

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 245

Session of 1987

INTRODUCED BY ROSS, O'PAKE, ROMANELLI, GREENWOOD, MUSTO, PECORA, REIBMAN, MELLOW, WENGER, KELLEY, SALVATORE AND RHOADES, FEBRUARY 3, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 16, 1988

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR GRADING OF
3 SIMPLE ASSAULT AND FOR ENDANGERING WELFARE OF CHILDREN;
4 further providing for the definition of contraband given to
5 confined persons AND FOR LICENSE TO CARRY A FIREARM;
6 PROVIDING FOR A SPORTSMAN'S FIREARM PERMIT; FURTHER
7 PROHIBITING SEXUAL ABUSE OF CHILDREN; AND FURTHER PROHIBITING
8 THE POSSESSION OF DEPICTIONS OF PROHIBITED SEXUAL ACTS.

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9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 5123(a) SECTIONS 2701(B), 4304, 5123(A),
12 6102, 6106(B)(4) AND (C), 6109, 6116, 6120 of Title 18 of the
13 Pennsylvania Consolidated Statutes is ARE amended to read:

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14 § 2701. SIMPLE ASSAULT.

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15 * * *

16 (B) GRADING.--SIMPLE ASSAULT IS A MISDEMEANOR OF THE SECOND
17 DEGREE UNLESS COMMITTED:

18 (1) IN A FIGHT OR SCUFFLE ENTERED INTO BY MUTUAL
19 CONSENT, IN WHICH CASE IT IS A MISDEMEANOR OF THE THIRD

1 DEGREE;

2 (2) AGAINST A CHILD UNDER 12 YEARS OF AGE BY AN ADULT 21
3 YEARS OF AGE OR OLDER, IN WHICH CASE IT IS A MISDEMEANOR OF
4 THE FIRST DEGREE.

5 § 4304. ENDANGERING WELFARE OF CHILDREN.

6 A PARENT, GUARDIAN, OR OTHER PERSON SUPERVISING THE WELFARE
7 OF A CHILD UNDER 18 YEARS OF AGE COMMITS A MISDEMEANOR OF THE
8 [SECOND] FIRST DEGREE IF HE KNOWINGLY ENDANGERS THE WELFARE OF
9 THE CHILD BY VIOLATING A DUTY OF CARE, PROTECTION OR SUPPORT.

10 § 5123. Contraband.

11 (a) Contraband to confined persons prohibited.--A person
12 commits a misdemeanor of the first degree if he sells, gives, or
13 furnishes to any convict in a prison, or inmate in a mental
14 hospital, or gives away in, or brings into any prison, mental
15 hospital, or any building appurtenant thereto, or on the land
16 granted to or owned or leased by the Commonwealth or county for
17 the use and benefit of the prisoners or inmates, or puts in any
18 place where it may be secured by a convict of a prison, inmate
19 of a mental hospital, or employee thereof, any kind of
20 spirituous or fermented liquor, drug, medicine[,] or poison[,
21 opium, morphine, or other kind of narcotics,] or any controlled
22 substance included in Schedules I through V of the act of April
23 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
24 Drug, Device and Cosmetic Act, (except the ordinary hospital
25 supply of the prison or mental hospital) without a written
26 permit signed by the physician of such institution, specifying
27 the quantity and quality of the liquor or [narcotic] substance
28 which may be furnished to any convict, inmate, or employee in
29 the prison or mental hospital, the name of the prisoner, inmate,
30 or employee for whom, and the time when the same may be

1 furnished, which permit shall be delivered to and kept by the
2 warden or superintendent of the prison or mental hospital.

3 * * *

4 ~~Section 2. This act shall take effect in 60 days.~~ <—

5 § 6102. DEFINITIONS. <—

6 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
7 PROVISIONS OF THIS SUBCHAPTER WHICH ARE APPLICABLE TO SPECIFIC
8 PROVISIONS OF THIS SUBCHAPTER, THE FOLLOWING WORDS AND PHRASES,
9 WHEN USED IN THIS SUBCHAPTER SHALL HAVE, UNLESS THE CONTEXT
10 CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS
11 SECTION:

12 ["FIREARM." ANY PISTOL OR REVOLVER WITH A BARREL LESS THAN
13 12 INCHES, ANY SHOTGUN WITH A BARREL LESS THAN 24 INCHES, OR ANY
14 RIFLE WITH A BARREL LESS THAN 15 INCHES.]

15 "COMMISSIONER." THE COMMISSIONER OF THE PENNSYLVANIA STATE
16 POLICE.

17 "CONVICTION." A CONVICTION AS DETERMINED BY THE LAW OF THE
18 JURISDICTION IN WHICH THE PROSECUTION WAS HELD. THE TERM DOES
19 NOT INCLUDE A CONVICTION WHICH HAS BEEN EXPUNGED OR OVERTURNED
20 OR FOR WHICH AN INDIVIDUAL HAS BEEN PARDONED UNLESS THE PARDON
21 EXPRESSLY PROVIDES THAT THE INDIVIDUAL MAY NOT POSSESS OR
22 TRANSPORT FIREARMS.

23 "COUNTY TREASURER." THE COUNTY TREASURER OR, IN HOME RULE OR
24 OPTIONAL PLAN COUNTIES, THE PERSON WHOSE DUTIES ENCOMPASS THOSE
25 OF A COUNTY TREASURER.

26 "CRIME OF VIOLENCE." ANY OF THE FOLLOWING CRIMES, OR AN
27 ATTEMPT, A SOLICITATION OR A CONSPIRACY TO COMMIT ANY OF THE
28 SAME, NAMELY: MURDER, VOLUNTARY MANSLAUGHTER, RAPE, AGGRAVATED
29 ASSAULT, ROBBERY, BURGLARY, [ENTERING A BUILDING WITH INTENT TO
30 COMMIT A CRIME THEREIN,] INVOLUNTARY DEVIATE SEXUAL INTERCOURSE,

1 ARSON, EXTORTION ACCOMPANIED BY THREATS OF VIOLENCE, ASSAULT BY
2 PRISONER, ASSAULT BY LIFE PRISONER AND KIDNAPPING.

3 "CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR." DOES
4 NOT INCLUDE ANY OF THE FOLLOWING:

5 (1) FEDERAL OR STATE OFFENSES PERTAINING TO ANTITRUST,
6 UNFAIR TRADE PRACTICES, RESTRAINTS OF TRADE OR REGULATION OF
7 BUSINESS.

8 (2) STATE OFFENSES CLASSIFIED AS MISDEMEANORS AND
9 PUNISHABLE BY A TERM OF IMPRISONMENT NOT TO EXCEED TWO YEARS.

10 "FIREARM." ANY PISTOL OR REVOLVER WITH A BARREL LESS THAN 15
11 INCHES, ANY SHOTGUN WITH A BARREL LESS THAN 18 INCHES, OR ANY
12 RIFLE WITH A BARREL LESS THAN 16 INCHES, OR ANY PISTOL,
13 REVOLVER, RIFLE OR SHOTGUN WITH AN OVERALL LENGTH OF LESS THAN
14 26 INCHES. THE BARREL LENGTH OF A FIREARM SHALL BE DETERMINED BY
15 MEASURING FROM THE MUZZLE OF THE BARREL TO THE FACE OF THE
16 CLOSED ACTION, BOLT OR CYLINDER, WHICHEVER IS APPLICABLE.

17 "SHERIFF."

18 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE SHERIFF OF
19 THE COUNTY.

20 (2) IN A CITY OF THE FIRST CLASS, THE CHIEF OR HEAD OF
21 THE POLICE DEPARTMENT.

22 § 6106. FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE.

23 * * *

24 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT
25 APPLY TO:

26 * * *

27 (4) [THE MEMBERS OF ANY ORGANIZATION INCORPORATED UNDER
28 THE LAWS OF THIS COMMONWEALTH,] ANY PERSONS ENGAGED IN TARGET
29 SHOOTING WITH RIFLE, PISTOL, OR REVOLVER, IF SUCH [MEMBERS]
30 PERSONS ARE AT OR ARE GOING TO OR FROM THEIR PLACES OF

1 ASSEMBLY OR TARGET PRACTICE AND IF, WHILE GOING TO OR FROM
2 THEIR PLACES OF ASSEMBLY OR TARGET PRACTICE, THE CARTRIDGES
3 OR SHELLS ARE CARRIED IN A SEPARATE CONTAINER AND THE RIFLE,
4 PISTOL OR REVOLVER IS UNLOADED.

5 * * *

6 (C) [REGISTRATION REQUIRED IN CONNECTION WITH FIELD OR
7 STREAM EXEMPTIONS.--BEFORE ANY EXEMPTION SHALL BE GRANTED UNDER
8 SUBSECTION (B)(9) OR (B)(10) TO ANY PERSON LICENSED TO HUNT,
9 TAKE FURBEARERS OR FISH OR WHO DESIRES TO TRAIN DOGS, SUCH
10 PERSON SHALL AT THE TIME OF SECURING HIS HUNTING, FURTAKING OR
11 FISHING LICENSE OR ANY TIME AFTER ANY SUCH LICENSE HAS ISSUED,
12 REGISTER WITH THE COUNTY TREASURER THE MAKE OF THE FIREARM HE
13 DESIRES TO CARRY, AND THE CALIBER AND NUMBER THEREOF, ON A BLANK
14 TO BE FURNISHED BY THE PENNSYLVANIA STATE POLICE. THE ORIGINAL
15 REGISTRATION SHALL BE DELIVERED TO THE PERSON REGISTERING SUCH
16 FIREARM, AND A COPY THEREOF SHALL BE FORWARDED BY THE COUNTY
17 TREASURER TO THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE.
18 AS OF JANUARY 1, 1972, THE COUNTY TREASURER SHALL BE ENTITLED TO
19 COLLECT A FEE OF 50 CENTS FOR EACH SUCH REGISTRATION OF A
20 FIREARM WHICH FEE SHALL BE PAID TO THE COUNTY. THE REGISTRATION
21 OF A FIREARM, AS PROVIDED IN THIS SUBSECTION, SHALL BE GOOD ONLY
22 FOR THE YEAR FOR WHICH THE HUNTING, FURTAKING OR FISHING LICENSE
23 IN CONNECTION WITH WHICH IT IS GRANTED, IS ISSUED.] SPORTSMAN'S
24 FIREARM PERMIT.--

25 (1) BEFORE ANY EXCEPTION SHALL BE GRANTED UNDER
26 PARAGRAPH (B)(9) OR (10) OF THIS SECTION TO ANY PERSON 18
27 YEARS OF AGE OR OLDER LICENSED TO HUNT, TRAP OR FISH OR WHO
28 HAS BEEN ISSUED A PERMIT RELATING TO HUNTING DOGS, SUCH
29 PERSON SHALL, AT THE TIME OF SECURING HIS HUNTING, FURTAKING
30 OR FISHING LICENSE OR ANY TIME AFTER SUCH LICENSE HAS BEEN

1 ISSUED, SECURE A SPORTSMAN'S FIREARM PERMIT FROM THE COUNTY
2 TREASURER. THE SPORTSMAN'S FIREARM PERMIT SHALL BE ISSUED
3 IMMEDIATELY AND BE VALID THROUGHOUT THIS COMMONWEALTH FOR A
4 PERIOD OF FIVE YEARS FROM THE DATE OF ISSUE FOR ANY LEGAL
5 FIREARM, WHEN CARRIED IN CONJUNCTION WITH A VALID HUNTING,
6 FURTAKING OR FISHING LICENSE OR PERMIT RELATING TO HUNTING
7 DOGS. THE SPORTSMAN'S FIREARM PERMIT SHALL BE IN TRIPLICATE
8 ON A FORM TO BE FURNISHED BY THE PENNSYLVANIA STATE POLICE.
9 THE ORIGINAL PERMIT SHALL BE DELIVERED TO THE PERSON, AND THE
10 FIRST COPY THEREOF, WITHIN SEVEN DAYS, SHALL BE FORWARDED TO
11 THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE BY THE
12 COUNTY TREASURER. THE SECOND COPY SHALL BE RETAINED BY THE
13 COUNTY TREASURER FOR A PERIOD OF TWO YEARS FROM THE DATE OF
14 EXPIRATION. THE COUNTY TREASURER SHALL BE ENTITLED TO COLLECT
15 A FEE OF NOT MORE THAN \$6 FOR EACH SUCH PERMIT ISSUED, WHICH
16 SHALL INCLUDE THE COST OF ANY OFFICIAL FORM. THE PENNSYLVANIA
17 STATE POLICE MAY RECOVER FROM THE COUNTY TREASURER THE COST
18 OF ANY SUCH FORM, BUT MAY NOT CHARGE MORE THAN \$1 FOR EACH
19 OFFICIAL PERMIT FORM FURNISHED TO THE COUNTY TREASURER.

20 (2) ANY PERSON WHO SELLS OR ATTEMPTS TO SELL A
21 SPORTSMAN'S FIREARM PERMIT FOR A FEE IN EXCESS OF THAT AMOUNT
22 FIXED UNDER THIS SUBSECTION COMMITS A SUMMARY OFFENSE.

23 * * *

24 § 6109. LICENSES.

25 [(A) ISSUE OF LICENSE.--THE CHIEF OR HEAD OF ANY POLICE
26 FORCE OR POLICE DEPARTMENT OF A CITY, AND, ELSEWHERE, THE
27 SHERIFF OF A COUNTY, MAY, UPON THE APPLICATION OF ANY PERSON,
28 ISSUE A LICENSE TO SUCH PERSON TO CARRY A FIREARM IN A VEHICLE
29 OR CONCEALED ON OR ABOUT HIS PERSON WITHIN THIS COMMONWEALTH FOR
30 NOT MORE THAN FIVE YEARS FROM DATE OF ISSUE, IF IT APPEARS THAT

1 THE APPLICANT HAS GOOD REASON TO FEAR AN INJURY TO HIS PERSON OR
2 PROPERTY, OR HAS ANY OTHER PROPER REASON FOR CARRYING A FIREARM,
3 AND THAT HE IS A SUITABLE PERSON TO BE SO LICENSED.

4 (B) FORM OF LICENSE.--THE LICENSE SHALL BE IN TRIPLICATE, IN
5 FORM TO BE PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, AND
6 SHALL BEAR THE NAME, ADDRESS, DESCRIPTION, AND SIGNATURE OF THE
7 LICENSEE AND THE REASON GIVEN FOR DESIRING A LICENSE. THE
8 ORIGINAL THEREOF SHALL BE DELIVERED TO THE LICENSEE, THE
9 DUPLICATE SHALL, WITHIN SEVEN DAYS, BE SENT BY REGISTERED OR
10 CERTIFIED MAIL TO THE COMMISSIONER OF THE PENNSYLVANIA STATE
11 POLICE, AND THE TRIPLICATE SHALL BE PRESERVED FOR SIX YEARS BY
12 THE AUTHORITY ISSUING SAID LICENSE.

13 (C) FEE.--THE FEE FOR ISSUING SUCH LICENSE SHALL BE \$2.50,
14 WHICH FEE SHALL BE PAID INTO THE COUNTY TREASURY.

15 (D) REVOCATION.--ANY SUCH LICENSE TO CARRY FIREARMS MAY BE
16 REVOKED BY THE PERSON ISSUING THE SAME. NOTICE OF REVOCATION
17 SHALL BE IN WRITING AND SHALL STATE THE REASON THEREFOR. SAID
18 NOTICE SHALL BE SENT BY CERTIFIED MAIL, AND, AT THAT TIME, A
19 COPY SHALL BE FORWARDED TO THE COMMISSIONER OF THE PENNSYLVANIA
20 STATE POLICE.]

21 (A) PURPOSE OF LICENSE.--A LICENSE TO CARRY A FIREARM SHALL
22 BE FOR THE PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT
23 ONE'S PERSON OR IN A VEHICLE WITHIN THIS COMMONWEALTH.

24 (B) PLACE OF APPLICATION.--AN INDIVIDUAL WHO IS 21 YEARS OF
25 AGE OR OLDER MAY APPLY TO A SHERIFF FOR A LICENSE TO CARRY A
26 FIREARM CONCEALED ON OR ABOUT HIS PERSON OR IN A VEHICLE WITHIN
27 THIS COMMONWEALTH. IF THE APPLICANT IS A RESIDENT OF THIS
28 COMMONWEALTH, HE SHALL MAKE APPLICATION WITH THE SHERIFF OF THE
29 COUNTY IN WHICH HE RESIDES, OR, IF A RESIDENT OF A CITY OF THE
30 FIRST CLASS, WITH THE CHIEF OF POLICE OF THAT CITY.

1 (C) FORM OF APPLICATION AND CONTENT.--THE APPLICATION FOR A
2 LICENSE TO CARRY A FIREARM SHALL BE UNIFORM THROUGHOUT THIS
3 COMMONWEALTH AND SHALL BE ON A FORM PRESCRIBED BY THE
4 PENNSYLVANIA STATE POLICE. THE FORM MAY CONTAIN PROVISIONS, NOT
5 EXCEEDING ONE PAGE, TO ASSURE COMPLIANCE WITH SUBSECTION (E)(2).
6 ISSUING AUTHORITIES SHALL USE ONLY THE APPLICATION FORM
7 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE. ONE OF THE
8 FOLLOWING REASONS FOR OBTAINING A FIREARM LICENSE SHALL BE SET
9 FORTH IN THE APPLICATION: SELF-DEFENSE; EMPLOYMENT; HUNTING AND
10 FISHING; TARGET SHOOTING; GUN COLLECTING; OR ANOTHER PROPER
11 REASON. THE APPLICATION FORM SHALL BE DATED AND SIGNED BY THE
12 APPLICANT AND SHALL CONTAIN THE FOLLOWING STATEMENT:

13 I HAVE NEVER BEEN CONVICTED OF A CRIME OF VIOLENCE IN THE
14 COMMONWEALTH OF PENNSYLVANIA OR ELSEWHERE. I AM OF SOUND
15 MIND AND HAVE NEVER BEEN COMMITTED TO A MENTAL
16 INSTITUTION. I HEREBY CERTIFY THAT THE STATEMENTS
17 CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY
18 KNOWLEDGE AND BELIEF. I UNDERSTAND THAT, IF I KNOWINGLY
19 MAKE ANY FALSE STATEMENTS HEREIN, I AM SUBJECT TO
20 PENALTIES PRESCRIBED BY LAW. I AUTHORIZE THE SHERIFF, OR
21 HIS DESIGNEE, OR, IN THE CASE OF FIRST CLASS CITIES, THE
22 CHIEF OR HEAD OF THE POLICE DEPARTMENT, OR HIS DESIGNEE,
23 TO INSPECT ONLY THOSE RECORDS OR DOCUMENTS RELEVANT TO
24 INFORMATION REQUIRED FOR THIS APPLICATION.

25 (D) SHERIFF TO CONDUCT INVESTIGATION.--THE SHERIFF TO WHOM
26 THE APPLICATION IS MADE SHALL INVESTIGATE THE APPLICANT'S RECORD
27 OF CRIMINAL CONVICTIONS, SHALL INVESTIGATE WHETHER OR NOT THE
28 APPLICANT IS UNDER INDICTMENT FOR OR HAS EVER BEEN CONVICTED OF
29 A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR, SHALL
30 INVESTIGATE WHETHER THE APPLICANT'S CHARACTER AND REPUTATION ARE

1 SUCH THAT THE APPLICANT WILL NOT BE LIKELY TO ACT IN A MANNER
2 DANGEROUS TO PUBLIC SAFETY AND SHALL INVESTIGATE WHETHER THE
3 APPLICANT WOULD BE PRECLUDED FROM RECEIVING A LICENSE UNDER
4 SUBSECTION (E)(1).

5 (E) ISSUANCE OF LICENSE.--

6 (1) A LICENSE TO CARRY A FIREARM SHALL BE FOR THE
7 PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT ONE'S
8 PERSON OR IN A VEHICLE AND SHALL BE ISSUED IF, AFTER AN
9 INVESTIGATION NOT TO EXCEED 45 DAYS, IT APPEARS THAT THE
10 APPLICANT IS AN INDIVIDUAL CONCERNING WHOM NO GOOD CAUSE
11 EXISTS TO DENY THE LICENSE. A LICENSE SHALL NOT BE ISSUED TO
12 ANY OF THE FOLLOWING:

13 (I) AN INDIVIDUAL WHOSE CHARACTER AND REPUTATION IS
14 SUCH THAT THE INDIVIDUAL WOULD BE LIKELY TO ACT IN A
15 MANNER DANGEROUS TO PUBLIC SAFETY.

16 (II) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF AN
17 OFFENSE UNDER THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
18 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND
19 COSMETIC ACT.

20 (III) AN INDIVIDUAL CONVICTED OF A CRIME OF
21 VIOLENCE.

22 (IV) AN INDIVIDUAL WHO, WITHIN THE PAST TEN YEARS,
23 HAS BEEN ADJUDICATED DELINQUENT FOR A CRIME OF VIOLENCE
24 OR FOR AN OFFENSE UNDER THE ACT OF APRIL 14, 1972
25 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,
26 DRUG, DEVICE AND COSMETIC ACT.

27 (V) AN INDIVIDUAL WHO IS NOT OF SOUND MIND OR WHO
28 HAS EVER BEEN COMMITTED TO A MENTAL INSTITUTION.

29 (VI) AN INDIVIDUAL WHO IS ADDICTED TO, OR IS AN
30 UNLAWFUL USER OF, MARIJUANA OR A STIMULANT, DEPRESSANT OR

1 NARCOTIC DRUG.

2 (VII) AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD.

3 (VIII) AN INDIVIDUAL WHO IS CHARGED WITH OR HAS BEEN
4 CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A
5 TERM EXCEEDING ONE YEAR EXCEPT AS PROVIDED FOR IN SECTION
6 6123 (RELATING TO WAIVER OF DISABILITY OR PARDONS).

7 (IX) A RESIDENT OF ANOTHER STATE WHO DOES NOT
8 POSSESS A CURRENT LICENSE OR PERMIT OR SIMILAR DOCUMENT
9 TO CARRY A FIREARM ISSUED BY THAT STATE IF A LICENSE IS
10 PROVIDED FOR BY THE LAWS OF THAT STATE, AS PUBLISHED
11 ANNUALLY IN THE FEDERAL REGISTER BY THE BUREAU OF
12 ALCOHOL, TOBACCO AND FIREARMS OF THE DEPARTMENT OF THE
13 TREASURY UNDER 18 U.S.C. § 921(A)(19) (RELATING TO
14 DEFINITIONS).

15 (X) AN ALIEN WHO IS ILLEGALLY IN THE UNITED STATES.

16 (XI) AN INDIVIDUAL WHO HAS BEEN DISCHARGED FROM THE
17 ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE
18 CONDITIONS.

19 (XII) AN INDIVIDUAL WHO IS A FUGITIVE FROM JUSTICE.

20 (2) IN A CITY OF THE FIRST CLASS, A LICENSE SHALL BE
21 ISSUED ONLY IF IT ADDITIONALLY APPEARS THAT THE APPLICANT HAS
22 GOOD REASON TO FEAR AN INJURY TO THE APPLICANT'S PERSON OR
23 PROPERTY OR HAS ANY OTHER PROPER REASON FOR CARRYING A
24 FIREARM AND THAT THE APPLICANT IS A SUITABLE INDIVIDUAL TO BE
25 LICENSED.

26 (3) THE LICENSE SHALL BEAR THE NAME, ADDRESS, DATE OF
27 BIRTH, RACE, SEX, CITIZENSHIP, SOCIAL SECURITY NUMBER,
28 HEIGHT, WEIGHT, COLOR OF HAIR, COLOR OF EYES AND SIGNATURE OF
29 THE LICENSEE; THE SIGNATURE OF THE SHERIFF ISSUING THE
30 LICENSE; THE REASON FOR ISSUANCE; AND THE PERIOD OF

1 VALIDATION. THE SHERIFF MAY ALSO REQUIRE A PHOTOGRAPH OF THE
2 LICENSEE ON THE LICENSE. THE ORIGINAL LICENSE SHALL BE ISSUED
3 TO THE APPLICANT. THE FIRST COPY OF THE LICENSE SHALL BE
4 FORWARDED TO THE COMMISSIONER WITHIN SEVEN DAYS OF THE DATE
5 OF ISSUE, AND A SECOND COPY SHALL BE RETAINED BY THE ISSUING
6 AUTHORITY FOR A PERIOD OF SIX YEARS.

7 (F) TERM OF LICENSE.--A LICENSE TO CARRY A FIREARM ISSUED
8 UNDER SUBSECTION (E) SHALL BE VALID THROUGHOUT THIS COMMONWEALTH
9 FOR A PERIOD OF FIVE YEARS UNLESS SOONER REVOKED.

10 (G) GRANT OR DENIAL OF LICENSE.--UPON THE RECEIPT OF AN
11 APPLICATION FOR A LICENSE TO CARRY A FIREARM, THE SHERIFF SHALL,
12 WITHIN 45 DAYS, ISSUE OR REFUSE TO ISSUE A LICENSE ON THE BASIS
13 OF THE INVESTIGATION UNDER SUBSECTION (D) AND THE ACCURACY OF
14 THE INFORMATION CONTAINED IN THE APPLICATION. IF THE SHERIFF
15 REFUSES TO ISSUE A LICENSE, THE SHERIFF SHALL NOTIFY THE
16 APPLICANT IN WRITING OF THE REFUSAL AND THE REASONS. THE NOTICE
17 SHALL BE SENT BY CERTIFIED MAIL TO THE APPLICANT AT THE ADDRESS
18 SET FORTH IN THE APPLICATION.

19 (H) FEE.--THE FEE FOR A LICENSE TO CARRY A FIREARM IS
20 \$12.50. THIS INCLUDES AN ADMINISTRATIVE FEE OF \$5 UNDER SECTION
21 14(2) OF THE ACT OF JULY 6, 1984 (P.L.614, NO.127), KNOWN AS THE
22 SHERIFF FEE ACT. THE FEE IS PAYABLE TO THE SHERIFF TO WHOM THE
23 APPLICATION IS SUBMITTED AND IS PAYABLE AT THE TIME OF
24 APPLICATION FOR THE LICENSE. EXCEPT FOR THE ADMINISTRATIVE FEE
25 OF \$5 UNDER SECTION 14(2) OF THE SHERIFF FEE ACT, ALL OTHER FEES
26 SHALL BE REFUNDED IF THE APPLICATION IS DENIED BUT SHALL NOT BE
27 REFUNDED IF A LICENSE IS ISSUED AND SUBSEQUENTLY REVOKED. A
28 PERSON WHO SELLS OR ATTEMPTS TO SELL A LICENSE TO CARRY A
29 FIREARM FOR A FEE IN EXCESS OF THE AMOUNTS FIXED UNDER THIS
30 SUBSECTION COMMITS A SUMMARY OFFENSE.

1 (I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED
2 BY THE ISSUING AUTHORITY FOR GOOD CAUSE. NOTICE OF REVOCATION
3 SHALL BE IN WRITING AND SHALL STATE THE REASON FOR REVOCATION.
4 NOTICE SHALL BE SENT BY CERTIFIED MAIL; AND, AT THAT TIME, A
5 COPY SHALL BE FORWARDED TO THE COMMISSIONER. AN INDIVIDUAL WHOSE
6 LICENSE IS REVOKED SHALL SURRENDER THE LICENSE TO THE ISSUING
7 AUTHORITY WITHIN FIVE DAYS OF RECEIPT OF THE NOTICE. AN
8 INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE.

9 (J) IMMUNITY.--A SHERIFF WHO COMPLIES IN GOOD FAITH WITH
10 THIS SECTION SHALL BE IMMUNE FROM LIABILITY RESULTING OR ARISING
11 FROM THE ACTION OR MISCONDUCT WITH A FIREARM COMMITTED BY ANY
12 INDIVIDUAL TO WHOM A LICENSE TO CARRY A FIREARM HAS BEEN ISSUED.

13 § 6116. FALSE EVIDENCE OF IDENTITY.

14 NO PERSON SHALL, IN PURCHASING OR OTHERWISE SECURING DELIVERY
15 OF A FIREARM OR IN APPLYING FOR A LICENSE TO CARRY THE SAME,
16 GIVE FALSE INFORMATION OR OFFER FALSE EVIDENCE OF HIS IDENTITY.
17 THE FURNISHING OF FALSE INFORMATION OR OFFERING FALSE EVIDENCE
18 OF IDENTITY IS A VIOLATION OF SECTION 4904 (RELATING TO UNSWORN
19 FALSIFICATION TO AUTHORITIES).

20 § 6120. LIMITATION ON MUNICIPAL REGULATION OF FIREARMS AND
21 AMMUNITION.

22 (A) GENERAL RULE.--NO COUNTY, MUNICIPALITY OR TOWNSHIP MAY
23 IN ANY MANNER REGULATE THE LAWFUL OWNERSHIP, POSSESSION,
24 TRANSFER OR TRANSPORTATION OF FIREARMS, AMMUNITION OR AMMUNITION
25 COMPONENTS WHEN CARRIED OR TRANSPORTED FOR PURPOSES NOT
26 PROHIBITED BY THE LAWS OF THIS COMMONWEALTH.

27 (B) DEFINITION.--FOR THE PURPOSES OF THIS SECTION, THE TERM
28 "FIREARMS" SHALL NOT INCLUDE "AIR RIFLES" AS DEFINED IN SECTION
29 6304 (RELATING TO SALE AND USE OF AIR RIFLES).

30 SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

1 § 6122. PROOF OF LICENSE AND EXCEPTION.

2 (A) GENERAL RULE.--WHEN CARRYING A FIREARM CONCEALED ON OR
3 ABOUT ONE'S PERSON OR IN A VEHICLE, AN INDIVIDUAL LICENSED TO
4 CARRY A FIREARM SHALL, UPON LAWFUL DEMAND OF A LAW ENFORCEMENT
5 OFFICER, PRODUCE THE LICENSE FOR INSPECTION.

6 (B) EXCEPTION.--AN INDIVIDUAL CARRYING A FIREARM ON OR ABOUT
7 HIS PERSON OR IN A VEHICLE AND CLAIMING AN EXCEPTION UNDER
8 SECTION 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT
9 A LICENSE) SHALL, UPON LAWFUL DEMAND OF A LAW ENFORCEMENT
10 OFFICER, PRODUCE SATISFACTORY EVIDENCE OF QUALIFICATION FOR
11 EXCEPTION.

12 § 6123. WAIVER OF DISABILITY OR PARDONS.

13 A WAIVER OF DISABILITY FROM FEDERAL AUTHORITIES AS PROVIDED
14 FOR IN 18 U.S.C. § 925 (RELATING TO EXCEPTIONS; RELIEF FROM
15 DISABILITIES), A FULL PARDON FROM THE GOVERNOR OR AN OVERTURNING
16 OF A CONVICTION SHALL REMOVE ANY CORRESPONDING DISABILITY UNDER
17 THIS SUBCHAPTER EXCEPT THE DISABILITY UNDER SECTION 6105
18 (RELATING TO FORMER CONVICT NOT TO OWN A FIREARM, ETC.).

19 § 6124. ADMINISTRATIVE REGULATIONS.

20 THE COMMISSIONER MAY ESTABLISH FORM SPECIFICATIONS AND
21 REGULATIONS, CONSISTENT WITH SECTION 6109(C) (RELATING TO
22 LICENSES), WITH RESPECT TO UNIFORM FORMS CONTROL, INCLUDING THE
23 FOLLOWING:

24 (1) LICENSE TO CARRY FIREARMS.

25 (2) FIREARM REGISTRATION.

26 (3) DEALER'S LICENSE.

27 (4) APPLICATION FOR PURCHASE OF A FIREARM.

28 (5) RECORD OF SALE OF FIREARMS.

29 SECTION 3. SECTION 6312 OF TITLE 18 IS AMENDED TO READ:

30 § 6312. SEXUAL ABUSE OF CHILDREN.

1 (A) DEFINITION.--AS USED IN THIS SECTION, "PROHIBITED SEXUAL
2 ACT" MEANS SEXUAL INTERCOURSE, ANAL INTERCOURSE, MASTURBATION,
3 BESTIALITY, SADISM, MASOCHISM, FELLATIO, CUNNILINGUS [AND ANY
4 OTHER SEXUAL ACTIVITY INCLUDING], LEWD EXHIBITION OF THE
5 GENITALS OR NUDITY IF SUCH [SEXUAL ACTIVITY] NUDITY IS DEPICTED
6 FOR THE PURPOSE OF SEXUAL STIMULATION OR GRATIFICATION OF ANY
7 PERSON WHO MIGHT VIEW SUCH DEPICTION.

8 (B) PHOTOGRAPHING OR FILMING SEXUAL ACTS.--ANY PERSON WHO
9 CAUSES OR KNOWINGLY PERMITS A CHILD UNDER THE AGE OF [16] 17
10 YEARS TO ENGAGE IN A PROHIBITED SEXUAL ACT OR IN THE SIMULATION
11 OF SUCH ACT IS GUILTY OF A FELONY OF THE SECOND DEGREE IF SUCH
12 PERSON KNOWS, HAS REASON TO KNOW OR INTENDS THAT SUCH ACT MAY BE
13 PHOTOGRAPHED OR FILMED. ANY PERSON WHO KNOWINGLY PHOTOGRAPHS OR
14 FILMS A CHILD UNDER THE AGE OF [16] 17 YEARS ENGAGING IN A
15 PROHIBITED SEXUAL ACT OR IN THE SIMULATION OF SUCH AN ACT IS
16 GUILTY OF A FELONY OF THE SECOND DEGREE.

17 (C) DISSEMINATION OF PHOTOGRAPHS AND FILMS.--ANY PERSON WHO
18 KNOWINGLY SELLS, DISTRIBUTES, DELIVERS, DISSEMINATES, TRANSFERS,
19 DISPLAYS [FOR SALE OR TRANSFER] OR EXHIBITS TO OTHERS, OR WHO
20 POSSESSES FOR THE PURPOSE OF SALE, DISTRIBUTION, DELIVERY,
21 DISSEMINATION, TRANSFER, DISPLAY [FOR SALE OR TRANSFER] OR
22 EXHIBITION TO OTHERS, ANY BOOK, MAGAZINE, PAMPHLET, SLIDE,
23 PHOTOGRAPH [OR], FILM, VIDEOTAPE OR OTHER MATERIAL DEPICTING A
24 CHILD UNDER THE AGE OF [16] 17 YEARS ENGAGING IN A PROHIBITED
25 SEXUAL ACT OR IN THE SIMULATION OF SUCH ACT IS GUILTY OF A
26 FELONY OF THE THIRD DEGREE.

27 (D) POSSESSION OF CHILD PORNOGRAPHY.--ANY PERSON WHO
28 KNOWINGLY POSSESSES OR CONTROLS ANY BOOK, MAGAZINE, PAMPHLET,
29 SLIDE, PHOTOGRAPH, FILM, VIDEOTAPE OR OTHER MATERIAL DEPICTING A
30 CHILD UNDER THE AGE OF 17 YEARS ENGAGING IN A PROHIBITED SEXUAL

1 ACT OR IN THE SIMULATION OF SUCH ACT IS GUILTY OF A FELONY OF
2 THE THIRD DEGREE.

3 [(D)] (E) EVIDENCE OF AGE.--IN THE EVENT A PERSON INVOLVED
4 IN A PROHIBITED SEXUAL ACT IS ALLEGED TO BE A CHILD UNDER THE
5 AGE OF [16] 17 YEARS, COMPETENT EXPERT TESTIMONY SHALL BE
6 SUFFICIENT TO ESTABLISH THE AGE OF SAID PERSON.

7 [(E)] (F) EXCEPTIONS.--THIS SECTION [SHALL NOT BE DEEMED TO
8 APPLY TO THE SELLING, LENDING, DISTRIBUTING, EXHIBITING, GIVING
9 AWAY, SHOWING, POSSESSING OR MAKING OF FILMS, PHOTOGRAPHS OR
10 OTHER MATERIALS INVOLVING ONLY NUDITY, IF SUCH MATERIALS ARE
11 MADE FOR AND HAVE A SERIOUS LITERARY, ARTISTIC, EDUCATIONAL OR
12 SCIENTIFIC VALUE] DOES NOT APPLY TO ANY MATERIAL THAT IS
13 POSSESSED, CONTROLLED, BROUGHT OR CAUSED TO BE BROUGHT INTO THIS
14 COMMONWEALTH, OR PRESENTED FOR A BONA FIDE EDUCATIONAL,
15 SCIENTIFIC, GOVERNMENTAL OR JUDICIAL PURPOSE.

16 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

17 (1) THE AMENDMENTS AFFECTING SECTIONS 2701, 4304, 5123
18 AND 6312 SHALL TAKE EFFECT IN 60 DAYS.

19 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 180
20 DAYS.