

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 110

Special Session No. 1 of 1995

INTRODUCED BY GODSHALL, APRIL 25, 1995

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, MAY 22, 1995

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, further providing for altering or~~
3 ~~obliterating marks of identification of firearms.~~

4 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 42 (JUDICIARY AND <—
5 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED
6 STATUTES, FURTHER PROVIDING FOR THE POSSESSION OF FIREARMS;
7 ESTABLISHING A SELECTED STATEWIDE JUVENILE OFFENDER REGISTRY;
8 AND MAKING AN APPROPRIATION.

9 THE GENERAL ASSEMBLY HEREBY DECLARES THAT THE PURPOSE OF THIS
10 ACT IS TO PROVIDE SUPPORT TO LAW ENFORCEMENT IN THE AREA OF
11 CRIME PREVENTION AND CONTROL, THAT IT IS NOT THE PURPOSE OF THIS
12 ACT TO PLACE ANY UNDUE OR UNNECESSARY RESTRICTIONS OR BURDENS ON
13 LAW-ABIDING CITIZENS WITH RESPECT TO THE ACQUISITION,
14 POSSESSION, TRANSFER, TRANSPORTATION OR USE OF FIREARMS, RIFLES
15 OR SHOTGUNS FOR PERSONAL PROTECTION, HUNTING, TARGET SHOOTING,
16 EMPLOYMENT OR ANY OTHER LAWFUL ACTIVITY, AND THAT THIS ACT IS
17 NOT INTENDED TO DISCOURAGE OR RESTRICT THE PRIVATE OWNERSHIP AND
18 USE OF FIREARMS BY LAW-ABIDING CITIZENS FOR LAWFUL PURPOSES, OR
19 TO PROVIDE FOR THE IMPOSITION BY RULES OR REGULATIONS OF ANY
20 PROCEDURES OR REQUIREMENTS OTHER THAN THOSE NECESSARY TO

1 IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS ACT. THE GENERAL
2 ASSEMBLY HEREBY RECOGNIZES AND DECLARES ITS SUPPORT OF THE
3 FUNDAMENTAL CONSTITUTIONAL RIGHT OF COMMONWEALTH CITIZENS TO
4 BEAR ARMS IN DEFENSE OF THEMSELVES AND THIS COMMONWEALTH.

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

7 ~~Section 1. Section 6117 of Title 18 of the Pennsylvania~~ <—
8 ~~Consolidated Statutes is amended to read:~~

9 ~~§ 6117. Altering or obliterating marks of identification.~~

10 ~~(a) Offense defined. No person shall change, alter, remove,~~
11 ~~or obliterate the [name of the maker, model,] manufacturer's~~
12 ~~number[,] or other mark of identification [on] integral to the~~
13 ~~frame or receiver of any firearm, rifle or shotgun.~~

14 ~~(b) Presumption. Possession of any firearm, rifle or~~
15 ~~shotgun upon which any such mark integral to the frame or~~
16 ~~receiver shall have been changed, altered, removed[,] or~~
17 ~~obliterated[,] shall be prima facie evidence that the possessor~~
18 ~~has changed, altered, removed[,] or obliterated the same.~~

19 ~~(c) Penalty. A violation of this section constitutes a~~
20 ~~felony of the second degree.~~

21 ~~Section 2. This act shall take effect in 60 days.~~

22 SECTION 1. TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED <—
23 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

24 § 913. POSSESSION OF FIREARM OR OTHER DANGEROUS WEAPON IN COURT
25 FACILITY.

26 (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF HE:

27 (1) KNOWINGLY POSSESSES A FIREARM OR OTHER DANGEROUS
28 WEAPON IN A COURT FACILITY OR KNOWINGLY CAUSES A FIREARM OR
29 OTHER DANGEROUS WEAPON TO BE PRESENT IN A COURT FACILITY; OR

30 (2) KNOWINGLY POSSESSES A FIREARM OR OTHER DANGEROUS

1 WEAPON IN A COURT FACILITY WITH THE INTENT THAT THE FIREARM
2 OR OTHER DANGEROUS WEAPON BE USED IN THE COMMISSION OF A
3 CRIME OR KNOWINGLY CAUSES A FIREARM OR OTHER DANGEROUS WEAPON
4 TO BE PRESENT IN A COURT FACILITY WITH THE INTENT THAT THE
5 FIREARM OR OTHER DANGEROUS WEAPON BE USED IN THE COMMISSION
6 OF A CRIME.

7 (B) GRADING.--

8 (1) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (3), AN
9 OFFENSE UNDER SUBSECTION (A)(1) IS A MISDEMEANOR OF THE THIRD
10 DEGREE.

11 (2) AN OFFENSE UNDER SUBSECTION (A)(2) IS A MISDEMEANOR
12 OF THE FIRST DEGREE.

13 (3) AN OFFENSE UNDER SUBSECTION (A)(1) IS A SUMMARY
14 OFFENSE IF THE PERSON WAS CARRYING A FIREARM UNDER SECTION
15 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT A
16 LICENSE) OR 6109 (RELATING TO LICENSES) AND FAILED TO CHECK
17 THE FIREARM UNDER SUBSECTION (E) PRIOR TO ENTERING THE COURT
18 FACILITY.

19 (C) EXCEPTIONS.--SUBSECTION (A) SHALL NOT APPLY TO:

20 (1) THE LAWFUL PERFORMANCE OF OFFICIAL DUTIES BY AN
21 OFFICER, AGENT OR EMPLOYEE OF THE UNITED STATES, THE
22 COMMONWEALTH OR A POLITICAL SUBDIVISION WHO IS AUTHORIZED BY
23 LAW TO ENGAGE IN OR SUPERVISE THE PREVENTION, DETECTION,
24 INVESTIGATION OR PROSECUTION OF ANY VIOLATION OF LAW.

25 (2) THE LAWFUL PERFORMANCE OF OFFICIAL DUTIES BY A COURT
26 OFFICIAL.

27 (3) THE CARRYING OF RIFLES AND SHOTGUNS BY INSTRUCTORS
28 AND PARTICIPANTS IN A COURSE OF INSTRUCTION PROVIDED BY THE
29 PENNSYLVANIA GAME COMMISSION UNDER 34 PA.C.S. § 2704
30 (RELATING TO ELIGIBILITY FOR LICENSE).

1 (4) ASSOCIATIONS OF VETERAN SOLDIERS AND THEIR
2 AUXILIARIES OR MEMBERS OF ORGANIZED ARMED FORCES OF THE
3 UNITED STATES OR THE COMMONWEALTH, INCLUDING RESERVE
4 COMPONENTS, WHEN ENGAGED IN THE PERFORMANCE OF CEREMONIAL
5 DUTIES WITH COUNTY APPROVAL.

6 (D) POSTING OF NOTICE.--NOTICE OF THE PROVISIONS OF
7 SUBSECTIONS (A) AND (E) SHALL BE POSTED CONSPICUOUSLY AT EACH
8 PUBLIC ENTRANCE TO EACH COURTHOUSE OR OTHER BUILDING CONTAINING
9 A COURT FACILITY AND EACH COURT FACILITY, AND NO PERSON SHALL BE
10 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A)(1) WITH RESPECT TO
11 A COURT FACILITY IF THE NOTICE WAS NOT SO POSTED AT EACH PUBLIC
12 ENTRANCE TO THE COURTHOUSE OR OTHER BUILDING CONTAINING A COURT
13 FACILITY AND AT THE COURT FACILITY, UNLESS THE PERSON HAD ACTUAL
14 NOTICE OF THE PROVISIONS OF SUBSECTION (A).

15 (E) FACILITIES FOR CHECKING FIREARMS.--EACH COUNTY SHALL
16 MAKE AVAILABLE, AT OR NEAR THE MAIN ENTRANCE TO THE COURTHOUSE,
17 LOCKERS OR SIMILAR FACILITIES FOR THE TEMPORARY CHECKING OF
18 FIREARMS BY PERSONS CARRYING FIREARMS UNDER SECTION 6106(B) OR
19 6109.

20 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
21 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
22 SUBSECTION:

23 "COURT FACILITY." THE COURTROOM OF A COURT OF RECORD; A
24 COURTROOM OF A COMMUNITY COURT; THE COURTROOM OF A DISTRICT
25 JUSTICE; A COURTROOM OF THE PHILADELPHIA MUNICIPAL COURT; A
26 COURTROOM OF THE PITTSBURGH MAGISTRATES COURT; A COURTROOM OF
27 THE TRAFFIC COURT OF PHILADELPHIA; JUDGE'S CHAMBERS; WITNESS
28 ROOMS; JURY DELIBERATION ROOMS; ATTORNEY CONFERENCE ROOMS;
29 PRISONER HOLDING CELLS; OFFICES OF COURT CLERKS, THE DISTRICT
30 ATTORNEY, THE SHERIFF AND PROBATION AND PAROLE OFFICERS; AND ANY

1 ADJOINING CORRIDORS.

2 "DANGEROUS WEAPON." A BOMB, GRENADE, BLACKJACK, SANDBAG,
3 METAL KNUCKLES, DAGGER, KNIFE, THE BLADE OF WHICH IS EXPOSED IN
4 AN AUTOMATIC WAY BY SWITCH, PUSH-BUTTON, SPRING MECHANISM OR
5 OTHERWISE, OR OTHER IMPLEMENT FOR THE INFLECTION OF SERIOUS
6 BODILY INJURY WHICH SERVES NO COMMON LAWFUL PURPOSE.

7 "FIREARM." ANY WEAPON, INCLUDING A STARTER GUN, WHICH WILL
8 OR IS DESIGNED TO EXPEL A PROJECTILE OR PROJECTILES BY THE
9 ACTION OF AN EXPLOSION, EXPANSION OF GAS OR ESCAPE OF GAS. THE
10 TERM DOES NOT INCLUDE ANY DEVICE DESIGNED OR USED EXCLUSIVELY
11 FOR THE FIRING OF STUD CARTRIDGES, EXPLOSIVE RIVETS OR SIMILAR
12 INDUSTRIAL AMMUNITION.

13 SECTION 2. SECTIONS 6101, 6102, 6103, 6104, 6105, 6106.1,
14 6107 AND 6109 OF TITLE 18 ARE AMENDED TO READ:

15 § 6101. SHORT TITLE OF SUBCHAPTER.

16 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
17 ["]PENNSYLVANIA UNIFORM FIREARMS ACT OF 1995.["]

18 § 6102. DEFINITIONS.

19 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
20 PROVISIONS OF THIS SUBCHAPTER WHICH ARE APPLICABLE TO SPECIFIC
21 PROVISIONS OF THIS SUBCHAPTER, THE FOLLOWING WORDS AND PHRASES,
22 WHEN USED IN THIS SUBCHAPTER SHALL HAVE, UNLESS THE CONTEXT
23 CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS
24 SECTION:

25 "COMMISSIONER." THE COMMISSIONER OF THE PENNSYLVANIA STATE
26 POLICE.

27 "CONVICTION." A CONVICTION, A FINDING OF GUILTY OR THE
28 ENTERING OF A PLEA OF GUILTY OR NOLO CONTENDERE, WHETHER OR NOT
29 JUDGMENT OF SENTENCE HAS BEEN IMPOSED, AS DETERMINED BY THE LAW
30 OF THE JURISDICTION IN WHICH THE PROSECUTION WAS HELD. THE TERM

1 DOES NOT INCLUDE A CONVICTION WHICH HAS BEEN EXPUNGED OR
2 OVERTURNED OR FOR WHICH AN INDIVIDUAL HAS BEEN PARDONED UNLESS
3 THE PARDON EXPRESSLY PROVIDES THAT THE INDIVIDUAL MAY NOT
4 POSSESS OR TRANSPORT FIREARMS.

5 "COUNTY TREASURER." THE COUNTY TREASURER OR, IN HOME RULE OR
6 OPTIONAL PLAN COUNTIES, THE PERSON WHOSE DUTIES ENCOMPASS THOSE
7 OF A COUNTY TREASURER.

8 ["CRIME OF VIOLENCE." ANY OF THE FOLLOWING CRIMES, OR AN
9 ATTEMPT, A SOLICITATION OR A CONSPIRACY TO COMMIT ANY OF THE
10 SAME, NAMELY: MURDER, VOLUNTARY MANSLAUGHTER, RAPE, AGGRAVATED
11 ASSAULT, ROBBERY, BURGLARY, INVOLUNTARY DEVIATE SEXUAL
12 INTERCOURSE, ARSON, EXTORTION ACCOMPANIED BY THREATS OF
13 VIOLENCE, ASSAULT BY PRISONER, ASSAULT BY LIFE PRISONER AND
14 KIDNAPPING.]

15 "CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR."
16 [DOES] THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

17 (1) FEDERAL OR STATE OFFENSES PERTAINING TO ANTITRUST,
18 UNFAIR TRADE PRACTICES, RESTRAINTS [OF] ON TRADE OR
19 REGULATION OF BUSINESS.

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

22 "FIREARM." ANY PISTOL OR REVOLVER WITH A BARREL LENGTH LESS
23 THAN 15 INCHES, ANY SHOTGUN WITH A BARREL LENGTH LESS THAN 18
24 INCHES OR ANY RIFLE WITH A BARREL LENGTH LESS THAN 16 INCHES, OR
25 ANY PISTOL, REVOLVER, RIFLE OR SHOTGUN WITH AN OVERALL LENGTH OF
26 LESS THAN 26 INCHES. THE BARREL LENGTH OF A FIREARM SHALL BE
27 DETERMINED BY MEASURING FROM THE MUZZLE OF THE BARREL TO THE
28 FACE OF THE CLOSED ACTION, BOLT OR CYLINDER, WHICHEVER IS
29 APPLICABLE.

30 "FUND." THE FIREARM OWNERSHIP FUND ESTABLISHED IN SECTION

1 6111.3 (RELATING TO FIREARM OWNERSHIP FUND).

2 "SHERIFF."

3 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), THE SHERIFF OF
4 THE COUNTY.

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

7 § 6103. CRIMES COMMITTED WITH FIREARMS.

8 IF ANY PERSON [SHALL COMMIT OR ATTEMPT] COMMITTS OR ATTEMPTS
9 TO COMMIT A [CRIME OF VIOLENCE] CRIME ENUMERATED IN SECTION 6105
10 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL,
11 SELL OR TRANSFER FIREARMS) WHEN ARMED WITH A FIREARM CONTRARY TO
12 THE PROVISIONS OF THIS SUBCHAPTER, [HE] THAT PERSON MAY, IN
13 ADDITION TO THE PUNISHMENT PROVIDED FOR THE CRIME, ALSO BE
14 PUNISHED [ALSO] AS PROVIDED BY THIS SUBCHAPTER.

15 § 6104. EVIDENCE OF INTENT.

16 IN THE TRIAL OF A PERSON FOR COMMITTING OR ATTEMPTING TO
17 COMMIT A [CRIME OF VIOLENCE] CRIME ENUMERATED IN SECTION 6105
18 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL,
19 SELL OR TRANSFER FIREARMS), THE FACT THAT [HE] THAT PERSON WAS
20 ARMED WITH A FIREARM, USED OR ATTEMPTED TO BE USED, AND HAD NO
21 LICENSE TO CARRY THE SAME, SHALL BE EVIDENCE OF [HIS] THAT
22 PERSON'S INTENTION TO COMMIT [SAID CRIME OF VIOLENCE] THE
23 OFFENSE.

24 § 6105. [FORMER CONVICT NOT TO OWN A FIREARM, ETC.] PERSONS NOT
25 TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR
26 TRANSFER FIREARMS.

27 [NO PERSON WHO HAS BEEN CONVICTED IN THIS COMMONWEALTH OR
28 ELSEWHERE OF A CRIME OF VIOLENCE SHALL OWN A FIREARM, OR HAVE
29 ONE IN HIS POSSESSION OR UNDER HIS CONTROL.]

30 (A) OFFENSE DEFINED.--A PERSON WHO HAS BEEN CONVICTED OF AN

1 OFFENSE ENUMERATED IN SUBSECTION (B), WITHIN OR WITHOUT THIS
2 COMMONWEALTH, REGARDLESS OF THE LENGTH OF SENTENCE OR ANY OF THE
3 OFFENSES ENUMERATED IN SUBSECTION (B) OR (C) SHALL NOT POSSESS,
4 USE, CONTROL, SELL, TRANSFER OR MANUFACTURE OR OBTAIN A LICENSE
5 TO POSSESS, USE, CONTROL, SELL, TRANSFER OR MANUFACTURE A
6 FIREARM IN THIS COMMONWEALTH.

7 (B) ENUMERATED OFFENSES.--THE FOLLOWING OFFENSES SHALL APPLY
8 TO SUBSECTION (A):

9 SECTION 908 (RELATING TO PROHIBITED OFFENSIVE WEAPONS).

10 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

11 SECTION 912 (RELATING TO POSSESSION OF WEAPON ON SCHOOL
12 PROPERTY).

13 SECTION 2502 (RELATING TO MURDER).

14 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

15 SECTION 2504 (RELATING TO INVOLUNTARY MANSLAUGHTER) IF
16 THE OFFENSE IS BASED ON THE RECKLESS USE OF A FIREARM.

17 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

18 SECTION 2704 (RELATING TO ASSAULT BY LIFE PRISONER).

19 SECTION 2709 (RELATING TO HARASSMENT AND STALKING) IF THE
20 OFFENSE RELATES TO STALKING.

21 SECTION 2901 (RELATING TO KIDNAPPING).

22 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

23 SECTION 3121 (RELATING TO RAPE).

24 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
25 INTERCOURSE).

26 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

27 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES).

28 SECTION 3302 (RELATING TO CAUSING OR RISKING
29 CATASTROPHE).

30 SECTION 3502 (RELATING TO BURGLARY).

1 SECTION 3503 (RELATING TO CRIMINAL TRESPASS) IF THE
2 OFFENSE IS GRADED A FELONY OF THE SECOND DEGREE OR HIGHER.

3 SECTION 3701 (RELATING TO ROBBERY).

4 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR
5 DISPOSITION) UPON CONVICTION OF THE SECOND FELONY OFFENSE.

6 SECTION 3923 (RELATING TO THEFT BY EXTORTION) WHEN THE
7 OFFENSE IS ACCOMPANIED BY THREATS OF VIOLENCE.

8 SECTION 3925 (RELATING TO RECEIVING STOLEN PROPERTY) UPON
9 CONVICTION OF THE SECOND FELONY OFFENSE.

10 SECTION 4912 (RELATING TO IMPERSONATING A PUBLIC SERVANT)
11 IF THE PERSON IS IMPERSONATING A LAW ENFORCEMENT OFFICER.

12 SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES OR
13 VICTIMS).

14 SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS OR
15 VICTIM).

16 SECTION 5121 (RELATING TO ESCAPE).

17 SECTION 5122 (RELATING TO WEAPONS OR IMPLEMENTS FOR
18 ESCAPE).

19 SECTION 5501(3) (RELATING TO RIOT).

20 SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY
21 TRAINING).

22 SECTION 6110.1 (RELATING TO POSSESSION OF FIREARM BY
23 MINOR).

24 SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

25 SECTION 6302 (RELATING TO SALE OR LEASE OF WEAPONS AND
26 EXPLOSIVES).

27 ANY OFFENSE EQUIVALENT TO ANY OF THE ABOVE ENUMERATED
28 OFFENSES UNDER THE STATUTES OF ANY OTHER STATE OR OF THE
29 UNITED STATES.

30 (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN

1 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE
2 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF
3 SUBSECTION (A):

4 (1) A PERSON WHO IS A FUGITIVE FROM JUSTICE.

5 (2) A PERSON WHO HAS BEEN CONVICTED OF AN OFFENSE UNDER
6 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
7 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT THAT MAY
8 BE PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING TWO YEARS.

9 (3) A PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE
10 INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE AS PROVIDED IN
11 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER INFLUENCE OF
12 ALCOHOL OR CONTROLLED SUBSTANCE) ON THREE OR MORE SEPARATE
13 OCCASIONS WITHIN A FIVE-YEAR PERIOD. FOR THE PURPOSES OF THIS
14 PARAGRAPH ONLY, THE PROHIBITION OF SUBSECTION (A) SHALL ONLY
15 APPLY TO TRANSFERS OR PURCHASES OF FIREARMS AFTER THE THIRD
16 CONVICTION.

17 (4) A PERSON WHO HAS BEEN ADJUDICATED AS AN INCOMPETENT
18 OR WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL
19 INSTITUTION FOR INPATIENT CARE AND TREATMENT UNDER SECTIONS
20 302, 303 AND 304 OF THE PROVISIONS OF THE ACT OF JULY 9, 1976
21 (P.L.817, NO.143), KNOWN AS THE MENTAL HEALTH PROCEDURES ACT.

22 (5) A PERSON WHO, BEING AN ALIEN, IS ILLEGALLY OR
23 UNLAWFULLY IN THE UNITED STATES.

24 (6) A PERSON WHO IS THE SUBJECT OF AN ACTIVE PROTECTION
25 FROM ABUSE ORDER ISSUED PURSUANT TO 23 PA.C.S. § 6108
26 (RELATING TO RELIEF) WHICH ORDER PROVIDED FOR THE
27 CONFISCATION OF FIREARMS DURING THE PERIOD OF TIME THE ORDER
28 IS IN EFFECT.

29 (7) A PERSON WHO WAS ADJUDICATED DELINQUENT BY A COURT
30 PURSUANT TO 42 PA.C.S. § 6341 (RELATING TO ADJUDICATION) OR

1 UNDER ANY EQUIVALENT FEDERAL STATUTE OR STATUTE OF ANY OTHER
2 STATE AS A RESULT OF CONDUCT WHICH IF COMMITTED BY AN ADULT
3 WOULD CONSTITUTE AN OFFENSE UNDER SECTIONS 2502, 2503, 2702,
4 2703 (RELATING TO ASSAULT BY PRISONER), 2704, 2901, 3121,
5 3123, 3301, 3502, 3701 AND 3923.

6 (8) A PERSON WHO WAS ADJUDICATED DELINQUENT BY A COURT
7 PURSUANT TO 42 PA.C.S. § 6341 OR UNDER ANY EQUIVALENT FEDERAL
8 STATUTE OR STATUTE OF ANY OTHER STATE AS A RESULT OF CONDUCT
9 WHICH IF COMMITTED BY AN ADULT WOULD CONSTITUTE AN OFFENSE
10 ENUMERATED IN SUBSECTION (B) WITH THE EXCEPTION OF THOSE
11 CRIMES SET FORTH IN PARAGRAPH (6). THIS PROHIBITION SHALL
12 TERMINATE 15 YEARS AFTER THE LAST APPLICABLE DELINQUENT
13 ADJUDICATION OR UPON THE PERSON REACHING THE AGE OF 30,
14 WHICHEVER IS EARLIER.

15 (D) EXEMPTION.--A PERSON WHO HAS BEEN CONVICTED OF A CRIME
16 SPECIFIED IN SUBSECTION (A), (B) OR (C)(1), (2), (5) OR (7) MAY
17 MAKE APPLICATION TO THE COURT OF COMMON PLEAS OF THE COUNTY
18 WHERE THE PRINCIPAL RESIDENCE OF THE APPLICANT IS SITUATED FOR
19 RELIEF FROM THE DISABILITY IMPOSED BY THIS SECTION UPON THE
20 OWNERSHIP, POSSESSION OR CONTROL OF A FIREARM. THE COURT MAY
21 GRANT SUCH RELIEF IF IT DETERMINES THAT ANY OF THE FOLLOWING
22 APPLY:

23 (1) THE CONVICTION HAS BEEN VACATED UNDER CIRCUMSTANCES
24 WHERE ALL APPEALS HAVE BEEN EXHAUSTED OR WHERE THE RIGHT TO
25 APPEAL HAS EXPIRED.

26 (2) THE CONVICTION HAS BEEN THE SUBJECT OF A FULL PARDON
27 BY THE GOVERNOR.

28 (3) EACH OF THE FOLLOWING CONDITIONS IS MET:

29 (I) THE SECRETARY OF THE TREASURY OF THE UNITED
30 STATES HAS RELIEVED THE APPLICANT OF AN APPLICABLE

1 DISABILITY IMPOSED BY FEDERAL LAW UPON THE POSSESSION,
2 OWNERSHIP OR CONTROL OF A FIREARM AS A RESULT OF THE
3 APPLICANT'S PRIOR CONVICTION, EXCEPT THAT THE COURT MAY
4 WAIVE THIS CONDITION IF THE COURT DETERMINES THAT THE
5 CONGRESS OF THE UNITED STATES HAS NOT APPROPRIATED
6 SUFFICIENT FUNDS TO ENABLE THE SECRETARY OF THE TREASURY
7 TO GRANT RELIEF TO APPLICANTS ELIGIBLE FOR THE RELIEF.

8 (II) A PERIOD OF TEN YEARS, NOT INCLUDING ANY TIME
9 SPENT IN INCARCERATION, HAS ELAPSED SINCE THE MOST RECENT
10 CONVICTION OF THE APPLICANT OF A CRIME ENUMERATED IN
11 SUBSECTION (B) OR A FELONY VIOLATION OF THE CONTROLLED
12 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

13 (E) PROCEEDINGS.--IF A PERSON CONVICTED OF AN OFFENSE UNDER
14 SUBSECTION (A), (B) OR (C)(1), (2), (4) OR (6) MAKES APPLICATION
15 TO THE COURT, A HEARING SHALL BE HELD IN OPEN COURT TO DETERMINE
16 WHETHER THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET. THE
17 COMMISSIONER AND THE DISTRICT ATTORNEY OF THE COUNTY WHERE THE
18 APPLICATION IS FILED AND ANY VICTIM OR SURVIVOR OF A VICTIM OF
19 THE OFFENSE UPON WHICH THE DISABILITY IS BASED MAY BE PARTIES TO
20 THE PROCEEDING.

21 (F) OTHER EXEMPTIONS AND PROCEEDINGS.--

22 (1) UPON APPLICATION TO THE COURT OF COMMON PLEAS UNDER
23 SUBSECTION (E) BY AN APPLICANT SUBJECT TO THE PROHIBITIONS
24 UNDER SUBSECTION (C)(3) OR (5), THE COURT MAY GRANT SUCH
25 RELIEF AS IT DEEMS APPROPRIATE IF THE COURT DETERMINES THAT
26 THE APPLICANT MAY POSSESS A FIREARM WITHOUT RISK TO THE
27 APPLICANT OR ANY OTHER PERSON AND THAT A PERIOD OF FIVE YEARS
28 HAS ELAPSED SINCE THE APPLICANT'S MOST RECENT ADJUDICATION OR
29 COMMITMENT UNDER SUBSECTION (C)(3) OR (5).

30 (2) IF APPLICATION IS MADE UNDER THIS SUBSECTION FOR

1 RELIEF FROM THE DISABILITY IMPOSED UNDER SUBSECTION (C)(5),
2 NOTICE OF SUCH APPLICATION SHALL BE GIVEN TO THE PERSON WHO
3 HAD PETITIONED FOR THE PROTECTION FROM ABUSE ORDER AND SUCH
4 PERSON SHALL BE A PARTY TO THE PROCEEDINGS.

5 (3) ALL HEARINGS CONDUCTED UNDER THIS SUBSECTION SHALL
6 BE CLOSED.

7 (G) OTHER RESTRICTIONS.--NOTHING IN THIS SECTION SHALL
8 EXEMPT A PERSON FROM A DISABILITY IN RELATION TO THE POSSESSION
9 OR CONTROL OF A FIREARM WHICH IS IMPOSED AS A CONDITION OF
10 PROBATION OR PAROLE OR WHICH IS IMPOSED PURSUANT TO THE
11 PROVISION OF ANY LAW OTHER THAN THIS SECTION.

12 (H) LICENSE PROHIBITION.--ANY PERSON WHO IS PROHIBITED FROM
13 POSSESSING, USING, CONTROLLING, SELLING, PURCHASING,
14 TRANSFERRING OR MANUFACTURING ANY FIREARM UNDER THIS SECTION
15 SHALL NOT BE ELIGIBLE FOR OR PERMITTED TO OBTAIN A LICENSE TO
16 CARRY A FIREARM UNDER SECTION 6109 (RELATING TO LICENSES).

17 (I) FIREARM.--AS USED IN THIS SECTION ONLY, THE TERM
18 "FIREARM" SHALL INCLUDE ANY WEAPONS WHICH ARE DESIGNED TO OR MAY
19 READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN
20 EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

21 § 6106.1. CARRYING LOADED WEAPONS OTHER THAN FIREARMS.

22 (A) GENERAL RULE.--[NO] EXCEPT AS PROVIDED IN 34 PA.C.S.
23 (RELATING TO GAME), NO PERSON SHALL CARRY A LOADED PISTOL,
24 REVOLVER, SHOTGUN OR RIFLE, OTHER THAN A FIREARM AS DEFINED IN
25 SECTION 6102 (RELATING TO DEFINITIONS), IN ANY VEHICLE. THE
26 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PERSONS EXCEPTED
27 FROM THE REQUIREMENT OF A LICENSE TO CARRY FIREARMS UNDER
28 SECTION 6106(B)(1), (2), (5) OR (6) (RELATING TO FIREARMS NOT TO
29 BE CARRIED WITHOUT A LICENSE) NOR SHALL THE PROVISIONS OF THIS
30 SECTION BE CONSTRUED TO PERMIT PERSONS TO CARRY FIREARMS IN A

1 VEHICLE WHERE SUCH CONDUCT IS PROHIBITED BY SECTION 6106.

2 (B) PENALTY.--A PERSON WHO VIOLATES THE PROVISIONS OF THIS
3 SECTION COMMITS A SUMMARY OFFENSE.

4 § 6107. PROHIBITED CONDUCT DURING EMERGENCY.

5 NO PERSON SHALL CARRY A FIREARM, RIFLE OR SHOTGUN UPON THE
6 PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY DURING AN EMERGENCY
7 PROCLAIMED BY A [MUNICIPAL OR STATE] STATE OR MUNICIPAL
8 GOVERNMENTAL EXECUTIVE UNLESS THAT PERSON IS:

9 (1) ACTIVELY ENGAGED IN A DEFENSE OF [HIS] THAT PERSON'S
10 LIFE OR PROPERTY FROM PERIL OR THREAT.

11 (2) LICENSED TO CARRY FIREARMS UNDER SECTION 6109 [OF
12 THIS TITLE] (RELATING TO LICENSES) OR IS EXEMPT FROM
13 LICENSING UNDER SECTION 6106(B) [OF THIS TITLE] (RELATING TO
14 FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE).

15 § 6109. LICENSES.

16 (A) PURPOSE OF LICENSE.--A LICENSE TO CARRY A FIREARM SHALL
17 BE FOR THE PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT
18 ONE'S PERSON OR IN A VEHICLE WITHIN THIS COMMONWEALTH. ANY
19 PERSON WHO CARRIES A FIREARM CONCEALED ON OR ABOUT HIS PERSON OR
20 IN A VEHICLE WITHIN THIS COMMONWEALTH WITHOUT A VALID AND
21 LAWFULLY ISSUED LICENSE UNDER THIS SECTION COMMITS A FELONY OF
22 THE THIRD DEGREE.

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

30 (C) FORM OF APPLICATION AND CONTENT.--THE APPLICATION FOR A

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

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

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

1 DANGEROUS TO PUBLIC SAFETY AND SHALL INVESTIGATE WHETHER THE
2 APPLICANT WOULD BE PRECLUDED FROM RECEIVING A LICENSE UNDER
3 SUBSECTION (E)(1) OR SECTION 6105(H) (RELATING TO PERSONS NOT TO
4 POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)
5 AND SHALL CONDUCT A CRIMINAL BACKGROUND, JUVENILE DELINQUENCY OR
6 MENTAL HEALTH CHECK FOLLOWING THE PROCEDURES SET FORTH IN
7 SECTION 6111 (RELATING TO FIREARM OWNERSHIP).

8 (E) ISSUANCE OF LICENSE.--

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

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

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

23 (III) AN INDIVIDUAL CONVICTED OF A CRIME [OF
24 VIOLENCE] ENUMERATED IN SECTION 6105.

25 (IV) AN INDIVIDUAL WHO, WITHIN THE PAST TEN YEARS,
26 HAS BEEN ADJUDICATED DELINQUENT FOR A CRIME [OF VIOLENCE]
27 ENUMERATED IN SECTION 6105 OR FOR AN OFFENSE UNDER THE
28 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

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

1 (VI) AN INDIVIDUAL WHO IS ADDICTED TO[,] OR IS AN
2 UNLAWFUL USER OF[,] MARIJUANA OR A STIMULANT, DEPRESSANT
3 OR NARCOTIC DRUG.

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

5 (VIII) AN INDIVIDUAL WHO IS CHARGED WITH OR HAS BEEN
6 CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A
7 TERM EXCEEDING ONE YEAR EXCEPT AS PROVIDED FOR IN SECTION
8 6123 (RELATING TO WAIVER OF DISABILITY OR PARDONS).

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

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

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

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

22 (XIII) AN INDIVIDUAL WHO IS OTHERWISE PROHIBITED
23 FROM POSSESSING, USING, MANUFACTURING, CONTROLLING,
24 PURCHASING, SELLING OR TRANSFERRING A FIREARM AS PROVIDED
25 BY SECTION 6105.

26 [(2) IN A CITY OF THE FIRST CLASS, A LICENSE SHALL BE
27 ISSUED ONLY IF IT ADDITIONALLY APPEARS THAT THE APPLICANT HAS
28 GOOD REASON TO FEAR AN INJURY TO THE APPLICANT'S PERSON OR
29 PROPERTY OR HAS ANY OTHER PROPER REASON FOR CARRYING A
30 FIREARM AND THAT THE APPLICANT IS A SUITABLE INDIVIDUAL TO BE

1 LICENSED.]

2 (3) THE LICENSE SHALL BEAR THE NAME, ADDRESS, DATE OF
3 BIRTH, RACE, SEX, CITIZENSHIP, SOCIAL SECURITY NUMBER,
4 HEIGHT, WEIGHT, COLOR OF HAIR, COLOR OF EYES AND SIGNATURE OF
5 THE LICENSEE; THE SIGNATURE OF THE SHERIFF ISSUING THE
6 LICENSE; THE REASON FOR ISSUANCE; AND THE PERIOD OF
7 VALIDATION. THE SHERIFF MAY ALSO REQUIRE A PHOTOGRAPH OF THE
8 LICENSEE ON THE LICENSE. THE ORIGINAL LICENSE SHALL BE ISSUED
9 TO THE APPLICANT. THE FIRST COPY OF THE LICENSE SHALL BE
10 FORWARDED TO THE COMMISSIONER WITHIN SEVEN DAYS OF THE DATE
11 OF ISSUE, AND A SECOND COPY SHALL BE RETAINED BY THE ISSUING
12 AUTHORITY FOR A PERIOD OF SIX YEARS.

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

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

25 (H) FEE.--THE FEE FOR A LICENSE TO CARRY A FIREARM IS
26 [\$12.50] \$17.50. THIS INCLUDES AN ADMINISTRATIVE FEE OF \$5 UNDER
27 SECTION 14(2) OF THE ACT OF JULY 6, 1984 (P.L.614, NO.127),
28 KNOWN AS THE SHERIFF FEE ACT. THE FEE IS PAYABLE TO THE SHERIFF
29 TO WHOM THE APPLICATION IS SUBMITTED AND IS PAYABLE AT THE TIME
30 OF APPLICATION FOR THE LICENSE. EXCEPT FOR THE ADMINISTRATIVE

1 FEE OF \$5 UNDER SECTION 14(2) OF THE SHERIFF FEE ACT, ALL OTHER
2 FEES SHALL BE REFUNDED IF THE APPLICATION IS DENIED BUT SHALL
3 NOT BE REFUNDED IF A LICENSE IS ISSUED AND SUBSEQUENTLY REVOKED.
4 A PERSON WHO SELLS OR ATTEMPTS TO SELL A LICENSE TO CARRY A
5 FIREARM FOR A FEE IN EXCESS OF THE AMOUNTS FIXED UNDER THIS
6 SUBSECTION COMMITS A SUMMARY OFFENSE.

7 (I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED
8 BY THE ISSUING AUTHORITY FOR GOOD CAUSE. NOTICE OF REVOCATION
9 SHALL BE IN WRITING AND SHALL STATE THE SPECIFIC REASON FOR
10 REVOCATION. NOTICE SHALL BE SENT BY CERTIFIED MAIL, AND, AT THAT
11 TIME, A COPY SHALL BE FORWARDED TO THE COMMISSIONER. AN
12 INDIVIDUAL WHOSE LICENSE IS REVOKED SHALL SURRENDER THE LICENSE
13 TO THE ISSUING AUTHORITY WITHIN FIVE DAYS OF RECEIPT OF THE
14 NOTICE. AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A
15 SUMMARY OFFENSE.

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

20 (K) RECIPROCITY.--THE ATTORNEY GENERAL MAY ENTER INTO
21 RECIPROCITY AGREEMENTS WITH OTHER STATES PROVIDING FOR THE
22 MUTUAL RECOGNITION OF EACH STATE'S LICENSE TO CARRY A FIREARM.

23 SECTION 3. SECTION 6110 OF TITLE 18 IS REPEALED.

24 SECTION 4. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

25 § 6110.1. POSSESSION OF FIREARM BY MINOR.

26 (A) FIREARM.--EXCEPT AS PROVIDED IN SUBSECTION (B), A PERSON
27 UNDER 18 YEARS OF AGE SHALL NOT POSSESS OR TRANSPORT A FIREARM
28 ANYWHERE IN THIS COMMONWEALTH.

29 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO A PERSON
30 UNDER 18 YEARS OF AGE WHO IS UNDER THE SUPERVISION OF A PARENT,

1 GRANDPARENT, LEGAL GUARDIAN OR AN ADULT ACTING WITH THE
2 EXPRESSED CONSENT OF THE MINOR'S CUSTODIAL PARENT OR LEGAL
3 GUARDIAN AND:

4 (1) THE MINOR IS ENGAGED IN LAWFUL ACTIVITY, INCLUDING
5 LAWFULLY HUNTING OR TRAPPING, SAFETY TRAINING, TARGET
6 SHOOTING AT AN ESTABLISHED RANGE OR ENGAGING IN AN ORGANIZED
7 COMPETITION INVOLVING THE USE OF A FIREARM; OR

8 (2) THE FIREARM IS UNLOADED AND THE MINOR IS
9 TRANSPORTING IT FOR A LAWFUL PURPOSE.

10 (C) RESPONSIBILITY OF ADULT.--ANY PERSON WHO KNOWINGLY AND
11 INTENTIONALLY DELIVERS OR PROVIDES TO THE MINOR A FIREARM IN
12 VIOLATION OF SUBSECTION (A) COMMITS A FELONY OF THE THIRD
13 DEGREE.

14 (D) FORFEITURE.--ANY FIREARM IN THE POSSESSION OF A PERSON
15 UNDER 18 YEARS OF AGE IN VIOLATION OF THIS SECTION SHALL BE
16 PROMPTLY SEIZED BY THE ARRESTING LAW ENFORCEMENT OFFICER AND
17 UPON CONVICTION OR ADJUDICATION OF DELINQUENCY SHALL BE
18 FORFEITED OR, IF STOLEN, RETURNED TO THE LAWFUL OWNER.

19 SECTION 5. SECTION 6111 OF TITLE 18 IS AMENDED TO READ:

20 § 6111. [SALE OF FIREARMS.] FIREARM OWNERSHIP.

21 [(A) TIME AND MANNER OF DELIVERY.--NO SELLER SHALL DELIVER A
22 FIREARM TO THE PURCHASER THEREOF UNTIL 48 HOURS SHALL HAVE
23 ELAPSED FROM THE TIME OF THE APPLICATION FOR THE PURCHASE
24 THEREOF, AND WHEN DELIVERED, SAID FIREARM SHALL BE SECURELY
25 WRAPPED AND SHALL BE UNLOADED.

26 (B) STATEMENT TO BE SIGNED BY PURCHASER.--AT THE TIME OF
27 APPLYING FOR THE PURCHASE OF A FIREARM, THE PURCHASER SHALL SIGN
28 IN QUADRUPPLICATE AND DELIVER TO THE SELLER A STATEMENT
29 CONTAINING HIS FULL NAME, ADDRESS, OCCUPATION, COLOR, PLACE OF
30 BIRTH, THE DATE AND HOUR OF APPLICATION, THE CALIBER, LENGTH OF

1 BARREL, MAKE, MODEL, AND MANUFACTURER'S NUMBER OF THE FIREARM TO
2 BE PURCHASED, AND A STATEMENT THAT HE HAS NEVER BEEN CONVICTED
3 IN THIS COMMONWEALTH, OR ELSEWHERE, OF A CRIME OF VIOLENCE. THE
4 SELLER SHALL, WITHIN SIX HOURS AFTER SUCH APPLICATION, SIGN AND
5 ATTACH HIS ADDRESS AND FORWARD BY REGISTERED OR CERTIFIED MAIL
6 ONE COPY OF SUCH STATEMENT TO THE CHIEF OR HEAD OF THE POLICE
7 FORCE OR POLICE DEPARTMENT OF THE CITY, OR THE SHERIFF OF THE
8 COUNTY OF THE PLACE OF BUSINESS OF THE SELLER, THE DUPLICATE,
9 DULY SIGNED BY THE SELLER, SHALL, WITHIN SEVEN DAYS, BE SENT BY
10 HIM, WITH HIS ADDRESS, TO THE COMMISSIONER OF THE PENNSYLVANIA
11 STATE POLICE, THE TRIPLICATE HE SHALL RETAIN FOR SIX YEARS, AND
12 THE QUADRUPLICATE WITH THE PROPER SIGNATURE AND ADDRESS OF THE
13 SELLER SHALL, WITHIN SIX HOURS AFTER SUCH APPLICATION, BE
14 FORWARDED BY REGISTERED OR CERTIFIED MAIL TO THE CHIEF OR HEAD
15 OF THE POLICE FORCE OR POLICE DEPARTMENT OF THE CITY OR TO THE
16 SHERIFF OF THE COUNTY OF WHICH THE BUYER IS A RESIDENT.

17 (C) EXEMPTION.--THIS SECTION SHALL NOT APPLY TO SALES AT
18 WHOLESALE.]

19 (A) TIME AND MANNER OF DELIVERY.--

20 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), NO SELLER SHALL
21 DELIVER A FIREARM TO THE PURCHASER OR TRANSFEREE THEREOF
22 UNTIL 48 HOURS SHALL HAVE ELAPSED FROM THE TIME OF THE
23 APPLICATION FOR THE PURCHASE THEREOF, AND, WHEN DELIVERED,
24 THE FIREARM SHALL BE SECURELY WRAPPED AND SHALL BE UNLOADED.

25 (2) THIRTY DAYS AFTER PUBLICATION IN THE PENNSYLVANIA
26 BULLETIN THAT THE INSTANTANEOUS CRIMINAL HISTORY RECORDS
27 CHECK SYSTEM HAS BEEN ESTABLISHED IN ACCORDANCE WITH THE
28 BRADY HANDGUN VIOLENCE PREVENTION ACT (PUBLIC LAW 103-159, 18
29 U.S.C. § 921 ET SEQ.), NO SELLER SHALL DELIVER A FIREARM TO
30 THE PURCHASER THEREOF UNTIL THE PROVISIONS OF THIS SECTION

1 HAVE BEEN SATISFIED, AND, WHEN DELIVERED, THE FIREARM SHALL
2 BE SECURELY WRAPPED AND SHALL BE UNLOADED.

3 (B) DUTY OF SELLER.--NO LICENSED IMPORTER, LICENSED
4 MANUFACTURER OR LICENSED DEALER SHALL SELL OR DELIVER ANY
5 FIREARM TO ANOTHER PERSON, OTHER THAN A LICENSED IMPORTER,
6 LICENSED MANUFACTURER, LICENSED DEALER OR LICENSED COLLECTOR,
7 UNTIL THE CONDITIONS OF SUBSECTION (A) HAVE BEEN SATISFIED AND
8 UNTIL HE HAS:

9 (1) OBTAINED A COMPLETED APPLICATION/RECORD OF SALE FROM
10 THE POTENTIAL BUYER OR TRANSFEREE, TO BE FILLED OUT IN
11 QUADRUPLICATE, THE ORIGINAL COPY TO BE SENT TO THE
12 PENNSYLVANIA STATE POLICE, ONE COPY TO BE RETAINED BY THE
13 LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER,
14 ONE COPY TO BE RETAINED BY THE PURCHASER OR TRANSFEREE AND
15 ONE COPY TO BE SENT TO THE CHIEF OF POLICE OR SHERIFF OF THE
16 COUNTY OR HEAD OF THE POLICE FORCE OR POLICE DEPARTMENT OF
17 THE CITY IN WHICH THE PURCHASER OR TRANSFEREE RESIDES. THE
18 FORM OF THIS APPLICATION/RECORD OF SALE SHALL BE PROMULGATED
19 BY THE PENNSYLVANIA STATE POLICE AND PROVIDED BY THE LICENSED
20 IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER. THE
21 APPLICATION/RECORD OF SALE SHALL INCLUDE THE NAME, ADDRESS,
22 BIRTH DATE, GENDER, RACE, PHYSICAL DESCRIPTION AND SOCIAL
23 SECURITY NUMBER OF THE PURCHASER OR TRANSFEREE, THE DATE OF
24 THE APPLICATION AND IN THE CASE OF A FIREARM AS DEFINED IN
25 SECTION 6102 (RELATING TO DEFINITIONS), THE CALIBER, LENGTH
26 OF BARREL, MAKE, MODEL, MANUFACTURER'S NUMBER AND THE FIREARM
27 TO BE PURCHASED OR TRANSFERRED. WHEN DELIVERED TO THE
28 PURCHASER OR TRANSFEREE, THE FIREARM SHALL BE SECURELY
29 WRAPPED AND SHALL BE UNLOADED.

30 (2) INSPECTED PHOTO IDENTIFICATION OF THE POTENTIAL

1 PURCHASER OR TRANSFEREE, INCLUDING, BUT NOT LIMITED TO, A
2 DRIVER'S LICENSE, OFFICIAL PENNSYLVANIA PHOTO IDENTIFICATION
3 CARD OR OFFICIAL GOVERNMENT PHOTO IDENTIFICATION CARD. IN THE
4 CASE OF A POTENTIAL BUYER OR TRANSFEREE WHO IS A MEMBER OF A
5 RECOGNIZED RELIGIOUS SECT OR COMMUNITY WHOSE TENETS FORBID OR
6 DISCOURAGE THE TAKING OF PHOTOGRAPHS OF MEMBERS OF THAT SECT
7 OR COMMUNITY, A SELLER SHALL ACCEPT A VALID-WITHOUT-PHOTO
8 DRIVER'S LICENSE OR A COMBINATION OF DOCUMENTS, AS PRESCRIBED
9 BY THE PENNSYLVANIA STATE POLICE, CONTAINING THE APPLICANT'S
10 NAME, ADDRESS, DATE OF BIRTH AND THE SIGNATURE OF THE
11 APPLICANT.

12 (3) REQUESTED, BY MEANS OF A TELEPHONE CALL, THAT THE
13 PENNSYLVANIA STATE POLICE, CONDUCT A CRIMINAL HISTORY,
14 JUVENILE DELINQUENCY HISTORY AND A MENTAL HEALTH RECORD
15 CHECK. THE REQUESTER SHALL BE CHARGED A FEE EQUIVALENT TO THE
16 COST OF PROVIDING THE SERVICE BUT NOT TO EXCEED \$2 PER BUYER
17 OR TRANSFEREE.

18 (4) RECEIVED A UNIQUE APPROVAL NUMBER FOR THAT INQUIRY
19 FROM THE PENNSYLVANIA STATE POLICE AND RECORDED THE DATE AND
20 THE NUMBER ON THE APPLICATION/RECORD OF SALE FORM.

21 (5) ISSUED A RECEIPT CONTAINING THE INFORMATION FROM
22 PARAGRAPH (4), INCLUDING THE UNIQUE APPROVAL NUMBER OF THE
23 PURCHASER. THIS RECEIPT SHALL BE PRIMA FACIE EVIDENCE OF THE
24 PURCHASER'S OR TRANSFEREE'S COMPLIANCE WITH THE PROVISIONS OF
25 THIS SECTION.

26 (C) DUTY OF OTHER PERSONS.--ANY PERSON WHO IS NOT A LICENSED
27 IMPORTER, MANUFACTURER OR DEALER AND WHO DESIRES TO SELL OR
28 TRANSFER A FIREARM TO ANOTHER UNLICENSED PERSON SHALL DO SO ONLY
29 UPON THE PLACE OF BUSINESS OF A LICENSED IMPORTER, MANUFACTURER,
30 DEALER OR COUNTY SHERIFF'S OFFICE, THE LATTER OF WHOM SHALL

1 FOLLOW THE PROCEDURE SET FORTH IN THIS SECTION AS IF HE WERE THE
2 SELLER OF THE FIREARM. THE PROVISIONS OF THIS SECTION SHALL NOT
3 APPLY TO TRANSFERS BETWEEN SPOUSES OR TO TRANSFERS BETWEEN A
4 PARENT AND CHILD OR TO TRANSFERS BETWEEN GRANDPARENT AND
5 GRANDCHILD.

6 (D) DEFENSE.--COMPLIANCE WITH THE PROVISIONS OF THIS SECTION
7 SHALL BE A DEFENSE TO ANY CRIMINAL COMPLAINT UNDER THE LAWS OF
8 THIS COMMONWEALTH ARISING FROM THE SALE OR TRANSFER OF ANY
9 FIREARM.

10 (E) NONAPPLICABILITY OF SECTION.--AS PROVIDED BY SECTION
11 6118 (RELATING TO ANTIQUE FIREARMS), THIS SECTION SHALL NOT
12 APPLY TO THE FOLLOWING:

13 (1) ANY FIREARM MANUFACTURED ON OR BEFORE 1898,
14 INCLUDING ANY FIREARM WITH A MATCHLOCK, FLINTLOCK, PERCUSSION
15 CAP OR SIMILAR TYPE OF IGNITION SYSTEM.

16 (2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH
17 (1) IF THE REPLICA:

18 (I) IS NOT DESIGNED OR REDESIGNED TO USE RIMFIRE OR
19 CONVENTIONAL CENTER FIRE FIXED AMMUNITION; OR

20 (II) USES RIMFIRE OR CONVENTIONAL CENTER FIRE FIXED
21 AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED
22 STATES AND WHICH IS NOT READILY AVAILABLE IN THE ORDINARY
23 CHANNELS OF COMMERCIAL TRADE.

24 (F) APPLICATION OF SECTION.--

25 (1) FOR THE PURPOSES OF THIS SECTION ONLY, EXCEPT AS
26 PROVIDED BY PARAGRAPH (2), "FIREARM" SHALL MEAN ANY WEAPON
27 WHICH IS DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL ANY
28 PROJECTILE BY THE ACTION OF AN EXPLOSIVE OR THE FRAME OR
29 RECEIVER OF ANY SUCH WEAPON.

30 (2) THE PROVISIONS CONTAINED IN SUBSECTIONS (A)

1 (RELATING TO THE TIME AND MANNER OF DELIVERY) AND (C)
2 (RELATING TO THE DUTY OF OTHER PERSONS) SHALL ONLY APPLY TO
3 PISTOLS OR REVOLVERS WITH A BARREL LENGTH OF LESS THAN 15
4 INCHES, ANY SHOTGUN WITH A BARREL LENGTH OF LESS THAN 18
5 INCHES, OR ANY RIFLE WITH A BARREL LENGTH OF LESS THAN 16
6 INCHES OR ANY FIREARM WITH AN OVERALL LENGTH OF LESS THAN 26
7 INCHES.

8 (3) THE PROVISIONS CONTAINED IN SUBSECTION (A) SHALL NOT
9 APPLY TO ANY LAW ENFORCEMENT OFFICER AS DEFINED IN SECTION
10 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING) WHOSE
11 CURRENT IDENTIFICATION AS A LAW ENFORCEMENT OFFICER SHALL BE
12 CONSTRUED AS A VALID LICENSE TO CARRY A FIREARM OR ANY PERSON
13 WHO POSSESSES A VALID LICENSE TO CARRY A FIREARM UNDER
14 SECTION 6109 (RELATING TO LICENSES).

15 (4) (I) THE PROVISIONS OF SUBSECTION (A) SHALL NOT
16 APPLY TO ANY PERSON WHO PRESENTS TO THE SELLER OR
17 TRANSFEROR A WRITTEN STATEMENT, ISSUED BY THE OFFICIAL
18 DESCRIBED IN SUBPARAGRAPH (III) DURING THE TEN-DAY PERIOD
19 ENDING ON THE DATE OF THE MOST RECENT PROPOSAL OF SUCH
20 TRANSFER OR SALE BY THE TRANSFEREE OR PURCHASER STATING
21 THAT THE TRANSFEREE OR PURCHASER REQUIRES ACCESS TO A
22 FIREARM BECAUSE OF A THREAT TO THE LIFE OF THE TRANSFEREE
23 OR PURCHASER OR ANY MEMBER OF THE HOUSEHOLD OF THAT
24 TRANSFEREE OR PURCHASER.

25 (II) THE ISSUING OFFICIAL SHALL NOTIFY THE
26 APPLICANT'S LOCAL POLICE AUTHORITY THAT SUCH A STATEMENT
27 HAS BEEN ISSUED. IN COUNTIES OF THE FIRST CLASS THE CHIEF
28 OF POLICE SHALL NOTIFY THE POLICE STATION OR SUBSTATION
29 CLOSEST TO THE APPLICANT'S RESIDENCE.

30 (III) THE STATEMENT ISSUED UNDER SUBPARAGRAPH (II)

1 SHALL BE ISSUED BY THE DISTRICT ATTORNEY, OR HIS
2 DESIGNEE, OF THE COUNTY OF RESIDENCE OF THE TRANSFEREE OR
3 PURCHASER. IF SUCH COUNTY OF RESIDENCE IS A COUNTY OF THE
4 FIRST CLASS, THE ISSUING OFFICIAL SHALL BE THE CHIEF OF
5 POLICE, OR HIS DESIGNEE, HAVING JURISDICTION IN THAT
6 COUNTY.

7 (G) PENALTIES.--

8 (1) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
9 OR LICENSED IMPORTER WHO KNOWINGLY OR INTENTIONALLY SELLS,
10 DELIVERS OR TRANSFERS A FIREARM IN VIOLATION OF THIS SECTION
11 COMMITS A MISDEMEANOR OF THE SECOND DEGREE.

12 (2) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
13 OR LICENSED IMPORTER WHO KNOWINGLY OR INTENTIONALLY SELLS,
14 DELIVERS OR TRANSFERS A FIREARM UNDER CIRCUMSTANCES INTENDED
15 TO PROVIDE A FIREARM TO ANY PERSON, PURCHASER OR TRANSFEREE
16 WHO IS UNQUALIFIED OR INELIGIBLE TO CONTROL, POSSESS OR USE A
17 FIREARM UNDER THIS CHAPTER COMMITS A FELONY OF THE THIRD
18 DEGREE AND SHALL, IN ADDITION, BE SUBJECT TO REVOCATION OF
19 THE LICENSE TO SELL FIREARMS FOR A PERIOD OF THREE YEARS.

20 (3) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
21 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY REQUESTS
22 A CRIMINAL HISTORY, JUVENILE DELINQUENCY OR MENTAL HEALTH
23 RECORD CHECK FROM THE PENNSYLVANIA STATE POLICE FOR ANY
24 PURPOSE OTHER THAN COMPLIANCE WITH THIS CHAPTER OR KNOWINGLY
25 AND INTENTIONALLY DISSEMINATES ANY CRIMINAL HISTORY, JUVENILE
26 DELINQUENCY OR MENTAL HEALTH RECORD INFORMATION TO ANY PERSON
27 OTHER THAN THE SUBJECT OF THE INFORMATION COMMITS A FELONY OF
28 THE THIRD DEGREE.

29 (4) ANY PERSON, PURCHASER OR TRANSFEREE WHO, IN
30 CONNECTION WITH THE PURCHASE, DELIVERY OR TRANSFER OF A

1 FIREARM UNDER THIS CHAPTER, KNOWINGLY AND INTENTIONALLY MAKES
2 ANY MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR WILLFULLY
3 FURNISHES OR EXHIBITS ANY FALSE IDENTIFICATION INTENDED OR
4 LIKELY TO DECEIVE THE SELLER, LICENSED DEALER OR LICENSED
5 MANUFACTURER COMMITS A FELONY OF THE THIRD DEGREE.

6 (5) NOTWITHSTANDING SECTION 306 (RELATING TO LIABILITY
7 FOR CONDUCT OF ANOTHER; COMPLICITY) OR ANY OTHER STATUTE TO
8 THE CONTRARY, ANY PERSON, LICENSED IMPORTER, LICENSED DEALER
9 OR LICENSED MANUFACTURER WHO KNOWINGLY AND INTENTIONALLY
10 SELLS, DELIVERS OR TRANSFERS A FIREARM IN VIOLATION OF THIS
11 CHAPTER WHO HAS REASON TO BELIEVE THAT THE FIREARM IS
12 INTENDED TO BE USED IN THE COMMISSION OF A CRIME OR ATTEMPT
13 TO COMMIT A CRIME SHALL BE CRIMINALLY LIABLE FOR SUCH CRIME
14 OR ATTEMPTED CRIME.

15 (6) NOTWITHSTANDING ANY ACT OR STATUTE TO THE CONTRARY,
16 ANY PERSON, LICENSED IMPORTER, LICENSED MANUFACTURER OR
17 LICENSED DEALER WHO KNOWINGLY AND INTENTIONALLY SELLS OR
18 DELIVERS A FIREARM IN VIOLATION OF THIS CHAPTER WHO HAS
19 REASON TO BELIEVE THAT THE FIREARM IS INTENDED TO BE USED IN
20 THE COMMISSION OF A CRIME OR ATTEMPT TO COMMIT A CRIME SHALL
21 BE LIABLE IN THE AMOUNT OF THE CIVIL JUDGMENT FOR INJURIES
22 SUFFERED BY ANY PERSON SO INJURED BY SUCH CRIME OR ATTEMPTED
23 CRIME.

24 (H) SUBSEQUENT VIOLATION PENALTY.--

25 (1) A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION
26 SHALL BE A FELONY OF THE SECOND DEGREE AND SHALL BE
27 PUNISHABLE BY A MANDATORY MINIMUM SENTENCE OF IMPRISONMENT OF
28 FIVE YEARS. A SECOND OR SUBSEQUENT OFFENSE SHALL ALSO RESULT
29 IN PERMANENT REVOCATION OF ANY LICENSE TO SELL, IMPORT OR
30 MANUFACTURER A FIREARM.

1 (2) NOTICE OF THE APPLICABILITY OF THIS SUBSECTION TO
2 THE DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
3 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
4 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND
5 BEFORE SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
6 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER EVIDENCE
7 PRESENTED AT TRIAL, SHALL AFFORD THE COMMONWEALTH AND THE
8 DEFENDANT AN OPPORTUNITY TO PRESENT NECESSARY ADDITIONAL
9 EVIDENCE, AND SHALL DETERMINE, BY A PREPONDERANCE OF THE
10 EVIDENCE, IF THIS SECTION IS APPLICABLE.

11 (3) THERE SHALL BE NO AUTHORITY FOR A COURT TO IMPOSE ON
12 A DEFENDANT TO WHICH THIS SUBSECTION IS APPLICABLE A LESSER
13 SENTENCE THAN PROVIDED FOR IN PARAGRAPH (1), TO PLACE THE
14 DEFENDANT ON PROBATION OR TO SUSPEND SENTENCE. NOTHING IN
15 THIS SECTION SHALL PREVENT THE SENTENCING COURT FROM IMPOSING
16 A SENTENCE GREATER THAN THAT PROVIDED IN THIS SECTION.
17 SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA
18 COMMISSION ON SENTENCING SHALL NOT SUPERSEDE THE MANDATORY
19 SENTENCES PROVIDED IN THIS SECTION.

20 (4) IF A SENTENCING COURT REFUSES TO APPLY THIS
21 SUBSECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL HAVE THE
22 RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE SENTENCING
23 COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE AND
24 REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
25 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
26 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SUBSECTION.

27 (I) CONFIDENTIALITY.--INFORMATION FURNISHED BY A POTENTIAL
28 PURCHASER OR TRANSFEREE UNDER THIS SECTION OR ANY APPLICANT FOR
29 A LICENSE TO CARRY A FIREARM AS PROVIDED BY SECTION 6109 SHALL
30 BE CONFIDENTIAL AND NOT SUBJECT TO PUBLIC DISCLOSURE.

1 SECTION 6. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

2 § 6111.1. PENNSYLVANIA STATE POLICE.

3 (A) ADMINISTRATION.--THE PENNSYLVANIA STATE POLICE SHALL
4 HAVE THE RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THIS
5 CHAPTER.

6 (B) DUTY OF PENNSYLVANIA STATE POLICE.--

7 (1) UPON RECEIPT OF A REQUEST FOR A CRIMINAL HISTORY,
8 JUVENILE DELINQUENCY HISTORY AND MENTAL HEALTH RECORD CHECK
9 OF THE POTENTIAL PURCHASER OR TRANSFEREE, THE PENNSYLVANIA
10 STATE POLICE SHALL IMMEDIATELY, DURING THE LICENSEE'S CALL OR
11 BY RETURN CALL, FORTHWITH:

12 (I) REVIEW THE PENNSYLVANIA STATE POLICE CRIMINAL
13 HISTORY AND FINGERPRINT RECORDS TO DETERMINE IF THE
14 POTENTIAL PURCHASER OR TRANSFEREE IS PROHIBITED FROM
15 RECEIPT OR POSSESSION OF A FIREARM UNDER FEDERAL OR STATE
16 LAW;

17 (II) REVIEW THE JUVENILE DELINQUENCY AND MENTAL
18 HEALTH RECORDS OF THE PENNSYLVANIA STATE POLICE TO
19 DETERMINE WHETHER THE POTENTIAL PURCHASER OR TRANSFEREE
20 IS PROHIBITED FROM RECEIPT OR POSSESSION OF A FIREARM
21 UNDER FEDERAL OR STATE LAW; AND

22 (III) INFORM THE LICENSEE MAKING THE INQUIRY EITHER:

23 (A) THAT ITS CRIMINAL HISTORY RECORDS
24 DEMONSTRATE THAT THE POTENTIAL PURCHASER OR
25 TRANSFEREE IS SO PROHIBITED; OR

26 (B) PROVIDE THE LICENSEE WITH A UNIQUE APPROVAL
27 NUMBER.

28 (2) IN THE EVENT OF ELECTRONIC FAILURE OR SIMILAR
29 EMERGENCY BEYOND THE CONTROL OF THE PENNSYLVANIA STATE
30 POLICE, THE PENNSYLVANIA STATE POLICE SHALL IMMEDIATELY

1 NOTIFY THE REQUESTING LICENSEE OF THE REASON FOR AND
2 ESTIMATED LENGTH OF THE DELAY.

3 (3) THE PENNSYLVANIA STATE POLICE SHALL FULLY COMPLY,
4 EXECUTE AND ENFORCE THE DIRECTIVES OF THIS SECTION WITHIN
5 FOUR YEARS OF THE ENACTMENT OF THIS SUBSECTION.

6 (4) THE PENNSYLVANIA STATE POLICE AND ANY LOCAL LAW
7 ENFORCEMENT AGENCY SHALL MAKE ALL REASONABLE EFFORTS TO
8 DETERMINE THE LAWFUL OWNER OF ANY FIREARM CONFISCATED BY THE
9 PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW ENFORCEMENT AGENCY
10 AND RETURN SAID FIREARM TO ITS LAWFUL OWNER. WHEN A COURT OF
11 LAW HAS DETERMINED THAT THE PENNSYLVANIA STATE POLICE OR ANY
12 LOCAL LAW ENFORCEMENT AGENCY HAVE FAILED TO EXERCISE THE DUTY
13 UNDER THIS SUBSECTION, REASONABLE ATTORNEY FEES SHALL BE
14 AWARDED TO ANY LAWFUL OWNER OF SAID FIREARM WHO HAS SOUGHT
15 JUDICIAL ENFORCEMENT OF THIS SUBSECTION.

16 (C) ESTABLISH A TELEPHONE NUMBER.--THE PENNSYLVANIA STATE
17 POLICE SHALL ESTABLISH A TELEPHONE NUMBER WHICH SHALL BE
18 OPERATIONAL SEVEN DAYS A WEEK BETWEEN THE HOURS OF 8 A.M. AND 10
19 P.M. LOCAL TIME FOR PURPOSES OF RESPONDING TO INQUIRIES AS
20 DESCRIBED IN THIS SECTION FROM LICENSED MANUFACTURERS, LICENSED
21 IMPORTERS AND LICENSED DEALERS. THE PENNSYLVANIA STATE POLICE
22 SHALL EMPLOY AND TRAIN SUCH PERSONNEL AS ARE NECESSARY TO
23 ADMINISTER EXPEDITIOUSLY THE PROVISIONS OF THIS SECTION.

24 (D) DISTRIBUTION.--THE PENNSYLVANIA STATE POLICE SHALL
25 DISTRIBUTE COPIES OF UNIFORM FIREARM LAWS AND FIREARM SAFETY
26 BROCHURES PURSUANT TO SECTION 6125 (RELATING TO DISTRIBUTION OF
27 UNIFORM FIREARM LAWS AND FIREARM SAFETY BROCHURES.

28 (E) CHALLENGE TO RECORDS.--ANY PERSON WHO IS DENIED THE
29 RIGHT TO RECEIVE, SELL, TRANSFER, POSSESS, CARRY, MANUFACTURE OR
30 PURCHASE A FIREARM AS A RESULT OF THE PROCEDURES ESTABLISHED BY

1 THIS SECTION MAY CHALLENGE THE ACCURACY OF THAT PERSON'S
2 CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH
3 RECORD UNDER THE PROCEDURES OF 2 PA.C.S. CH. 5 SUBCH. A
4 (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

5 (F) NOTIFICATION OF MENTAL HEALTH COMMITMENT.--

6 NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES OF THE
7 COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA STATE
8 POLICE ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE POLICE OF
9 THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN ADJUDICATED
10 INCOMPETENT OR WHO HAS BEEN INVOLUNTARILY TREATED AS DESCRIBED
11 IN SECTION 6105(C)(3) (RELATING TO PERSONS NOT TO POSSESS, USE,
12 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS).

13 (G) MENTAL HEALTH TREATMENT PROFESSIONALS.--NOTWITHSTANDING
14 ANY STATUTE TO THE CONTRARY, ANY MENTAL HEALTH TREATMENT
15 PROFESSIONAL WHO HAS BEEN LICENSED TO PROVIDE MENTAL HEALTH
16 SERVICES TO THE GENERAL PUBLIC PURSUANT TO THE LAWS OF THIS
17 COMMONWEALTH MAY, IN THE EXERCISE OF THAT PROFESSIONAL'S
18 PROFESSIONAL JUDGMENT, NOTIFY ANY LAW ENFORCEMENT OFFICIAL OF
19 ANY INDIVIDUAL UNDER THAT PROFESSIONAL'S CARE WHO THAT
20 PROFESSIONAL REASONABLY BELIEVES TO BE A DANGER TO THAT
21 INDIVIDUAL OR OTHERS. MENTAL HEALTH PROFESSIONALS WHO MAKE SUCH
22 A REPORT IN GOOD FAITH SHALL BE IMMUNE FROM ANY CIVIL OR
23 CRIMINAL LIABILITY THAT MAY ARISE FROM THEIR DECISION TO REPORT
24 AN INDIVIDUAL UNDER THEIR CARE.

25 (H) JUVENILE REGISTRY.--

26 (1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
27 COMPILED UNDER 42 PA.C.S. § 6308 (RELATING TO LAW ENFORCEMENT
28 RECORDS) CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE
29 PUBLIC EXCEPT IF THE CHILD IS 14 YEARS OF AGE OR OLDER AT THE
30 TIME OF THE ALLEGED CONDUCT AND IF ANY OF THE FOLLOWING

1 APPLY:

2 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
3 COURT AS A RESULT OF AN ACT OR ACTS WHICH CONSTITUTE ANY
4 OFFENSE ENUMERATED IN SECTION 6105.

5 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
6 BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS
7 COMMITTED AN ACT OR ACTS WHICH CONSTITUTE AN OFFENSE
8 ENUMERATED IN SECTION 6105 AND THE CHILD PREVIOUSLY HAS
9 BEEN ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF AN
10 ACT OR ACTS WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH
11 CRIMES.

12 (III) THE CHILD IS A DANGEROUS JUVENILE OFFENDER.

13 (2) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION,
14 THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES CONCERNING
15 ANY CHILD ADJUDICATED DELINQUENT FOR THE COMMISSION OF ANY
16 CRIMINAL ACTIVITY DESCRIBED IN PARAGRAPH (1) SHALL BE
17 RECORDED IN THE REGISTRY OF THE PENNSYLVANIA STATE POLICE FOR
18 THE LIMITED PURPOSES OF THIS CHAPTER.

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 (1) NUMBER OF FIREARM SALES;
23 (2) NUMBER OF APPLICATIONS FOR SALE OF FIREARMS DENIED;
24 (3) SUMMARY OF THE PENNSYLVANIA STATE POLICE'S
25 ACTIVITIES, INCLUDING THE AVERAGE TIME TAKEN TO COMPLETE A
26 CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL
27 HEALTH RECORD CHECK; AND
28 (4) UNIFORM CRIME REPORTING STATISTICS COMPILED BY THE
29 PENNSYLVANIA STATE POLICE BASED ON THE NATIONAL INCIDENT-
30 BASED REPORTING SYSTEM.

1 (J) OTHER CRIMINAL INFORMATION.--THE PENNSYLVANIA STATE
2 POLICE SHALL BE AUTHORIZED TO OBTAIN ANY CRIME STATISTICS
3 NECESSARY FOR THE PURPOSES OF THIS CHAPTER FROM ANY LOCAL LAW
4 ENFORCEMENT AGENCY.

5 (K) DEFINITION.--FOR THE PURPOSES OF THIS SECTION ONLY, THE
6 TERM "FIREARM" SHALL HAVE THE SAME MEANING AS IN SECTION 6111.2
7 (RELATING TO FIREARM SALES SURCHARGE).

8 § 6111.2. FIREARM SALES SURCHARGE.

9 (A) SURCHARGE IMPOSED.--THERE IS HEREBY IMPOSED ON EACH SALE
10 OF A FIREARM SUBJECT TO TAX UNDER ARTICLE II OF THE ACT OF MARCH
11 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, AN
12 ADDITIONAL SURCHARGE OF \$3. THIS SHALL BE REFERRED TO AS THE
13 FIREARM OWNERSHIP SURCHARGE. ALL MONEYS RECEIVED FROM THIS
14 SURCHARGE SHALL BE DEPOSITED IN THE FIREARM OWNERSHIP FUND.

15 (B) INCREASES OR DECREASES.--FIVE YEARS FROM THE EFFECTIVE
16 DATE OF THIS SUBSECTION, AND EVERY FIVE YEARS THEREAFTER, THE
17 PENNSYLVANIA STATE POLICE SHALL PROVIDE SUCH INFORMATION AS
18 NECESSARY TO THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE FOR
19 THE PURPOSE OF REVIEWING THE NEED TO INCREASE OR DECREASE THE
20 INSTANT CHECK FEE. THE COMMITTEE SHALL ISSUE A REPORT OF ITS
21 FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR A
22 STATUTORY CHANGE IN THE FEE.

23 (C) REVENUE SOURCES.--FUNDS RECEIVED UNDER THE PROVISIONS OF
24 THIS SECTION AND SECTION 6111(B)(3) AND (D) (RELATING TO FIREARM
25 OWNERSHIP), AS ESTIMATED AND CERTIFIED BY THE SECRETARY OF
26 REVENUE, SHALL BE DEPOSITED WITHIN FIVE DAYS OF THE END OF EACH
27 QUARTER INTO THE FUND. THE PROVISIONS OF ARTICLE II OF THE TAX
28 REFORM CODE OF 1971 SHALL APPLY TO THE SURCHARGE IMPOSED BY
29 SUBSECTION (A).

30 (D) DEFINITION.--AS USED IN THIS SECTION ONLY, THE TERM

1 "FIREARM" SHALL MEAN ANY WEAPON WHICH IS DESIGNED TO OR MAY
2 READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN
3 EXPLOSION OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

4 § 6111.3. FIREARM OWNERSHIP FUND.

5 (A) ESTABLISHMENT.--THE FIREARM OWNERSHIP FUND IS HEREBY
6 ESTABLISHED AS A RESTRICTED ACCOUNT IN THE STATE TREASURY,
7 SEPARATE AND APART FROM ALL OTHER PUBLIC MONEY OR FUNDS OF THE
8 COMMONWEALTH, TO BE APPROPRIATED ANNUALLY BY THE GENERAL
9 ASSEMBLY, FOR USE IN CARRYING OUT THE PROVISIONS OF SECTION 6111
10 (RELATING TO FIREARM OWNERSHIP).

11 (B) SOURCE.--THE SOURCE OF THE FUND SHALL BE MONEYS
12 COLLECTED AND TRANSFERRED UNDER SECTION 6111.2 (RELATING TO
13 FIREARM SALES SURCHARGE) AND MONEYS COLLECTED AND TRANSFERRED
14 UNDER SECTIONS 6111(B)(3) AND 6113(D) (RELATING TO LICENSING OF
15 DEALERS).

16 § 6111.4. REGISTRATION OF FIREARMS.

17 NOTWITHSTANDING ANY SECTION OF THIS CHAPTER TO THE CONTRARY,
18 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ALLOW ANY
19 GOVERNMENT OR LAW ENFORCEMENT AGENCY OR ANY AGENT THEREOF TO
20 CREATE, MAINTAIN OR OPERATE ANY REGISTRY OF FIREARM OWNERSHIP
21 WITHIN THIS COMMONWEALTH. FOR THE PURPOSES OF THIS SECTION ONLY,
22 THE TERM "FIREARM" SHALL INCLUDE ANY WEAPON THAT IS DESIGNED TO
23 OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE
24 ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY SUCH
25 WEAPON.

26 § 6111.5. RULES AND REGULATIONS.

27 THE PENNSYLVANIA STATE POLICE SHALL, IN THE MANNER PROVIDED
28 BY LAW, PROMULGATE THE RULES AND REGULATIONS NECESSARY TO CARRY
29 OUT THIS CHAPTER, INCLUDING REGULATIONS TO ENSURE THE IDENTITY,
30 CONFIDENTIALITY AND SECURITY OF ALL RECORDS AND DATA PROVIDED

1 PURSUANT HERETO.

2 SECTION 7. SECTION 6112 OF TITLE 18 IS REENACTED TO READ:

3 § 6112. RETAIL DEALER REQUIRED TO BE LICENSED.

4 NO RETAIL DEALER SHALL SELL, OR OTHERWISE TRANSFER OR EXPOSE
5 FOR SALE OR TRANSFER, OR HAVE IN HIS POSSESSION WITH INTENT TO
6 SELL OR TRANSFER, ANY FIREARM WITHOUT BEING LICENSED AS PROVIDED
7 IN THIS SUBCHAPTER.

8 SECTION 8. SECTIONS 6113, 6114, 6115, 6116, 6117 AND 6118 OF
9 TITLE 18 ARE AMENDED TO READ:

10 § 6113. LICENSING OF DEALERS.

11 (A) GENERAL RULE.--THE CHIEF OR HEAD OF ANY POLICE FORCE OR
12 POLICE DEPARTMENT OF A CITY, AND, ELSEWHERE, THE SHERIFF OF THE
13 COUNTY, SHALL GRANT TO REPUTABLE APPLICANTS LICENSES, IN FORM
14 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, EFFECTIVE FOR NOT
15 MORE THAN [ONE YEAR] THREE YEARS FROM DATE OF ISSUE, PERMITTING
16 THE LICENSEE TO SELL FIREARMS DIRECT TO THE CONSUMER, SUBJECT TO
17 THE FOLLOWING CONDITIONS IN ADDITION TO THOSE SPECIFIED IN
18 SECTION 6111 [OF THIS TITLE] (RELATING TO [SALE OF FIREARMS]
19 FIREARM OWNERSHIP), FOR BREACH OF ANY OF WHICH THE LICENSE SHALL
20 BE FORFEITED AND THE LICENSEE SUBJECT TO PUNISHMENT AS PROVIDED
21 IN THIS SUBCHAPTER:

22 (1) THE BUSINESS SHALL BE CARRIED ON ONLY [IN THE
23 BUILDING] UPON THE PREMISES DESIGNATED IN THE LICENSE OR AT A
24 LAWFUL GUN SHOW OR MEET.

25 (2) THE LICENSE, OR A COPY THEREOF, CERTIFIED BY THE
26 ISSUING AUTHORITY, SHALL BE DISPLAYED ON THE PREMISES WHERE
27 IT CAN EASILY BE READ.

28 (3) NO FIREARM SHALL BE SOLD IN VIOLATION OF ANY
29 PROVISION OF THIS SUBCHAPTER.

30 (4) NO FIREARM SHALL BE SOLD UNDER ANY CIRCUMSTANCES

1 UNLESS THE PURCHASER IS PERSONALLY KNOWN TO THE SELLER OR
2 SHALL PRESENT CLEAR EVIDENCE OF [HIS] THE PURCHASER'S
3 IDENTITY.

4 (5) A TRUE RECORD IN TRIPLICATE SHALL BE MADE OF EVERY
5 FIREARM SOLD, IN A BOOK KEPT FOR THE PURPOSE, THE FORM OF
6 WHICH MAY BE PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, AND
7 SHALL BE PERSONALLY SIGNED BY THE PURCHASER AND BY THE PERSON
8 EFFECTING THE SALE, EACH IN THE PRESENCE OF THE OTHER, AND
9 SHALL CONTAIN THE INFORMATION REQUIRED BY SECTION 6111 [OF
10 THIS TITLE].

11 (6) NO FIREARM [OR IMITATION THEREOF, OR PLACARD
12 ADVERTISING THE SALE THEREOF,] AS DEFINED IN SECTION
13 6102(RELATING TO DEFINITIONS) SHALL BE DISPLAYED IN ANY PART
14 OF ANY PREMISES WHERE IT CAN READILY BE SEEN FROM THE
15 OUTSIDE. IN THE EVENT THAT THE COMMISSIONER OF THE
16 PENNSYLVANIA STATE POLICE SHALL FIND A CLEAR AND PRESENT
17 DANGER TO PUBLIC SAFETY WITHIN [THE] THIS COMMONWEALTH OR ANY
18 AREA THEREOF, FIREARMS[, RIFLES AND SHOTGUNS] SHALL BE STORED
19 [BY LICENSEE DURING THE HOURS WHEN LICENSEE IS CLOSED FOR
20 BUSINESS] AND SAFEGUARDED PURSUANT TO REGULATIONS TO BE
21 ESTABLISHED BY THE PENNSYLVANIA STATE POLICE BY THE LICENSEE
22 DURING THE HOURS WHEN THE LICENSEE IS CLOSED FOR BUSINESS.

23 (7) THE DEALER SHALL POSSESS ALL APPLICABLE CURRENT
24 REVENUE LICENSES.

25 (B) FEE.--THE FEE FOR ISSUING SAID LICENSE SHALL BE [\$10]
26 \$30, WHICH FEE SHALL BE PAID INTO THE COUNTY TREASURY.

27 (C) REVOCATION.--ANY LICENSE GRANTED UNDER SUBSECTION (A) OF
28 THIS SECTION MAY BE REVOKED FOR CAUSE BY THE PERSON ISSUING THE
29 SAME, UPON WRITTEN NOTICE TO THE HOLDER THEREOF.

30 (D) DEFINITIONS.--FOR THE PURPOSES OF THIS SECTION ONLY

1 UNLESS OTHERWISE SPECIFICALLY PROVIDED, THE TERM "FIREARM" SHALL
2 INCLUDE ANY WEAPON THAT IS DESIGNED TO OR MAY READILY BE
3 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE
4 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

5 § 6114. JUDICIAL REVIEW.

6 THE ACTION OF THE CHIEF OF POLICE, SHERIFF, COUNTY TREASURER
7 OR OTHER OFFICER UNDER THIS SUBCHAPTER SHALL BE SUBJECT TO
8 JUDICIAL REVIEW IN THE MANNER AND WITHIN THE TIME PROVIDED BY
9 [THE LOCAL AGENCY LAW] 2 PA.C.S. CH. 7 SUBCH. B (RELATING TO
10 JUDICIAL REVIEW OF LOCAL AGENCY ACTION). A JUDGMENT SUSTAINING A
11 REFUSAL TO GRANT A LICENSE SHALL NOT BAR, AFTER ONE YEAR, A NEW
12 APPLICATION; NOR SHALL A JUDGMENT IN FAVOR OF THE PETITIONER
13 PREVENT THE DEFENDANT FROM THEREAFTER REVOKING OR REFUSING TO
14 RENEW SUCH LICENSE FOR ANY PROPER CAUSE WHICH MAY THEREAFTER
15 OCCUR. THE COURT SHALL HAVE FULL POWER TO DISPOSE OF ALL COSTS.

16 § 6115. LOANS ON, OR LENDING OR GIVING FIREARMS PROHIBITED.

17 [NO PERSON SHALL MAKE ANY LOAN SECURED BY MORTGAGE, DEPOSIT,
18 OR PLEDGE OF A FIREARM; NOR SHALL ANY PERSON LEND OR GIVE A
19 FIREARM TO ANOTHER OR OTHERWISE DELIVER A FIREARM CONTRARY TO
20 THE PROVISIONS OF THIS SUBCHAPTER.]

21 (A) OFFENSE DEFINED.--NO PERSON SHALL MAKE ANY LOAN SECURED
22 BY MORTGAGE, DEPOSIT OR PLEDGE OF A FIREARM NOR, EXCEPT AS
23 PROVIDED IN SUBSECTION (B), SHALL ANY PERSON LEND OR GIVE A
24 FIREARM TO ANOTHER OR OTHERWISE DELIVER A FIREARM CONTRARY TO
25 THE PROVISIONS OF THIS SUBCHAPTER.

26 (B) EXCEPTION.--

27 (1) SUBSECTION (A) SHALL NOT APPLY IF ANY OF THE
28 FOLLOWING APPLY:

29 (I) THE PERSON WHO RECEIVES THE FIREARM IS LICENSED
30 TO CARRY A FIREARM UNDER SECTION 6109 (RELATING TO

1 LICENSES).

2 (II) THE PERSON WHO RECEIVES THE FIREARM IS EXEMPT
3 FROM LICENSING.

4 (III) THE PERSON WHO RECEIVES THE FIREARM IS ENGAGED
5 IN A HUNTER SAFETY PROGRAM CERTIFIED BY THE PENNSYLVANIA
6 GAME COMMISSION OR A FIREARM TRAINING PROGRAM OR
7 COMPETITION SANCTIONED OR APPROVED BY THE NATIONAL RIFLE
8 ASSOCIATION.

9 (IV) THE PERSON WHO RECEIVES THE FIREARM MEETS ALL
10 OF THE FOLLOWING:

11 (A) IS UNDER 18 YEARS OF AGE.

12 (B) PURSUANT TO SECTION 6110.1 (RELATING TO
13 POSSESSION OF FIREARM BY MINOR) IS UNDER THE
14 SUPERVISION, GUIDANCE AND INSTRUCTION OF A
15 RESPONSIBLE INDIVIDUAL WHO:

16 (I) IS 21 YEARS OF AGE OR OLDER; AND

17 (II) IS NOT PROHIBITED FROM OWNING OR
18 POSSESSING A FIREARM UNDER SECTION 6105 (RELATING
19 TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,
20 CONTROL, SELL OR TRANSFER FIREARMS).

21 (V) THE PERSON WHO RECEIVES THE FIREARM IS LAWFULLY
22 HUNTING OR TRAPPING AND IS IN COMPLIANCE WITH THE
23 PROVISIONS OF 34 PA.C.S. (RELATING TO GAME).

24 (VI) A BANK OR OTHER CHARTERED LENDING INSTITUTION
25 IS ABLE TO ADEQUATELY SECURE FIREARMS IN ITS POSSESSION.

26 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
27 PROHIBIT THE TRANSFER OF A FIREARM UNDER 20 PA.C.S. CH. 21
28 (RELATING TO INTESTATE SUCCESSION) OR BY BEQUEST IF THE
29 INDIVIDUAL RECEIVING THE FIREARM IS NOT PRECLUDED FROM OWNING
30 OR POSSESSING A FIREARM UNDER SECTION 6105.

1 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
2 PROHIBIT THE LOANING OR GIVING OF A FIREARM TO ANOTHER IN
3 ONE'S DWELLING OR PLACE OF BUSINESS IF THE FIREARM IS
4 RETAINED WITHIN THE DWELLING OR PLACE OF BUSINESS.

5 § 6116. FALSE EVIDENCE OF IDENTITY.

6 [NO PERSON SHALL, IN PURCHASING OR OTHERWISE SECURING
7 DELIVERY OF A FIREARM OR IN APPLYING FOR A LICENSE TO CARRY THE
8 SAME, GIVE FALSE INFORMATION OR OFFER FALSE EVIDENCE OF HIS
9 IDENTITY. THE] IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS
10 CHAPTER, THE FURNISHING OF FALSE INFORMATION OR OFFERING FALSE
11 EVIDENCE OF IDENTITY IS A VIOLATION OF SECTION 4904 (RELATING TO
12 UNSWORN FALSIFICATION TO AUTHORITIES).

13 § 6117. ALTERING OR OBLITERATING MARKS OF IDENTIFICATION.

14 (A) OFFENSE DEFINED.--NO PERSON SHALL CHANGE, ALTER, REMOVE,
15 OR OBLITERATE THE [NAME OF THE MAKER, MODEL,] MANUFACTURER'S
16 NUMBER[,] OR OTHER INTEGRAL MARK OF IDENTIFICATION ON ANY
17 FIREARM WHICH SHALL HAVE THE SAME MEANING AS PROVIDED IN SECTION
18 6105 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE, SELL
19 OR TRANSFER FIREARMS).

20 (B) PRESUMPTION.--POSSESSION OF ANY FIREARM[,] UPON WHICH
21 ANY SUCH MARK SHALL HAVE BEEN CHANGED, ALTERED, REMOVED[,] OR
22 OBLITERATED[,] SHALL BE PRIMA FACIE EVIDENCE THAT THE POSSESSOR
23 HAS CHANGED, ALTERED, REMOVED[,] OR OBLITERATED THE SAME.

24 (C) PENALTY.--A VIOLATION OF THIS SECTION CONSTITUTES A
25 FELONY OF THE SECOND DEGREE.

26 (D) APPELLATE REVIEW.--IF A SENTENCING COURT REFUSES TO
27 APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL HAVE
28 THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE SENTENCING
29 COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE AND REMAND
30 THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A SENTENCE IN

1 ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE SENTENCE WAS
2 IMPOSED IN VIOLATION OF THIS SECTION.

3 § 6118. ANTIQUE FIREARMS.

4 (A) GENERAL RULE.--THIS SUBCHAPTER SHALL NOT APPLY TO
5 ANTIQUE FIREARMS.

6 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO THE EXTENT
7 THAT SUCH ANTIQUE FIREARMS, REPRODUCTIONS OR REPLICAS OF
8 FIREARMS ARE CONCEALED WEAPONS AS PROVIDED IN SECTION 6106
9 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE), NOR
10 SHALL IT APPLY TO THE PROVISIONS OF SECTION 6105 (RELATING TO
11 [FORMER CONVICT NOT TO OWN A FIREARM, ETC.] PERSONS NOT TO
12 POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)
13 IF SUCH ANTIQUE FIREARMS, REPRODUCTIONS OR REPLICAS OF FIREARMS
14 ARE SUITABLE FOR USE.

15 (C) DEFINITION.--[FOR THE PURPOSE OF]AS USED IN THIS
16 SECTION, THE TERM "ANTIQUE FIREARM" MEANS:

17 (1) ANY FIREARM, INCLUDING ANY FIREARM WITH A MATCHLOCK,
18 FLINTLOCK, PERCUSSION CAP OR SIMILAR TYPE OF IGNITION SYSTEM,
19 MANUFACTURED ON OR BEFORE 1898; AND

20 (2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH

21 (1) IF SUCH REPLICA:

22 (I) IS NOT DESIGNED OR REDESIGNED FOR USING [RIM
23 FIRE] RIMFIRE OR CONVENTIONAL CENTER FIRE FIXED
24 AMMUNITION; OR

25 (II) USES [RIM FIRE] RIMFIRE OR CONVENTIONAL CENTER
26 FIRE FIXED AMMUNITION WHICH IS NO LONGER MANUFACTURED IN
27 THE UNITED STATES AND WHICH IS NOT READILY AVAILABLE IN
28 THE ORDINARY CHANNELS OF COMMERCIAL TRADE.

29 SECTION 9. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

30 § 6125. DISTRIBUTION OF UNIFORM FIREARM LAWS AND FIREARM SAFETY

1 BROCHURES.

2 (A) GENERAL RULE.--IT SHALL BE THE DUTY OF THE PENNSYLVANIA
3 STATE POLICE TO DISTRIBUTE TO EVERY LICENSED FIREARM DEALER IN
4 THIS COMMONWEALTH COPIES OF THIS SUBCHAPTER. A COPY OF THIS
5 SUBCHAPTER SHALL BE PROVIDED WITHOUT CHARGE BY EVERY LICENSED
6 FIREARM DEALER TO EVERY FIREARM, SHOTGUN OR RIFLE PURCHASER.

7 (B) SAFETY BROCHURES.--IT SHALL BE THE DUTY OF THE
8 PENNSYLVANIA STATE POLICE TO DISTRIBUTE TO EVERY LICENSED
9 FIREARM DEALER IN THIS COMMONWEALTH COPIES OF FIREARM SAFETY
10 BROCHURES. THE BROCHURES SHALL BE WRITTEN BY THE PENNSYLVANIA
11 STATE POLICE, WITH THE COOPERATION OF THE PENNSYLVANIA GAME
12 COMMISSION AND WRITTEN TO PROVIDE FOR THE SAFE USE AND OPERATION
13 OF FIREARMS, SHOTGUNS OR RIFLES. THE BROCHURES SHALL BE
14 PROVIDED, WITHOUT CHARGE, BY EVERY LICENSED FIREARM DEALER TO
15 EVERY FIREARM, SHOTGUN OR RIFLE PURCHASER.

16 SECTION 10. SECTION 6308 OF TITLE 42 IS AMENDED BY ADDING A
17 SUBSECTION TO READ:

18 § 6308. LAW ENFORCEMENT RECORDS.

19 * * *

20 (D) PENNSYLVANIA STATE POLICE REGISTRY.--

21 (1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
22 CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC
23 EXCEPT IF THE CHILD IS 14 YEARS OF AGE OR OLDER AT THE TIME
24 OF THE ALLEGED CONDUCT AND IF ANY OF THE FOLLOWING APPLY:

25 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
26 COURT AS A RESULT OF AN ACT OR ACTS WHICH CONSTITUTE A
27 CRIME OF VIOLENCE AS DEFINED IN 18 PA.C.S. § 6102
28 (RELATING TO DEFINITIONS) OR ANY OFFENSE ENUMERATED IN 18
29 PA.C.S. § 6105 (RELATING TO PERSONS NOT TO POSSESS, USE,
30 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS).

1 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
2 BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS
3 COMMITTED AN ACT OR ACTS WHICH CONSTITUTE A CRIME OF
4 VIOLENCE AS DEFINED IN 18 PA.C.S. § 6102 OR ANY OFFENSE
5 ENUMERATED IN 18 PA.C.S. § 6105 AND THE CHILD PREVIOUSLY
6 HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF
7 AN ACT OR ACTS WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH
8 CRIMES.

9 (III) THE CHILD IS A DANGEROUS JUVENILE OFFENDER.

10 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
11 CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES CONCERNING ANY
12 CHILD ADJUDICATED DELINQUENT FOR THE COMMISSION OF ANY
13 CRIMINAL ACTIVITY DESCRIBED IN PARAGRAPH (1) SHALL BE
14 RECORDED IN THE REGISTRY OF THE PENNSYLVANIA STATE POLICE FOR
15 THE LIMITED PURPOSES OF 18 PA.C.S. CH. 61 (RELATING TO
16 FIREARMS AND OTHER DANGEROUS ARTICLES).

17 SECTION 11. SECTION 9712(A) AND (E) OF TITLE 42 ARE AMENDED
18 TO READ:

19 § 9712. SENTENCES FOR OFFENSES COMMITTED WITH FIREARMS.

20 (A) MANDATORY SENTENCE.--ANY PERSON WHO IS CONVICTED IN ANY
21 COURT OF THIS COMMONWEALTH OF MURDER OF THE THIRD DEGREE,
22 VOLUNTARY MANSLAUGHTER, RAPE, INVOLUNTARY DEVIATE SEXUAL
23 INTERCOURSE, ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)(1)(I),
24 (II) OR (III) (RELATING TO ROBBERY), AGGRAVATED ASSAULT AS
25 DEFINED IN 18 PA.C.S. § 2702(A)(1) (RELATING TO AGGRAVATED
26 ASSAULT) OR KIDNAPPING, OR WHO IS CONVICTED OF ATTEMPT TO COMMIT
27 ANY OF THESE CRIMES, SHALL, IF THE PERSON VISIBLY POSSESSED A
28 FIREARM OR A REPLICA OF A FIREARM, WHETHER OR NOT THE FIREARM OR
29 REPLICA WAS LOADED OR FUNCTIONAL, THAT PLACED THE VICTIM IN
30 REASONABLE FEAR OF DEATH OR SERIOUS BODILY INJURY, DURING THE

1 COMMISSION OF THE OFFENSE, BE SENTENCED TO A MINIMUM SENTENCE OF
2 AT LEAST FIVE YEARS OF TOTAL CONFINEMENT NOTWITHSTANDING ANY
3 OTHER PROVISION OF THIS TITLE OR OTHER STATUTE TO THE CONTRARY.
4 SUCH PERSONS SHALL NOT BE ELIGIBLE FOR PAROLE, PROBATION, WORK
5 RELEASE OR FURLOUGH.

6 * * *

7 [(E) DEFINITION OF FIREARM.--AS USED IN THIS SECTION
8 "FIREARM" MEANS ANY WEAPON (INCLUDING A STARTER GUN) WHICH WILL
9 OR IS DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A
10 PROJECTILE BY THE ACTION OF AN EXPLOSIVE OR THE EXPANSION OF GAS
11 THEREIN.]

12 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
14 SUBSECTION:

15 "FIREARM." ANY WEAPON, INCLUDING A STARTER GUN, WHICH WILL
16 OR IS DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A
17 PROJECTILE BY THE ACTION OF AN EXPLOSIVE OR THE EXPANSION OF GAS
18 THEREIN.

19 "REPLICA OF A FIREARM." AN ITEM THAT CAN REASONABLY BE
20 PERCEIVED TO BE A FIREARM.

21 SECTION 12. (A) THE SUM OF \$1,200,000 OR AS MUCH THEREOF AS
22 MAY BE NECESSARY, IS HEREBY APPROPRIATED TO THE PENNSYLVANIA
23 STATE POLICE FOR THE FISCAL YEAR JULY 1, 1995, TO JUNE 30, 1996,
24 FOR THE ADMINISTRATION OF 18 PA.C.S. CH. 61 (RELATING TO
25 FIREARMS AND OTHER DANGEROUS ARTICLES).

26 (B) THE APPROPRIATION IN SUBSECTION (A) SHALL NOT LAPSE AT
27 THE END OF THE FISCAL YEAR BUT SHALL CONTINUE FOR TWO FISCAL
28 YEARS.

29 SECTION 13. THIS ACT SHALL TAKE EFFECT IN 120 DAYS.