
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 110 Special Session No. 1 of
1995

INTRODUCED BY GODSHALL, APRIL 25, 1995

SENATOR TILGHMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MAY 23, 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

1 PROCEDURES OR REQUIREMENTS OTHER THAN THOSE NECESSARY TO
2 IMPLEMENT AND EFFECTUATE THE PROVISIONS OF THIS ACT. THE GENERAL
3 ASSEMBLY HEREBY RECOGNIZES AND DECLARES ITS SUPPORT OF THE
4 FUNDAMENTAL CONSTITUTIONAL RIGHT OF COMMONWEALTH CITIZENS TO
5 BEAR ARMS IN DEFENSE OF THEMSELVES AND THIS COMMONWEALTH.

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

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

10 ~~§ 6117. Altering or obliterating marks of identification.~~

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

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

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

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

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

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

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

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

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

8 (B) GRADING.--

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

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

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

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

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

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

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

1 (RELATING TO ELIGIBILITY FOR LICENSE).

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

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

16 (E) FACILITIES FOR CHECKING FIREARMS.--EACH COUNTY SHALL
17 MAKE AVAILABLE, AT OR NEAR THE MAIN ENTRANCE TO THE COURTHOUSE,
18 LOCKERS OR SIMILAR FACILITIES FOR THE TEMPORARY CHECKING OF
19 FIREARMS BY PERSONS CARRYING FIREARMS UNDER SECTION 6106(B) OR
20 6109.

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

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

1 ATTORNEY, THE SHERIFF AND PROBATION AND PAROLE OFFICERS; AND ANY
2 ADJOINING CORRIDORS.

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

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

14 SECTION 2. SECTIONS 6101, 6102, 6103, 6104, 6105, 6106.1,
15 6107 AND 6109 OF TITLE 18 ARE AMENDED TO READ:

16 § 6101. SHORT TITLE OF SUBCHAPTER.

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

19 § 6102. DEFINITIONS.

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

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

28 "CONVICTION." A CONVICTION, A FINDING OF GUILTY OR THE
29 ENTERING OF A PLEA OF GUILTY OR NOLO CONTENDERE, WHETHER OR NOT
30 JUDGMENT OF SENTENCE HAS BEEN IMPOSED, AS DETERMINED BY THE LAW

1 OF THE JURISDICTION IN WHICH THE PROSECUTION WAS HELD. THE TERM
2 DOES NOT INCLUDE A CONVICTION WHICH HAS BEEN EXPUNGED OR
3 OVERTURNED OR FOR WHICH AN INDIVIDUAL HAS BEEN PARDONED UNLESS
4 THE PARDON EXPRESSLY PROVIDES THAT THE INDIVIDUAL MAY NOT
5 POSSESS OR TRANSPORT FIREARMS.

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

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

16 "CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR."

17 [DOES] THE TERM DOES NOT INCLUDE ANY OF THE FOLLOWING:

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

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

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

1 "FUND." THE FIREARM OWNERSHIP FUND ESTABLISHED IN SECTION
2 6111.3 (RELATING TO FIREARM OWNERSHIP FUND).

3 "SHERIFF."

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

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

8 § 6103. CRIMES COMMITTED WITH FIREARMS.

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

16 § 6104. EVIDENCE OF INTENT.

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

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

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

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

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

10 SECTION 908 (RELATING TO PROHIBITED OFFENSIVE WEAPONS).

11 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

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

14 SECTION 2502 (RELATING TO MURDER).

15 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

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

18 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

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

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

22 SECTION 2901 (RELATING TO KIDNAPPING).

23 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

24 SECTION 3121 (RELATING TO RAPE).

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

27 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

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

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

1 SECTION 3502 (RELATING TO BURGLARY).

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

4 SECTION 3701 (RELATING TO ROBBERY).

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

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

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

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

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

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

17 SECTION 5121 (RELATING TO ESCAPE).

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

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

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

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

25 SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

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

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

1 (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN
2 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE
3 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF
4 SUBSECTION (A):

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

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

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

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

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

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

30 (7) A PERSON WHO WAS ADJUDICATED DELINQUENT BY A COURT

1 PURSUANT TO 42 PA.C.S. § 6341 (RELATING TO ADJUDICATION) OR
2 UNDER ANY EQUIVALENT FEDERAL STATUTE OR STATUTE OF ANY OTHER
3 STATE AS A RESULT OF CONDUCT WHICH IF COMMITTED BY AN ADULT
4 WOULD CONSTITUTE AN OFFENSE UNDER SECTIONS 2502, 2503, 2702,
5 2703 (RELATING TO ASSAULT BY PRISONER), 2704, 2901, 3121,
6 3123, 3301, 3502, 3701 AND 3923.

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

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

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

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

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

30 (I) THE SECRETARY OF THE TREASURY OF THE UNITED

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

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

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

22 (E) PROCEEDINGS.-- ←

23 (1) IF A PERSON CONVICTED OF AN OFFENSE UNDER SUBSECTION
24 (A), (B) OR (C)(1), (2), (5) OR (7) MAKES APPLICATION TO THE
25 COURT, A HEARING SHALL BE HELD IN OPEN COURT TO DETERMINE
26 WHETHER THE REQUIREMENTS OF THIS SECTION HAVE BEEN MET. THE
27 COMMISSIONER AND THE DISTRICT ATTORNEY OF THE COUNTY WHERE
28 THE APPLICATION IS FILED AND ANY VICTIM OR SURVIVOR OF A
29 VICTIM OF THE OFFENSE UPON WHICH THE DISABILITY IS BASED MAY
30 BE PARTIES TO THE PROCEEDING.

1 (2) UPON APPLICATION TO THE COURT OF COMMON PLEAS
2 PURSUANT TO PARAGRAPH (1) BY AN APPLICANT WHO IS SUBJECT TO
3 THE PROHIBITION UNDER SUBSECTION (C)(3), THE COURT SHALL
4 GRANT SUCH RELIEF IF A PERIOD OF TEN YEARS, NOT INCLUDING ANY
5 TIME SPENT IN INCARCERATION, HAS PASSED SINCE THE APPLICANT'S
6 MOST RECENT CONVICTION UNDER SUBSECTION (C)(3).

7 (F) OTHER EXEMPTIONS AND PROCEEDINGS.--

8 (1) UPON APPLICATION TO THE COURT OF COMMON PLEAS UNDER
9 SUBSECTION (E) BY AN APPLICANT SUBJECT TO THE PROHIBITIONS
10 UNDER SUBSECTION ~~(C)(3) OR (5)~~ (C)(4), THE COURT MAY GRANT <—
11 SUCH RELIEF AS IT DEEMS APPROPRIATE IF THE COURT DETERMINES
12 THAT THE APPLICANT MAY POSSESS A FIREARM WITHOUT RISK TO THE
13 APPLICANT OR ANY OTHER PERSON AND THAT A PERIOD OF FIVE YEARS
14 HAS ELAPSED SINCE THE APPLICANT'S MOST RECENT ADJUDICATION OR
15 COMMITMENT UNDER SUBSECTION ~~(C)(3) OR (5)~~ (C)(4). <—

16 (2) IF APPLICATION IS MADE UNDER THIS SUBSECTION FOR
17 RELIEF FROM THE DISABILITY IMPOSED UNDER SUBSECTION ~~(C)(5)~~ <—
18 (C)(6), NOTICE OF SUCH APPLICATION SHALL BE GIVEN TO THE <—
19 PERSON WHO HAD PETITIONED FOR THE PROTECTION FROM ABUSE ORDER
20 AND SUCH PERSON SHALL BE A PARTY TO THE PROCEEDINGS.

21 (3) ALL HEARINGS CONDUCTED UNDER THIS SUBSECTION SHALL
22 BE CLOSED.

23 (G) OTHER RESTRICTIONS.--NOTHING IN THIS SECTION SHALL
24 EXEMPT A PERSON FROM A DISABILITY IN RELATION TO THE POSSESSION
25 OR CONTROL OF A FIREARM WHICH IS IMPOSED AS A CONDITION OF
26 PROBATION OR PAROLE OR WHICH IS IMPOSED PURSUANT TO THE
27 PROVISION OF ANY LAW OTHER THAN THIS SECTION.

28 (H) LICENSE PROHIBITION.--ANY PERSON WHO IS PROHIBITED FROM
29 POSSESSING, USING, CONTROLLING, SELLING, PURCHASING,
30 TRANSFERRING OR MANUFACTURING ANY FIREARM UNDER THIS SECTION

1 SHALL NOT BE ELIGIBLE FOR OR PERMITTED TO OBTAIN A LICENSE TO
2 CARRY A FIREARM UNDER SECTION 6109 (RELATING TO LICENSES).

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

7 § 6106.1. CARRYING LOADED WEAPONS OTHER THAN FIREARMS.

8 (A) GENERAL RULE.--[NO] EXCEPT AS PROVIDED IN 34 PA.C.S.
9 (RELATING TO GAME), NO PERSON SHALL CARRY A LOADED PISTOL,
10 REVOLVER, SHOTGUN OR RIFLE, OTHER THAN A FIREARM AS DEFINED IN
11 SECTION 6102 (RELATING TO DEFINITIONS), IN ANY VEHICLE. THE
12 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PERSONS EXCEPTED
13 FROM THE REQUIREMENT OF A LICENSE TO CARRY FIREARMS UNDER
14 SECTION 6106(B)(1), (2), (5) OR (6) (RELATING TO FIREARMS NOT TO
15 BE CARRIED WITHOUT A LICENSE) NOR SHALL THE PROVISIONS OF THIS
16 SECTION BE CONSTRUED TO PERMIT PERSONS TO CARRY FIREARMS IN A
17 VEHICLE WHERE SUCH CONDUCT IS PROHIBITED BY SECTION 6106.

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

20 § 6107. PROHIBITED CONDUCT DURING EMERGENCY.

21 NO PERSON SHALL CARRY A FIREARM, RIFLE OR SHOTGUN UPON THE
22 PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY DURING AN EMERGENCY
23 PROCLAIMED BY A [MUNICIPAL OR STATE] STATE OR MUNICIPAL
24 GOVERNMENTAL EXECUTIVE UNLESS THAT PERSON IS:

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

27 (2) LICENSED TO CARRY FIREARMS UNDER SECTION 6109 [OF
28 THIS TITLE] (RELATING TO LICENSES) OR IS EXEMPT FROM
29 LICENSING UNDER SECTION 6106(B) [OF THIS TITLE] (RELATING TO
30 FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE).

1 § 6109. LICENSES.

2 (A) PURPOSE OF LICENSE.--A LICENSE TO CARRY A FIREARM SHALL
3 BE FOR THE PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT
4 ONE'S PERSON OR IN A VEHICLE WITHIN THIS COMMONWEALTH. ANY
5 PERSON WHO CARRIES A FIREARM CONCEALED ON OR ABOUT HIS PERSON OR
6 IN A VEHICLE WITHIN THIS COMMONWEALTH WITHOUT A VALID AND
7 LAWFULLY ISSUED LICENSE UNDER THIS SECTION COMMITS A FELONY OF
8 THE THIRD DEGREE.

9 (B) PLACE OF APPLICATION.--AN INDIVIDUAL WHO IS 21 YEARS OF
10 AGE OR OLDER MAY APPLY TO A SHERIFF FOR A LICENSE TO CARRY A
11 FIREARM CONCEALED ON OR ABOUT HIS PERSON OR IN A VEHICLE WITHIN
12 THIS COMMONWEALTH. IF THE APPLICANT IS A RESIDENT OF THIS
13 COMMONWEALTH, HE SHALL MAKE APPLICATION WITH THE SHERIFF OF THE
14 COUNTY IN WHICH HE RESIDES OR, IF A RESIDENT OF A CITY OF THE
15 FIRST CLASS, WITH THE CHIEF OF POLICE OF THAT CITY.

16 (C) FORM OF APPLICATION AND CONTENT.--THE APPLICATION FOR A
17 LICENSE TO CARRY A FIREARM SHALL BE UNIFORM THROUGHOUT THIS
18 COMMONWEALTH AND SHALL BE ON A FORM PRESCRIBED BY THE
19 PENNSYLVANIA STATE POLICE. THE FORM MAY CONTAIN PROVISIONS, NOT
20 EXCEEDING ONE PAGE, TO ASSURE COMPLIANCE WITH [SUBSECTION
21 (E)(2)] THIS SECTION. ISSUING AUTHORITIES SHALL USE ONLY THE
22 APPLICATION FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE.
23 ONE OF THE FOLLOWING REASONS FOR OBTAINING A FIREARM LICENSE
24 SHALL BE SET FORTH IN THE APPLICATION: SELF-DEFENSE, EMPLOYMENT,
25 HUNTING AND FISHING, TARGET SHOOTING, GUN COLLECTING OR ANOTHER
26 PROPER REASON. THE APPLICATION FORM SHALL BE DATED AND SIGNED BY
27 THE APPLICANT AND SHALL CONTAIN THE FOLLOWING STATEMENT:

28 I HAVE NEVER BEEN CONVICTED OF A CRIME OF VIOLENCE IN THE
29 COMMONWEALTH OF PENNSYLVANIA OR ELSEWHERE. I AM OF SOUND
30 MIND AND HAVE NEVER BEEN COMMITTED TO A MENTAL

1 INSTITUTION. I HEREBY CERTIFY THAT THE STATEMENTS
2 CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY
3 KNOWLEDGE AND BELIEF. I UNDERSTAND THAT, IF I KNOWINGLY
4 MAKE ANY FALSE STATEMENTS HEREIN, I AM SUBJECT TO
5 PENALTIES PRESCRIBED BY LAW. I AUTHORIZE THE SHERIFF, OR
6 HIS DESIGNEE, OR, IN THE CASE OF FIRST CLASS CITIES, THE
7 CHIEF OR HEAD OF THE POLICE DEPARTMENT, OR HIS DESIGNEE,
8 TO INSPECT ONLY THOSE RECORDS OR DOCUMENTS RELEVANT TO
9 INFORMATION REQUIRED FOR THIS APPLICATION.

10 (D) SHERIFF TO CONDUCT INVESTIGATION.--THE SHERIFF TO WHOM
11 THE APPLICATION IS MADE SHALL INVESTIGATE THE APPLICANT'S RECORD
12 OF CRIMINAL CONVICTIONS, SHALL INVESTIGATE WHETHER OR NOT THE
13 APPLICANT IS UNDER INDICTMENT FOR OR HAS EVER BEEN CONVICTED OF
14 A CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR, SHALL
15 INVESTIGATE WHETHER THE APPLICANT'S CHARACTER AND REPUTATION ARE
16 SUCH THAT THE APPLICANT WILL NOT BE LIKELY TO ACT IN A MANNER
17 DANGEROUS TO PUBLIC SAFETY AND SHALL INVESTIGATE WHETHER THE
18 APPLICANT WOULD BE PRECLUDED FROM RECEIVING A LICENSE UNDER
19 SUBSECTION (E)(1) OR SECTION 6105(H) (RELATING TO PERSONS NOT TO
20 POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)
21 AND SHALL CONDUCT A CRIMINAL BACKGROUND, JUVENILE DELINQUENCY OR
22 MENTAL HEALTH CHECK FOLLOWING THE PROCEDURES SET FORTH IN
23 SECTION 6111 (RELATING TO FIREARM OWNERSHIP).

24 (E) ISSUANCE OF LICENSE.--

25 (1) A LICENSE TO CARRY A FIREARM SHALL BE FOR THE
26 PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT ONE'S
27 PERSON OR IN A VEHICLE AND SHALL BE ISSUED IF, AFTER AN
28 INVESTIGATION NOT TO EXCEED 45 DAYS, IT APPEARS THAT THE
29 APPLICANT IS AN INDIVIDUAL CONCERNING WHOM NO GOOD CAUSE
30 EXISTS TO DENY THE LICENSE. A LICENSE SHALL NOT BE ISSUED TO

1 ANY OF THE FOLLOWING:

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

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

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

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

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

17 (VI) AN INDIVIDUAL WHO IS ADDICTED TO[,] OR IS AN
18 UNLAWFUL USER OF[,] MARIJUANA OR A STIMULANT, DEPRESSANT
19 OR NARCOTIC DRUG.

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

21 (VIII) AN INDIVIDUAL WHO IS CHARGED WITH OR HAS BEEN
22 CONVICTED OF A CRIME PUNISHABLE BY IMPRISONMENT FOR A
23 TERM EXCEEDING ONE YEAR EXCEPT AS PROVIDED FOR IN SECTION
24 6123 (RELATING TO WAIVER OF DISABILITY OR PARDONS).

25 (IX) A RESIDENT OF ANOTHER STATE WHO DOES NOT
26 POSSESS A CURRENT LICENSE OR PERMIT OR SIMILAR DOCUMENT
27 TO CARRY A FIREARM ISSUED BY THAT STATE IF A LICENSE IS
28 PROVIDED FOR BY THE LAWS OF THAT STATE, AS PUBLISHED
29 ANNUALLY IN THE FEDERAL REGISTER BY THE BUREAU OF
30 ALCOHOL, TOBACCO AND FIREARMS OF THE DEPARTMENT OF THE

1 TREASURY UNDER 18 U.S.C. § 921(A)(19) (RELATING TO
2 DEFINITIONS).

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

4 (XI) AN INDIVIDUAL WHO HAS BEEN DISCHARGED FROM THE
5 ARMED FORCES OF THE UNITED STATES UNDER DISHONORABLE
6 CONDITIONS.

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

8 (XIII) AN INDIVIDUAL WHO IS OTHERWISE PROHIBITED
9 FROM POSSESSING, USING, MANUFACTURING, CONTROLLING,
10 PURCHASING, SELLING OR TRANSFERRING A FIREARM AS PROVIDED
11 BY SECTION 6105.

12 [(2) IN A CITY OF THE FIRST CLASS, A LICENSE SHALL BE
13 ISSUED ONLY IF IT ADDITIONALLY APPEARS THAT THE APPLICANT HAS
14 GOOD REASON TO FEAR AN INJURY TO THE APPLICANT'S PERSON OR
15 PROPERTY OR HAS ANY OTHER PROPER REASON FOR CARRYING A
16 FIREARM AND THAT THE APPLICANT IS A SUITABLE INDIVIDUAL TO BE
17 LICENSED.]

18 (3) THE LICENSE SHALL BEAR THE NAME, ADDRESS, DATE OF
19 BIRTH, RACE, SEX, CITIZENSHIP, SOCIAL SECURITY NUMBER,
20 HEIGHT, WEIGHT, COLOR OF HAIR, COLOR OF EYES AND SIGNATURE OF
21 THE LICENSEE; THE SIGNATURE OF THE SHERIFF ISSUING THE
22 LICENSE; THE REASON FOR ISSUANCE; AND THE PERIOD OF
23 VALIDATION. THE SHERIFF MAY ALSO REQUIRE A PHOTOGRAPH OF THE
24 LICENSEE ON THE LICENSE. THE ORIGINAL LICENSE SHALL BE ISSUED
25 TO THE APPLICANT. THE FIRST COPY OF THE LICENSE SHALL BE
26 FORWARDED TO THE COMMISSIONER WITHIN SEVEN DAYS OF THE DATE
27 OF ISSUE, AND A SECOND COPY SHALL BE RETAINED BY THE ISSUING
28 AUTHORITY FOR A PERIOD OF SIX YEARS.

29 (F) TERM OF LICENSE.--A LICENSE TO CARRY A FIREARM ISSUED
30 UNDER SUBSECTION (E) SHALL BE VALID THROUGHOUT THIS COMMONWEALTH

1 FOR A PERIOD OF FIVE YEARS UNLESS SOONER REVOKED.

2 (G) GRANT OR DENIAL OF LICENSE.--UPON THE RECEIPT OF AN
3 APPLICATION FOR A LICENSE TO CARRY A FIREARM, THE SHERIFF SHALL,
4 WITHIN 45 DAYS, ISSUE OR REFUSE TO ISSUE A LICENSE ON THE BASIS
5 OF THE INVESTIGATION UNDER SUBSECTION (D) AND THE ACCURACY OF
6 THE INFORMATION CONTAINED IN THE APPLICATION. IF THE SHERIFF
7 REFUSES TO ISSUE A LICENSE, THE SHERIFF SHALL NOTIFY THE
8 APPLICANT IN WRITING OF THE REFUSAL AND THE SPECIFIC REASONS.
9 THE NOTICE SHALL BE SENT BY CERTIFIED MAIL TO THE APPLICANT AT
10 THE ADDRESS SET FORTH IN THE APPLICATION.

11 (H) FEE.--THE FEE FOR A LICENSE TO CARRY A FIREARM IS
12 [\$12.50] \$17.50. THIS INCLUDES AN ADMINISTRATIVE FEE OF \$5 UNDER
13 SECTION 14(2) OF THE ACT OF JULY 6, 1984 (P.L.614, NO.127),
14 KNOWN AS THE SHERIFF FEE ACT. THE FEE IS PAYABLE TO THE SHERIFF
15 TO WHOM THE APPLICATION IS SUBMITTED AND IS PAYABLE AT THE TIME
16 OF APPLICATION FOR THE LICENSE. EXCEPT FOR THE ADMINISTRATIVE
17 FEE OF \$5 UNDER SECTION 14(2) OF THE SHERIFF FEE ACT, ALL OTHER
18 FEES SHALL BE REFUNDED IF THE APPLICATION IS DENIED BUT SHALL
19 NOT BE REFUNDED IF A LICENSE IS ISSUED AND SUBSEQUENTLY REVOKED.
20 A PERSON WHO SELLS OR ATTEMPTS TO SELL A LICENSE TO CARRY A
21 FIREARM FOR A FEE IN EXCESS OF THE AMOUNTS FIXED UNDER THIS
22 SUBSECTION COMMITS A SUMMARY OFFENSE.

23 (I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED
24 BY THE ISSUING AUTHORITY FOR GOOD CAUSE. NOTICE OF REVOCATION
25 SHALL BE IN WRITING AND SHALL STATE THE SPECIFIC REASON FOR
26 REVOCATION. NOTICE SHALL BE SENT BY CERTIFIED MAIL, AND, AT THAT
27 TIME, A COPY SHALL BE FORWARDED TO THE COMMISSIONER. AN
28 INDIVIDUAL WHOSE LICENSE IS REVOKED SHALL SURRENDER THE LICENSE
29 TO THE ISSUING AUTHORITY WITHIN FIVE DAYS OF RECEIPT OF THE
30 NOTICE. AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A

1 SUMMARY OFFENSE.

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

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

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

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

11 § 6110.1. POSSESSION OF FIREARM BY MINOR.

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

15 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO A PERSON
16 UNDER 18 YEARS OF AGE WHO IS UNDER THE SUPERVISION OF A PARENT,
17 GRANDPARENT, LEGAL GUARDIAN OR AN ADULT ACTING WITH THE
18 EXPRESSED CONSENT OF THE MINOR'S CUSTODIAL PARENT OR LEGAL
19 GUARDIAN AND:

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

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

26 (C) RESPONSIBILITY OF ADULT.--ANY PERSON WHO KNOWINGLY AND
27 INTENTIONALLY DELIVERS OR PROVIDES TO THE MINOR A FIREARM IN
28 VIOLATION OF SUBSECTION (A) COMMITS A FELONY OF THE THIRD
29 DEGREE.

30 (D) FORFEITURE.--ANY FIREARM IN THE POSSESSION OF A PERSON

1 UNDER 18 YEARS OF AGE IN VIOLATION OF THIS SECTION SHALL BE
2 PROMPTLY SEIZED BY THE ARRESTING LAW ENFORCEMENT OFFICER AND
3 UPON CONVICTION OR ADJUDICATION OF DELINQUENCY SHALL BE
4 FORFEITED OR, IF STOLEN, RETURNED TO THE LAWFUL OWNER.

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

6 § 6111. [SALE OF FIREARMS.] FIREARM OWNERSHIP.

7 [(A) TIME AND MANNER OF DELIVERY.--NO SELLER SHALL DELIVER A
8 FIREARM TO THE PURCHASER THEREOF UNTIL 48 HOURS SHALL HAVE
9 ELAPSED FROM THE TIME OF THE APPLICATION FOR THE PURCHASE
10 THEREOF, AND WHEN DELIVERED, SAID FIREARM SHALL BE SECURELY
11 WRAPPED AND SHALL BE UNLOADED.

12 (B) STATEMENT TO BE SIGNED BY PURCHASER.--AT THE TIME OF
13 APPLYING FOR THE PURCHASE OF A FIREARM, THE PURCHASER SHALL SIGN
14 IN QUADRUPLICATE AND DELIVER TO THE SELLER A STATEMENT
15 CONTAINING HIS FULL NAME, ADDRESS, OCCUPATION, COLOR, PLACE OF
16 BIRTH, THE DATE AND HOUR OF APPLICATION, THE CALIBER, LENGTH OF
17 BARREL, MAKE, MODEL, AND MANUFACTURER'S NUMBER OF THE FIREARM TO
18 BE PURCHASED, AND A STATEMENT THAT HE HAS NEVER BEEN CONVICTED
19 IN THIS COMMONWEALTH, OR ELSEWHERE, OF A CRIME OF VIOLENCE. THE
20 SELLER SHALL, WITHIN SIX HOURS AFTER SUCH APPLICATION, SIGN AND
21 ATTACH HIS ADDRESS AND FORWARD BY REGISTERED OR CERTIFIED MAIL
22 ONE COPY OF SUCH STATEMENT TO THE CHIEF OR HEAD OF THE POLICE
23 FORCE OR POLICE DEPARTMENT OF THE CITY, OR THE SHERIFF OF THE
24 COUNTY OF THE PLACE OF BUSINESS OF THE SELLER, THE DUPLICATE,
25 DULY SIGNED BY THE SELLER, SHALL, WITHIN SEVEN DAYS, BE SENT BY
26 HIM, WITH HIS ADDRESS, TO THE COMMISSIONER OF THE PENNSYLVANIA
27 STATE POLICE, THE TRIPLICATE HE SHALL RETAIN FOR SIX YEARS, AND
28 THE QUADRUPLICATE WITH THE PROPER SIGNATURE AND ADDRESS OF THE
29 SELLER SHALL, WITHIN SIX HOURS AFTER SUCH APPLICATION, BE
30 FORWARDED BY REGISTERED OR CERTIFIED MAIL TO THE CHIEF OR HEAD

1 OF THE POLICE FORCE OR POLICE DEPARTMENT OF THE CITY OR TO THE
2 SHERIFF OF THE COUNTY OF WHICH THE BUYER IS A RESIDENT.

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

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

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

11 (2) THIRTY DAYS AFTER PUBLICATION IN THE PENNSYLVANIA
12 BULLETIN THAT THE INSTANTANEOUS CRIMINAL HISTORY RECORDS
13 CHECK SYSTEM HAS BEEN ESTABLISHED IN ACCORDANCE WITH THE
14 BRADY HANDGUN VIOLENCE PREVENTION ACT (PUBLIC LAW 103-159, 18
15 U.S.C. § 921 ET SEQ.), NO SELLER SHALL DELIVER A FIREARM TO
16 THE PURCHASER THEREOF UNTIL THE PROVISIONS OF THIS SECTION
17 HAVE BEEN SATISFIED, AND, WHEN DELIVERED, THE FIREARM SHALL
18 BE SECURELY WRAPPED AND SHALL BE UNLOADED.

19 (B) DUTY OF SELLER.--NO LICENSED IMPORTER, LICENSED
20 MANUFACTURER OR LICENSED DEALER SHALL SELL OR DELIVER ANY
21 FIREARM TO ANOTHER PERSON, OTHER THAN A LICENSED IMPORTER,
22 LICENSED MANUFACTURER, LICENSED DEALER OR LICENSED COLLECTOR,
23 UNTIL THE CONDITIONS OF SUBSECTION (A) HAVE BEEN SATISFIED AND
24 UNTIL HE HAS:

25 (1) OBTAINED A COMPLETED APPLICATION/RECORD OF SALE FROM
26 THE POTENTIAL BUYER OR TRANSFEREE, TO BE FILLED OUT IN
27 QUADRUPLICATE, THE ORIGINAL COPY TO BE SENT TO THE
28 PENNSYLVANIA STATE POLICE, ONE COPY TO BE RETAINED BY THE
29 LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER,
30 ONE COPY TO BE RETAINED BY THE PURCHASER OR TRANSFEREE AND

1 ONE COPY TO BE SENT TO THE CHIEF OF POLICE OR SHERIFF OF THE
2 COUNTY OR HEAD OF THE POLICE FORCE OR POLICE DEPARTMENT OF
3 THE CITY IN WHICH THE PURCHASER OR TRANSFEREE RESIDES. THE
4 FORM OF THIS APPLICATION/RECORD OF SALE SHALL BE PROMULGATED
5 BY THE PENNSYLVANIA STATE POLICE AND PROVIDED BY THE LICENSED
6 IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER. THE
7 APPLICATION/RECORD OF SALE SHALL INCLUDE THE NAME, ADDRESS,
8 BIRTH DATE, GENDER, RACE, PHYSICAL DESCRIPTION AND SOCIAL
9 SECURITY NUMBER OF THE PURCHASER OR TRANSFEREE, THE DATE OF
10 THE APPLICATION AND IN THE CASE OF A FIREARM AS DEFINED IN
11 SECTION 6102 (RELATING TO DEFINITIONS), THE CALIBER, LENGTH
12 OF BARREL, MAKE, MODEL, MANUFACTURER'S NUMBER AND THE FIREARM
13 TO BE PURCHASED OR TRANSFERRED. WHEN DELIVERED TO THE
14 PURCHASER OR TRANSFEREE, THE FIREARM SHALL BE SECURELY
15 WRAPPED AND SHALL BE UNLOADED.

16 (2) INSPECTED PHOTO IDENTIFICATION OF THE POTENTIAL
17 PURCHASER OR TRANSFEREE, INCLUDING, BUT NOT LIMITED TO, A
18 DRIVER'S LICENSE, OFFICIAL PENNSYLVANIA PHOTO IDENTIFICATION
19 CARD OR OFFICIAL GOVERNMENT PHOTO IDENTIFICATION CARD. IN THE
20 CASE OF A POTENTIAL BUYER OR TRANSFEREE WHO IS A MEMBER OF A
21 RECOGNIZED RELIGIOUS SECT OR COMMUNITY WHOSE TENETS FORBID OR
22 DISCOURAGE THE TAKING OF PHOTOGRAPHS OF MEMBERS OF THAT SECT
23 OR COMMUNITY, A SELLER SHALL ACCEPT A VALID-WITHOUT-PHOTO
24 DRIVER'S LICENSE OR A COMBINATION OF DOCUMENTS, AS PRESCRIBED
25 BY THE PENNSYLVANIA STATE POLICE, CONTAINING THE APPLICANT'S
26 NAME, ADDRESS, DATE OF BIRTH AND THE SIGNATURE OF THE
27 APPLICANT.

28 (3) REQUESTED, BY MEANS OF A TELEPHONE CALL, THAT THE
29 PENNSYLVANIA STATE POLICE, CONDUCT A CRIMINAL HISTORY,
30 JUVENILE DELINQUENCY HISTORY AND A MENTAL HEALTH RECORD

1 CHECK. THE REQUESTER SHALL BE CHARGED A FEE EQUIVALENT TO THE
2 COST OF PROVIDING THE SERVICE BUT NOT TO EXCEED \$2 PER BUYER
3 OR TRANSFEREE.

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

7 (5) ISSUED A RECEIPT CONTAINING THE INFORMATION FROM
8 PARAGRAPH (4), INCLUDING THE UNIQUE APPROVAL NUMBER OF THE
9 PURCHASER. THIS RECEIPT SHALL BE PRIMA FACIE EVIDENCE OF THE
10 PURCHASER'S OR TRANSFEREE'S COMPLIANCE WITH THE PROVISIONS OF
11 THIS SECTION.

12 (C) DUTY OF OTHER PERSONS.--ANY PERSON WHO IS NOT A LICENSED
13 IMPORTER, MANUFACTURER OR DEALER AND WHO DESIRES TO SELL OR
14 TRANSFER A FIREARM TO ANOTHER UNLICENSED PERSON SHALL DO SO ONLY
15 UPON THE PLACE OF BUSINESS OF A LICENSED IMPORTER, MANUFACTURER,
16 DEALER OR COUNTY SHERIFF'S OFFICE, THE LATTER OF WHOM SHALL
17 FOLLOW THE PROCEDURE SET FORTH IN THIS SECTION AS IF HE WERE THE
18 SELLER OF THE FIREARM. THE PROVISIONS OF THIS SECTION SHALL NOT
19 APPLY TO TRANSFERS BETWEEN SPOUSES OR TO TRANSFERS BETWEEN A
20 PARENT AND CHILD OR TO TRANSFERS BETWEEN GRANDPARENT AND
21 GRANDCHILD.

22 (D) DEFENSE.--COMPLIANCE WITH THE PROVISIONS OF THIS SECTION
23 SHALL BE A DEFENSE TO ANY CRIMINAL COMPLAINT UNDER THE LAWS OF
24 THIS COMMONWEALTH ARISING FROM THE SALE OR TRANSFER OF ANY
25 FIREARM.

26 (E) NONAPPLICABILITY OF SECTION.--AS PROVIDED BY SECTION
27 6118 (RELATING TO ANTIQUE FIREARMS), THIS SECTION SHALL NOT
28 APPLY TO THE FOLLOWING:

29 (1) ANY FIREARM MANUFACTURED ON OR BEFORE 1898,
30 INCLUDING ANY FIREARM WITH A MATCHLOCK, FLINTLOCK, PERCUSSION

1 CAP OR SIMILAR TYPE OF IGNITION SYSTEM.

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

3 (1) IF THE REPLICA:

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

6 (II) USES RIMFIRE OR CONVENTIONAL CENTER FIRE FIXED
7 AMMUNITION WHICH IS NO LONGER MANUFACTURED IN THE UNITED
8 STATES AND WHICH IS NOT READILY AVAILABLE IN THE ORDINARY
9 CHANNELS OF COMMERCIAL TRADE.

10 (F) APPLICATION OF SECTION.--

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

16 (2) THE PROVISIONS CONTAINED IN SUBSECTIONS (A)
17 (RELATING TO THE TIME AND MANNER OF DELIVERY) AND (C)
18 (RELATING TO THE DUTY OF OTHER PERSONS) SHALL ONLY APPLY TO
19 PISTOLS OR REVOLVERS WITH A BARREL LENGTH OF LESS THAN 15
20 INCHES, ANY SHOTGUN WITH A BARREL LENGTH OF LESS THAN 18
21 INCHES, OR ANY RIFLE WITH A BARREL LENGTH OF LESS THAN 16
22 INCHES OR ANY FIREARM WITH AN OVERALL LENGTH OF LESS THAN 26
23 INCHES.

24 (3) THE PROVISIONS CONTAINED IN SUBSECTION (A) SHALL NOT
25 APPLY TO ANY LAW ENFORCEMENT OFFICER AS DEFINED IN SECTION
26 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING) WHOSE
27 CURRENT IDENTIFICATION AS A LAW ENFORCEMENT OFFICER SHALL BE
28 CONSTRUED AS A VALID LICENSE TO CARRY A FIREARM OR ANY PERSON
29 WHO POSSESSES A VALID LICENSE TO CARRY A FIREARM UNDER
30 SECTION 6109 (RELATING TO LICENSES).

1 (4) (I) THE PROVISIONS OF SUBSECTION (A) SHALL NOT
2 APPLY TO ANY PERSON WHO PRESENTS TO THE SELLER OR
3 TRANSFEROR A WRITTEN STATEMENT, ISSUED BY THE OFFICIAL
4 DESCRIBED IN SUBPARAGRAPH (III) DURING THE TEN-DAY PERIOD
5 ENDING ON THE DATE OF THE MOST RECENT PROPOSAL OF SUCH
6 TRANSFER OR SALE BY THE TRANSFEREE OR PURCHASER STATING
7 THAT THE TRANSFEREE OR PURCHASER REQUIRES ACCESS TO A
8 FIREARM BECAUSE OF A THREAT TO THE LIFE OF THE TRANSFEREE
9 OR PURCHASER OR ANY MEMBER OF THE HOUSEHOLD OF THAT
10 TRANSFEREE OR PURCHASER.

11 (II) THE ISSUING OFFICIAL SHALL NOTIFY THE
12 APPLICANT'S LOCAL POLICE AUTHORITY THAT SUCH A STATEMENT
13 HAS BEEN ISSUED. IN COUNTIES OF THE FIRST CLASS THE CHIEF
14 OF POLICE SHALL NOTIFY THE POLICE STATION OR SUBSTATION
15 CLOSEST TO THE APPLICANT'S RESIDENCE.

16 (III) THE STATEMENT ISSUED UNDER SUBPARAGRAPH (II)
17 SHALL BE ISSUED BY THE DISTRICT ATTORNEY, OR HIS
18 DESIGNEE, OF THE COUNTY OF RESIDENCE OF THE TRANSFEREE OR
19 PURCHASER. IF SUCH COUNTY OF RESIDENCE IS A COUNTY OF THE
20 FIRST CLASS, THE ISSUING OFFICIAL SHALL BE THE CHIEF OF
21 POLICE, OR HIS DESIGNEE, HAVING JURISDICTION IN THAT
22 COUNTY.

23 (G) PENALTIES.--

24 (1) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
25 OR LICENSED IMPORTER WHO KNOWINGLY OR INTENTIONALLY SELLS,
26 DELIVERS OR TRANSFERS A FIREARM IN VIOLATION OF THIS SECTION
27 COMMITTS A MISDEMEANOR OF THE SECOND DEGREE.

28 (2) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
29 OR LICENSED IMPORTER WHO KNOWINGLY OR INTENTIONALLY SELLS,
30 DELIVERS OR TRANSFERS A FIREARM UNDER CIRCUMSTANCES INTENDED

1 TO PROVIDE A FIREARM TO ANY PERSON, PURCHASER OR TRANSFEREE
2 WHO IS UNQUALIFIED OR INELIGIBLE TO CONTROL, POSSESS OR USE A
3 FIREARM UNDER THIS CHAPTER COMMITS A FELONY OF THE THIRD
4 DEGREE AND SHALL, IN ADDITION, BE SUBJECT TO REVOCATION OF
5 THE LICENSE TO SELL FIREARMS FOR A PERIOD OF THREE YEARS.

6 (3) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
7 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY REQUESTS
8 A CRIMINAL HISTORY, JUVENILE DELINQUENCY OR MENTAL HEALTH
9 RECORD CHECK FROM THE PENNSYLVANIA STATE POLICE FOR ANY
10 PURPOSE OTHER THAN COMPLIANCE WITH THIS CHAPTER OR KNOWINGLY
11 AND INTENTIONALLY DISSEMINATES ANY CRIMINAL HISTORY, JUVENILE
12 DELINQUENCY OR MENTAL HEALTH RECORD INFORMATION TO ANY PERSON
13 OTHER THAN THE SUBJECT OF THE INFORMATION COMMITS A FELONY OF
14 THE THIRD DEGREE.

15 (4) ANY PERSON, PURCHASER OR TRANSFEREE WHO, IN
16 CONNECTION WITH THE PURCHASE, DELIVERY OR TRANSFER OF A
17 FIREARM UNDER THIS CHAPTER, KNOWINGLY AND INTENTIONALLY MAKES
18 ANY MATERIALLY FALSE ORAL OR WRITTEN STATEMENT OR WILLFULLY
19 FURNISHES OR EXHIBITS ANY FALSE IDENTIFICATION INTENDED OR
20 LIKELY TO DECEIVE THE SELLER, LICENSED DEALER OR LICENSED
21 MANUFACTURER COMMITS A FELONY OF THE THIRD DEGREE.

22 (5) NOTWITHSTANDING SECTION 306 (RELATING TO LIABILITY
23 FOR CONDUCT OF ANOTHER; COMPLICITY) OR ANY OTHER STATUTE TO
24 THE CONTRARY, ANY PERSON, LICENSED IMPORTER, LICENSED DEALER
25 OR LICENSED MANUFACTURER WHO KNOWINGLY AND INTENTIONALLY
26 SELLS, DELIVERS OR TRANSFERS A FIREARM IN VIOLATION OF THIS
27 CHAPTER WHO HAS REASON TO BELIEVE THAT THE FIREARM IS
28 INTENDED TO BE USED IN THE COMMISSION OF A CRIME OR ATTEMPT
29 TO COMMIT A CRIME SHALL BE CRIMINALLY LIABLE FOR SUCH CRIME
30 OR ATTEMPTED CRIME.

1 (6) NOTWITHSTANDING ANY ACT OR STATUTE TO THE CONTRARY,
2 ANY PERSON, LICENSED IMPORTER, LICENSED MANUFACTURER OR
3 LICENSED DEALER WHO KNOWINGLY AND INTENTIONALLY SELLS OR
4 DELIVERS A FIREARM IN VIOLATION OF THIS CHAPTER WHO HAS
5 REASON TO BELIEVE THAT THE FIREARM IS INTENDED TO BE USED IN
6 THE COMMISSION OF A CRIME OR ATTEMPT TO COMMIT A CRIME SHALL
7 BE LIABLE IN THE AMOUNT OF THE CIVIL JUDGMENT FOR INJURIES
8 SUFFERED BY ANY PERSON SO INJURED BY SUCH CRIME OR ATTEMPTED
9 CRIME.

10 (H) SUBSEQUENT VIOLATION PENALTY.--

11 (1) A SECOND OR SUBSEQUENT VIOLATION OF THIS SECTION
12 SHALL BE A FELONY OF THE SECOND DEGREE AND SHALL BE
13 PUNISHABLE BY A MANDATORY MINIMUM SENTENCE OF IMPRISONMENT OF
14 FIVE YEARS. A SECOND OR SUBSEQUENT OFFENSE SHALL ALSO RESULT
15 IN PERMANENT REVOCATION OF ANY LICENSE TO SELL, IMPORT OR
16 MANUFACTURER A FIREARM.

17 (2) NOTICE OF THE APPLICABILITY OF THIS SUBSECTION TO
18 THE DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
19 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
20 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND
21 BEFORE SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
22 DETERMINED AT SENTENCING. THE COURT SHALL CONSIDER EVIDENCE
23 PRESENTED AT TRIAL, SHALL AFFORD THE COMMONWEALTH AND THE
24 DEFENDANT AN OPPORTUNITY TO PRESENT NECESSARY ADDITIONAL
25 EVIDENCE, AND SHALL DETERMINE, BY A PREPONDERANCE OF THE
26 EVIDENCE, IF THIS SECTION IS APPLICABLE.

27 (3) THERE SHALL BE NO AUTHORITY FOR A COURT TO IMPOSE ON
28 A DEFENDANT TO WHICH THIS SUBSECTION IS APPLICABLE A LESSER
29 SENTENCE THAN PROVIDED FOR IN PARAGRAPH (1), TO PLACE THE
30 DEFENDANT ON PROBATION OR TO SUSPEND SENTENCE. NOTHING IN

1 THIS SECTION SHALL PREVENT THE SENTENCING COURT FROM IMPOSING
2 A SENTENCE GREATER THAN THAT PROVIDED IN THIS SECTION.
3 SENTENCING GUIDELINES PROMULGATED BY THE PENNSYLVANIA
4 COMMISSION ON SENTENCING SHALL NOT SUPERSEDE THE MANDATORY
5 SENTENCES PROVIDED IN THIS SECTION.

6 (4) IF A SENTENCING COURT REFUSES TO APPLY THIS
7 SUBSECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL HAVE THE
8 RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE SENTENCING
9 COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE AND
10 REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A
11 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE
12 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SUBSECTION.

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

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

18 § 6111.1. PENNSYLVANIA STATE POLICE.

19 (A) ADMINISTRATION.--THE PENNSYLVANIA STATE POLICE SHALL
20 HAVE THE RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THIS
21 CHAPTER.

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

23 (1) UPON RECEIPT OF A REQUEST FOR A CRIMINAL HISTORY,
24 JUVENILE DELINQUENCY HISTORY AND MENTAL HEALTH RECORD CHECK
25 OF THE POTENTIAL PURCHASER OR TRANSFEREE, THE PENNSYLVANIA
26 STATE POLICE SHALL IMMEDIATELY, DURING THE LICENSEE'S CALL OR
27 BY RETURN CALL, FORTHWITH:

28 (I) REVIEW THE PENNSYLVANIA STATE POLICE CRIMINAL
29 HISTORY AND FINGERPRINT RECORDS TO DETERMINE IF THE
30 POTENTIAL PURCHASER OR TRANSFEREE IS PROHIBITED FROM

1 RECEIPT OR POSSESSION OF A FIREARM UNDER FEDERAL OR STATE
2 LAW;

3 (II) REVIEW THE JUVENILE DELINQUENCY AND MENTAL
4 HEALTH RECORDS OF THE PENNSYLVANIA STATE POLICE TO
5 DETERMINE WHETHER THE POTENTIAL PURCHASER OR TRANSFEREE
6 IS PROHIBITED FROM RECEIPT OR POSSESSION OF A FIREARM
7 UNDER FEDERAL OR STATE LAW; AND

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

9 (A) THAT ITS CRIMINAL HISTORY RECORDS
10 DEMONSTRATE THAT THE POTENTIAL PURCHASER OR
11 TRANSFEREE IS SO PROHIBITED; OR

12 (B) PROVIDE THE LICENSEE WITH A UNIQUE APPROVAL
13 NUMBER.

14 (2) IN THE EVENT OF ELECTRONIC FAILURE OR SIMILAR
15 EMERGENCY BEYOND THE CONTROL OF THE PENNSYLVANIA STATE
16 POLICE, THE PENNSYLVANIA STATE POLICE SHALL IMMEDIATELY
17 NOTIFY THE REQUESTING LICENSEE OF THE REASON FOR AND
18 ESTIMATED LENGTH OF THE DELAY.

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

22 (4) THE PENNSYLVANIA STATE POLICE AND ANY LOCAL LAW
23 ENFORCEMENT AGENCY SHALL MAKE ALL REASONABLE EFFORTS TO
24 DETERMINE THE LAWFUL OWNER OF ANY FIREARM CONFISCATED BY THE
25 PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW ENFORCEMENT AGENCY
26 AND RETURN SAID FIREARM TO ITS LAWFUL OWNER. WHEN A COURT OF
27 LAW HAS DETERMINED THAT THE PENNSYLVANIA STATE POLICE OR ANY
28 LOCAL LAW ENFORCEMENT AGENCY HAVE FAILED TO EXERCISE THE DUTY
29 UNDER THIS SUBSECTION, REASONABLE ATTORNEY FEES SHALL BE
30 AWARDED TO ANY LAWFUL OWNER OF SAID FIREARM WHO HAS SOUGHT

1 JUDICIAL ENFORCEMENT OF THIS SUBSECTION.

2 (C) ESTABLISH A TELEPHONE NUMBER.--THE PENNSYLVANIA STATE
3 POLICE SHALL ESTABLISH A TELEPHONE NUMBER WHICH SHALL BE
4 OPERATIONAL SEVEN DAYS A WEEK BETWEEN THE HOURS OF 8 A.M. AND 10
5 P.M. LOCAL TIME FOR PURPOSES OF RESPONDING TO INQUIRIES AS
6 DESCRIBED IN THIS SECTION FROM LICENSED MANUFACTURERS, LICENSED
7 IMPORTERS AND LICENSED DEALERS. THE PENNSYLVANIA STATE POLICE
8 SHALL EMPLOY AND TRAIN SUCH PERSONNEL AS ARE NECESSARY TO
9 ADMINISTER EXPEDITIOUSLY THE PROVISIONS OF THIS SECTION.

10 (D) DISTRIBUTION.--THE PENNSYLVANIA STATE POLICE SHALL
11 DISTRIBUTE COPIES OF UNIFORM FIREARM LAWS AND FIREARM SAFETY
12 BROCHURES PURSUANT TO SECTION 6125 (RELATING TO DISTRIBUTION OF
13 UNIFORM FIREARM LAWS AND FIREARM SAFETY BROCHURES.

14 (E) CHALLENGE TO RECORDS.--ANY PERSON WHO IS DENIED THE
15 RIGHT TO RECEIVE, SELL, TRANSFER, POSSESS, CARRY, MANUFACTURE OR
16 PURCHASE A FIREARM AS A RESULT OF THE PROCEDURES ESTABLISHED BY
17 THIS SECTION MAY CHALLENGE THE ACCURACY OF THAT PERSON'S
18 CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH
19 RECORD UNDER THE PROCEDURES OF 2 PA.C.S. CH. 5 SUBCH. A
20 (RELATING TO PRACTICE AND PROCEDURE OF COMMONWEALTH AGENCIES).

21 (F) NOTIFICATION OF MENTAL HEALTH COMMITMENT.--
22 NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES OF THE
23 COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA STATE
24 POLICE ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE POLICE OF
25 THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN ADJUDICATED
26 INCOMPETENT OR WHO HAS BEEN INVOLUNTARILY TREATED AS DESCRIBED
27 IN SECTION 6105(C)(3) (RELATING TO PERSONS NOT TO POSSESS, USE,
28 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS).

29 (G) MENTAL HEALTH TREATMENT PROFESSIONALS.--NOTWITHSTANDING
30 ANY STATUTE TO THE CONTRARY, ANY MENTAL HEALTH TREATMENT

1 PROFESSIONAL WHO HAS BEEN LICENSED TO PROVIDE MENTAL HEALTH
2 SERVICES TO THE GENERAL PUBLIC PURSUANT TO THE LAWS OF THIS
3 COMMONWEALTH MAY, IN THE EXERCISE OF THAT PROFESSIONAL'S
4 PROFESSIONAL JUDGMENT, NOTIFY ANY LAW ENFORCEMENT OFFICIAL OF
5 ANY INDIVIDUAL UNDER THAT PROFESSIONAL'S CARE WHO THAT
6 PROFESSIONAL REASONABLY BELIEVES TO BE A DANGER TO THAT
7 INDIVIDUAL OR OTHERS. MENTAL HEALTH PROFESSIONALS WHO MAKE SUCH
8 A REPORT IN GOOD FAITH SHALL BE IMMUNE FROM ANY CIVIL OR
9 CRIMINAL LIABILITY THAT MAY ARISE FROM THEIR DECISION TO REPORT
10 AN INDIVIDUAL UNDER THEIR CARE.

11 (H) JUVENILE REGISTRY.--

12 (1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
13 COMPILED UNDER 42 PA.C.S. § 6308 (RELATING TO LAW ENFORCEMENT
14 RECORDS) CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE
15 PUBLIC EXCEPT IF THE CHILD IS 14 YEARS OF AGE OR OLDER AT THE
16 TIME OF THE ALLEGED CONDUCT AND IF ANY OF THE FOLLOWING
17 APPLY:

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

21 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
22 BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS
23 COMMITTED AN ACT OR ACTS WHICH CONSTITUTE AN OFFENSE
24 ENUMERATED IN SECTION 6105 AND THE CHILD PREVIOUSLY HAS
25 BEEN ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF AN
26 ACT OR ACTS WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH
27 CRIMES.

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

29 (2) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION,
30 THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES CONCERNING

1 ANY CHILD ADJUDICATED DELINQUENT FOR THE COMMISSION OF ANY
2 CRIMINAL ACTIVITY DESCRIBED IN PARAGRAPH (1) SHALL BE
3 RECORDED IN THE REGISTRY OF THE PENNSYLVANIA STATE POLICE FOR
4 THE LIMITED PURPOSES OF THIS CHAPTER.

5 (I) REPORTS.--THE PENNSYLVANIA STATE POLICE SHALL ANNUALLY
6 COMPILE AND REPORT TO THE GENERAL ASSEMBLY, ON OR BEFORE
7 DECEMBER 31, THE FOLLOWING INFORMATION FOR THE PREVIOUS YEAR:

8 (1) NUMBER OF FIREARM SALES;

9 (2) NUMBER OF APPLICATIONS FOR SALE OF FIREARMS DENIED;

10 (3) SUMMARY OF THE PENNSYLVANIA STATE POLICE'S
11 ACTIVITIES, INCLUDING THE AVERAGE TIME TAKEN TO COMPLETE A
12 CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL
13 HEALTH RECORD CHECK; AND

14 (4) UNIFORM CRIME REPORTING STATISTICS COMPILED BY THE
15 PENNSYLVANIA STATE POLICE BASED ON THE NATIONAL INCIDENT-
16 BASED REPORTING SYSTEM.

17 (J) OTHER CRIMINAL INFORMATION.--THE PENNSYLVANIA STATE
18 POLICE SHALL BE AUTHORIZED TO OBTAIN ANY CRIME STATISTICS
19 NECESSARY FOR THE PURPOSES OF THIS CHAPTER FROM ANY LOCAL LAW
20 ENFORCEMENT AGENCY.

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

24 § 6111.2. FIREARM SALES SURCHARGE.

25 (A) SURCHARGE IMPOSED.--THERE IS HEREBY IMPOSED ON EACH SALE
26 OF A FIREARM SUBJECT TO TAX UNDER ARTICLE II OF THE ACT OF MARCH
27 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, AN
28 ADDITIONAL SURCHARGE OF \$3. THIS SHALL BE REFERRED TO AS THE
29 FIREARM OWNERSHIP SURCHARGE. ALL MONEYS RECEIVED FROM THIS
30 SURCHARGE SHALL BE DEPOSITED IN THE FIREARM OWNERSHIP FUND.

1 (B) INCREASES OR DECREASES.--FIVE YEARS FROM THE EFFECTIVE
2 DATE OF THIS SUBSECTION, AND EVERY FIVE YEARS THEREAFTER, THE
3 PENNSYLVANIA STATE POLICE SHALL PROVIDE SUCH INFORMATION AS
4 NECESSARY TO THE LEGISLATIVE BUDGET AND FINANCE COMMITTEE FOR
5 THE PURPOSE OF REVIEWING THE NEED TO INCREASE OR DECREASE THE
6 INSTANT CHECK FEE. THE COMMITTEE SHALL ISSUE A REPORT OF ITS
7 FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR A
8 STATUTORY CHANGE IN THE FEE.

9 (C) REVENUE SOURCES.--FUNDS RECEIVED UNDER THE PROVISIONS OF
10 THIS SECTION AND SECTION 6111(B)(3) AND (D) (RELATING TO FIREARM
11 OWNERSHIP), AS ESTIMATED AND CERTIFIED BY THE SECRETARY OF
12 REVENUE, SHALL BE DEPOSITED WITHIN FIVE DAYS OF THE END OF EACH
13 QUARTER INTO THE FUND. THE PROVISIONS OF ARTICLE II OF THE TAX
14 REFORM CODE OF 1971 SHALL APPLY TO THE SURCHARGE IMPOSED BY
15 SUBSECTION (A).

16 (D) DEFINITION.--AS USED IN THIS SECTION ONLY, THE TERM
17 "FIREARM" SHALL MEAN ANY WEAPON WHICH IS DESIGNED TO OR MAY
18 READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN
19 EXPLOSION OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

20 § 6111.3. FIREARM OWNERSHIP FUND.

21 (A) ESTABLISHMENT.--THE FIREARM OWNERSHIP FUND IS HEREBY
22 ESTABLISHED AS A RESTRICTED ACCOUNT IN THE STATE TREASURY,
23 SEPARATE AND APART FROM ALL OTHER PUBLIC MONEY OR FUNDS OF THE
24 COMMONWEALTH, TO BE APPROPRIATED ANNUALLY BY THE GENERAL
25 ASSEMBLY, FOR USE IN CARRYING OUT THE PROVISIONS OF SECTION 6111
26 (RELATING TO FIREARM OWNERSHIP).

27 (B) SOURCE.--THE SOURCE OF THE FUND SHALL BE MONEYS
28 COLLECTED AND TRANSFERRED UNDER SECTION 6111.2 (RELATING TO
29 FIREARM SALES SURCHARGE) AND MONEYS COLLECTED AND TRANSFERRED
30 UNDER SECTIONS 6111(B)(3) AND 6113(D) (RELATING TO LICENSING OF

1 DEALERS).

2 § 6111.4. REGISTRATION OF FIREARMS.

3 NOTWITHSTANDING ANY SECTION OF THIS CHAPTER TO THE CONTRARY,
4 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ALLOW ANY
5 GOVERNMENT OR LAW ENFORCEMENT AGENCY OR ANY AGENT THEREOF TO
6 CREATE, MAINTAIN OR OPERATE ANY REGISTRY OF FIREARM OWNERSHIP
7 WITHIN THIS COMMONWEALTH. FOR THE PURPOSES OF THIS SECTION ONLY,
8 THE TERM "FIREARM" SHALL INCLUDE ANY WEAPON THAT IS DESIGNED TO
9 OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE
10 ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY SUCH
11 WEAPON.

12 § 6111.5. RULES AND REGULATIONS.

13 THE PENNSYLVANIA STATE POLICE SHALL, IN THE MANNER PROVIDED
14 BY LAW, PROMULGATE THE RULES AND REGULATIONS NECESSARY TO CARRY
15 OUT THIS CHAPTER, INCLUDING REGULATIONS TO ENSURE THE IDENTITY,
16 CONFIDENTIALITY AND SECURITY OF ALL RECORDS AND DATA PROVIDED
17 PURSUANT HERETO.

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

19 § 6112. RETAIL DEALER REQUIRED TO BE LICENSED.

20 NO RETAIL DEALER SHALL SELL, OR OTHERWISE TRANSFER OR EXPOSE
21 FOR SALE OR TRANSFER, OR HAVE IN HIS POSSESSION WITH INTENT TO
22 SELL OR TRANSFER, ANY FIREARM WITHOUT BEING LICENSED AS PROVIDED
23 IN THIS SUBCHAPTER.

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

26 § 6113. LICENSING OF DEALERS.

27 (A) GENERAL RULE.--THE CHIEF OR HEAD OF ANY POLICE FORCE OR
28 POLICE DEPARTMENT OF A CITY, AND, ELSEWHERE, THE SHERIFF OF THE
29 COUNTY, SHALL GRANT TO REPUTABLE APPLICANTS LICENSES, IN FORM
30 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, EFFECTIVE FOR NOT

1 MORE THAN [ONE YEAR] THREE YEARS FROM DATE OF ISSUE, PERMITTING
2 THE LICENSEE TO SELL FIREARMS DIRECT TO THE CONSUMER, SUBJECT TO
3 THE FOLLOWING CONDITIONS IN ADDITION TO THOSE SPECIFIED IN
4 SECTION 6111 [OF THIS TITLE] (RELATING TO [SALE OF FIREARMS]
5 FIREARM OWNERSHIP), FOR BREACH OF ANY OF WHICH THE LICENSE SHALL
6 BE FORFEITED AND THE LICENSEE SUBJECT TO PUNISHMENT AS PROVIDED
7 IN THIS SUBCHAPTER:

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

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

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

16 (4) NO FIREARM SHALL BE SOLD UNDER ANY CIRCUMSTANCES
17 UNLESS THE PURCHASER IS PERSONALLY KNOWN TO THE SELLER OR
18 SHALL PRESENT CLEAR EVIDENCE OF [HIS] THE PURCHASER'S
19 IDENTITY.

20 (5) A TRUE RECORD IN TRIPLICATE SHALL BE MADE OF EVERY
21 FIREARM SOLD, IN A BOOK KEPT FOR THE PURPOSE, THE FORM OF
22 WHICH MAY BE PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, AND
23 SHALL BE PERSONALLY SIGNED BY THE PURCHASER AND BY THE PERSON
24 EFFECTING THE SALE, EACH IN THE PRESENCE OF THE OTHER, AND
25 SHALL CONTAIN THE INFORMATION REQUIRED BY SECTION 6111 [OF
26 THIS TITLE].

27 (6) NO FIREARM [OR IMITATION THEREOF, OR PLACARD
28 ADVERTISING THE SALE THEREOF,] AS DEFINED IN SECTION
29 6102(RELATING TO DEFINITIONS) SHALL BE DISPLAYED IN ANY PART
30 OF ANY PREMISES WHERE IT CAN READILY BE SEEN FROM THE

1 OUTSIDE. IN THE EVENT THAT THE COMMISSIONER OF THE
2 PENNSYLVANIA STATE POLICE SHALL FIND A CLEAR AND PRESENT
3 DANGER TO PUBLIC SAFETY WITHIN [THE] THIS COMMONWEALTH OR ANY
4 AREA THEREOF, FIREARMS[, RIFLES AND SHOTGUNS] SHALL BE STORED
5 [BY LICENSEE DURING THE HOURS WHEN LICENSEE IS CLOSED FOR
6 BUSINESS] AND SAFEGUARDED PURSUANT TO REGULATIONS TO BE
7 ESTABLISHED BY THE PENNSYLVANIA STATE POLICE BY THE LICENSEE
8 DURING THE HOURS WHEN THE LICENSEE IS CLOSED FOR BUSINESS.

9 (7) THE DEALER SHALL POSSESS ALL APPLICABLE CURRENT
10 REVENUE LICENSES.

11 (B) FEE.--THE FEE FOR ISSUING SAID LICENSE SHALL BE [\$10]
12 \$30, WHICH FEE SHALL BE PAID INTO THE COUNTY TREASURY.

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

16 (D) DEFINITIONS.--FOR THE PURPOSES OF THIS SECTION ONLY
17 UNLESS OTHERWISE SPECIFICALLY PROVIDED, THE TERM "FIREARM" SHALL
18 INCLUDE ANY WEAPON THAT IS DESIGNED TO OR MAY READILY BE
19 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE
20 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

21 § 6114. JUDICIAL REVIEW.

22 THE ACTION OF THE CHIEF OF POLICE, SHERIFF, COUNTY TREASURER
23 OR OTHER OFFICER UNDER THIS SUBCHAPTER SHALL BE SUBJECT TO
24 JUDICIAL REVIEW IN THE MANNER AND WITHIN THE TIME PROVIDED BY
25 [THE LOCAL AGENCY LAW] 2 PA.C.S. CH. 7 SUBCH. B (RELATING TO
26 JUDICIAL REVIEW OF LOCAL AGENCY ACTION). A JUDGMENT SUSTAINING A
27 REFUSAL TO GRANT A LICENSE SHALL NOT BAR, AFTER ONE YEAR, A NEW
28 APPLICATION; NOR SHALL A JUDGMENT IN FAVOR OF THE PETITIONER
29 PREVENT THE DEFENDANT FROM THEREAFTER REVOKING OR REFUSING TO
30 RENEW SUCH LICENSE FOR ANY PROPER CAUSE WHICH MAY THEREAFTER

1 OCCUR. THE COURT SHALL HAVE FULL POWER TO DISPOSE OF ALL COSTS.

2 § 6115. LOANS ON, OR LENDING OR GIVING FIREARMS PROHIBITED.

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

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

12 (B) EXCEPTION.--

13 (1) SUBSECTION (A) SHALL NOT APPLY IF ANY OF THE
14 FOLLOWING APPLY:

15 (I) THE PERSON WHO RECEIVES THE FIREARM IS LICENSED
16 TO CARRY A FIREARM UNDER SECTION 6109 (RELATING TO
17 LICENSES).

18 (II) THE PERSON WHO RECEIVES THE FIREARM IS EXEMPT
19 FROM LICENSING.

20 (III) THE PERSON WHO RECEIVES THE FIREARM IS ENGAGED
21 IN A HUNTER SAFETY PROGRAM CERTIFIED BY THE PENNSYLVANIA
22 GAME COMMISSION OR A FIREARM TRAINING PROGRAM OR
23 COMPETITION SANCTIONED OR APPROVED BY THE NATIONAL RIFLE
24 ASSOCIATION.

25 (IV) THE PERSON WHO RECEIVES THE FIREARM MEETS ALL
26 OF THE FOLLOWING:

27 (A) IS UNDER 18 YEARS OF AGE.

28 (B) PURSUANT TO SECTION 6110.1 (RELATING TO
29 POSSESSION OF FIREARM BY MINOR) IS UNDER THE
30 SUPERVISION, GUIDANCE AND INSTRUCTION OF A

1 RESPONSIBLE INDIVIDUAL WHO:

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

3 (II) IS NOT PROHIBITED FROM OWNING OR

4 POSSESSING A FIREARM UNDER SECTION 6105 (RELATING

5 TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,

6 CONTROL, SELL OR TRANSFER FIREARMS).

7 (V) THE PERSON WHO RECEIVES THE FIREARM IS LAWFULLY

8 HUNTING OR TRAPPING AND IS IN COMPLIANCE WITH THE

9 PROVISIONS OF 34 PA.C.S. (RELATING TO GAME).

10 (VI) A BANK OR OTHER CHARTERED LENDING INSTITUTION

11 IS ABLE TO ADEQUATELY SECURE FIREARMS IN ITS POSSESSION.

12 (2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO

13 PROHIBIT THE TRANSFER OF A FIREARM UNDER 20 PA.C.S. CH. 21

14 (RELATING TO INTESTATE SUCCESSION) OR BY BEQUEST IF THE

15 INDIVIDUAL RECEIVING THE FIREARM IS NOT PRECLUDED FROM OWNING

16 OR POSSESSING A FIREARM UNDER SECTION 6105.

17 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO

18 PROHIBIT THE LOANING OR GIVING OF A FIREARM TO ANOTHER IN

19 ONE'S DWELLING OR PLACE OF BUSINESS IF THE FIREARM IS

20 RETAINED WITHIN THE DWELLING OR PLACE OF BUSINESS.

21 § 6116. FALSE EVIDENCE OF IDENTITY.

22 [NO PERSON SHALL, IN PURCHASING OR OTHERWISE SECURING
23 DELIVERY OF A FIREARM OR IN APPLYING FOR A LICENSE TO CARRY THE
24 SAME, GIVE FALSE INFORMATION OR OFFER FALSE EVIDENCE OF HIS
25 IDENTITY. THE] IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS
26 CHAPTER, THE FURNISHING OF FALSE INFORMATION OR OFFERING FALSE
27 EVIDENCE OF IDENTITY IS A VIOLATION OF SECTION 4904 (RELATING TO
28 UNSWORN FALSIFICATION TO AUTHORITIES).

29 § 6117. ALTERING OR OBLITERATING MARKS OF IDENTIFICATION.

30 (A) OFFENSE DEFINED.--NO PERSON SHALL CHANGE, ALTER, REMOVE,

1 OR OBLITERATE THE [NAME OF THE MAKER, MODEL,] MANUFACTURER'S
2 NUMBER[,] OR OTHER ~~INTEGRAL~~ MARK OF IDENTIFICATION [ON ANY] <—
3 INTEGRAL TO THE FRAME OR RECEIVER OF ANY FIREARM WHICH SHALL <—
4 HAVE THE SAME MEANING AS PROVIDED IN SECTION 6105 (RELATING TO
5 PERSONS NOT TO POSSESS, USE, MANUFACTURE, SELL OR TRANSFER
6 FIREARMS).

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

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

13 (D) APPELLATE REVIEW.--IF A SENTENCING COURT REFUSES TO
14 APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL HAVE
15 THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE SENTENCING
16 COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE AND REMAND
17 THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A SENTENCE IN
18 ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE SENTENCE WAS
19 IMPOSED IN VIOLATION OF THIS SECTION.

20 § 6118. ANTIQUE FIREARMS.

21 (A) GENERAL RULE.--THIS SUBCHAPTER SHALL NOT APPLY TO
22 ANTIQUE FIREARMS.

23 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO THE EXTENT
24 THAT SUCH ANTIQUE FIREARMS, REPRODUCTIONS OR REPLICAS OF
25 FIREARMS ARE CONCEALED WEAPONS AS PROVIDED IN SECTION 6106
26 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE), NOR
27 SHALL IT APPLY TO THE PROVISIONS OF SECTION 6105 (RELATING TO
28 [FORMER CONVICT NOT TO OWN A FIREARM, ETC.] PERSONS NOT TO
29 POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)
30 IF SUCH ANTIQUE FIREARMS, REPRODUCTIONS OR REPLICAS OF FIREARMS

1 ARE SUITABLE FOR USE.

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

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

7 (2) ANY REPLICA OF ANY FIREARM DESCRIBED IN PARAGRAPH
8 (1) IF SUCH REPLICA:

9 (I) IS NOT DESIGNED OR REDESIGNED FOR USING [RIM
10 FIRE] RIMFIRE OR CONVENTIONAL CENTER FIRE FIXED
11 AMMUNITION; OR

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

16 SECTION 9. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
17 § 6125. DISTRIBUTION OF UNIFORM FIREARM LAWS AND FIREARM SAFETY
18 BROCHURES.

19 (A) GENERAL RULE.--IT SHALL BE THE DUTY OF THE PENNSYLVANIA
20 STATE POLICE TO DISTRIBUTE TO EVERY LICENSED FIREARM DEALER IN
21 THIS COMMONWEALTH COPIES OF THIS SUBCHAPTER. A COPY OF THIS
22 SUBCHAPTER SHALL BE PROVIDED WITHOUT CHARGE BY EVERY LICENSED
23 FIREARM DEALER TO EVERY FIREARM, SHOTGUN OR RIFLE PURCHASER.

24 (B) SAFETY BROCHURES.--IT SHALL BE THE DUTY OF THE
25 PENNSYLVANIA STATE POLICE TO DISTRIBUTE TO EVERY LICENSED
26 FIREARM DEALER IN THIS COMMONWEALTH COPIES OF FIREARM SAFETY
27 BROCHURES. THE BROCHURES SHALL BE WRITTEN BY THE PENNSYLVANIA
28 STATE POLICE, WITH THE COOPERATION OF THE PENNSYLVANIA GAME
29 COMMISSION AND WRITTEN TO PROVIDE FOR THE SAFE USE AND OPERATION
30 OF FIREARMS, SHOTGUNS OR RIFLES. THE BROCHURES SHALL BE

1 PROVIDED, WITHOUT CHARGE, BY EVERY LICENSED FIREARM DEALER TO
2 EVERY FIREARM, SHOTGUN OR RIFLE PURCHASER.

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

5 § 6308. LAW ENFORCEMENT RECORDS.

6 * * *

7 (D) PENNSYLVANIA STATE POLICE REGISTRY.--

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

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

18 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
19 BY A LAW ENFORCEMENT AGENCY ALLEGING THAT THE CHILD HAS
20 COMMITTED AN ACT OR ACTS WHICH CONSTITUTE A CRIME OF
21 VIOLENCE AS DEFINED IN 18 PA.C.S. § 6102 OR ANY OFFENSE
22 ENUMERATED IN 18 PA.C.S. § 6105 AND THE CHILD PREVIOUSLY
23 HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS A RESULT OF
24 AN ACT OR ACTS WHICH INCLUDED THE ELEMENTS OF ONE OF SUCH
25 CRIMES.

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

27 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
28 CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES CONCERNING ANY
29 CHILD ADJUDICATED DELINQUENT FOR THE COMMISSION OF ANY
30 CRIMINAL ACTIVITY DESCRIBED IN PARAGRAPH (1) SHALL BE

1 RECORDED IN THE REGISTRY OF THE PENNSYLVANIA STATE POLICE FOR
2 THE LIMITED PURPOSES OF 18 PA.C.S. CH. 61 (RELATING TO
3 FIREARMS AND OTHER DANGEROUS ARTICLES).

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

6 § 9712. SENTENCES FOR OFFENSES COMMITTED WITH FIREARMS.

7 (A) MANDATORY SENTENCE.--ANY PERSON WHO IS CONVICTED IN ANY
8 COURT OF THIS COMMONWEALTH OF MURDER OF THE THIRD DEGREE,
9 VOLUNTARY MANSLAUGHTER, RAPE, INVOLUNTARY DEVIATE SEXUAL
10 INTERCOURSE, ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)(1)(I),
11 (II) OR (III) (RELATING TO ROBBERY), AGGRAVATED ASSAULT AS
12 DEFINED IN 18 PA.C.S. § 2702(A)(1) (RELATING TO AGGRAVATED
13 ASSAULT) OR KIDNAPPING, OR WHO IS CONVICTED OF ATTEMPT TO COMMIT
14 ANY OF THESE CRIMES, SHALL, IF THE PERSON VISIBLY POSSESSED A
15 FIREARM OR A REPLICA OF A FIREARM, WHETHER OR NOT THE FIREARM OR
16 REPLICA WAS LOADED OR FUNCTIONAL, THAT PLACED THE VICTIM IN
17 REASONABLE FEAR OF DEATH OR SERIOUS BODILY INJURY, DURING THE
18 COMMISSION OF THE OFFENSE, BE SENTENCED TO A MINIMUM SENTENCE OF
19 AT LEAST FIVE YEARS OF TOTAL CONFINEMENT NOTWITHSTANDING ANY
20 OTHER PROVISION OF THIS TITLE OR OTHER STATUTE TO THE CONTRARY.
21 SUCH PERSONS SHALL NOT BE ELIGIBLE FOR PAROLE, PROBATION, WORK
22 RELEASE OR FURLOUGH.

23 * * *

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

29 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
30 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION:

2 "FIREARM." ANY WEAPON, INCLUDING A STARTER GUN, WHICH WILL
3 OR IS DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL A
4 PROJECTILE BY THE ACTION OF AN EXPLOSIVE OR THE EXPANSION OF GAS
5 THEREIN.

6 "REPLICA OF A FIREARM." AN ITEM THAT CAN REASONABLY BE
7 PERCEIVED TO BE A FIREARM.

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

13 (B) THE APPROPRIATION IN SUBSECTION (A) SHALL NOT LAPSE AT
14 THE END OF THE FISCAL YEAR BUT SHALL CONTINUE FOR TWO FISCAL
15 YEARS.

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