26 exclusion list for one year or five years may, upon the
27 conclusion of the time period, request removal from the
28 voluntary self-exclusion list in a form and manner
29 established by the Pennsylvania State Police. The
30 Pennsylvania State Police shall remove the name of the person

1 from the voluntary self-exclusion list no later than 15
2 business days following receipt of the request.

3 (2) A person who has requested lifetime placement on the
4 voluntary self-exclusion list will be prohibited from
5 requesting removal from the voluntary self-exclusion list,
6 and the Pennsylvania State Police may not approve a request
7 for removal by the person.

8 (e) Disclosure.--Notwithstanding any other law to the
9 contrary, the Pennsylvania State Police's voluntary self-
10 exclusion list shall not be open to public inspection.

11 (f) Promulgation of regulations.--The Pennsylvania State
12 Police shall promulgate regulations establishing procedures as
13 needed to implement the provisions of this section.

14 Section 4. This act shall take effect in 60 days.