

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 543      Session of  
1997

---

INTRODUCED BY PICCOLA, BRIGHTBILL, ULIANA, JUBELIRER, MELLOW,  
AFFLERBACH, GERLACH, HELFRICK, O'PAKE, ROBBINS, MADIGAN,  
WOZNIAK, THOMPSON, DELP AND SALVATORE, FEBRUARY 25, 1997

---

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 2, 1998

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for neglect of care-  
3 dependent people ~~and for arson and related offenses~~, FOR      <—  
4 CONTROL OF FIREARMS, FOR FIREARMS LICENSES, FOR FIREARMS SALE  
5 AND TRANSFER, FOR FUNCTIONS OF THE PENNSYLVANIA STATE POLICE  
6 RELATIVE TO FIREARMS, FOR THE FIREARMS INSTANT RECORDS CHECK  
7 FUND AND FOR LICENSING OF FIREARMS DEALERS; and providing for  
8 municipal housing code avoidance and for control of alarm  
9 devices and automatic dialing devices.

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

12 Section 1. Section 2713(d)(2) of Title 18 of the  
13 Pennsylvania Consolidated Statutes is amended to read:

14 § 2713. Neglect of care-dependent person.

15 \* \* \*

16 (d) Enforcement.--

17 \* \* \*

18 (2) In addition to the authority conferred upon the  
19 Attorney General under the act of October 15, 1980 (P.L.950,  
20 No.164), known as the Commonwealth Attorneys Act, the

1 Attorney General shall have the authority to investigate and  
2 institute criminal proceedings for any violation of this  
3 section [or any series of such violations involving more than  
4 one county of this Commonwealth or involving any county of  
5 this Commonwealth and another state]. A person charged with a  
6 violation of this section by the Attorney General shall not  
7 have standing to challenge the authority of the Attorney  
8 General to investigate or prosecute the case, and, if any  
9 such challenge is made, the challenge shall be dismissed and  
10 no relief shall be available in the courts of this  
11 Commonwealth to the person making the challenge.

12 \* \* \*

13 ~~Section 2. Section 3301(d), (h) and (i) of Title 18 are~~ <—  
14 ~~amended and the section is amended by adding a subsection to~~  
15 ~~read:~~

16 ~~§ 3301. Arson and related offenses.~~

17 ~~\* \* \*~~

18 ~~(d) Reckless burning or exploding. A person commits a~~  
19 ~~felony of the third degree if he intentionally starts a fire or~~  
20 ~~causes an explosion, or if he aids, counsels, pays or agrees to~~  
21 ~~pay another to cause a fire or explosion, whether on his own~~  
22 ~~property or on that of another, and thereby recklessly:~~

23 ~~(1) places an uninhabited building or unoccupied~~  
24 ~~structure of another in danger of damage or destruction; or~~

25 ~~(2) [places any personal property of another having a~~  
26 ~~value of \$5,000 or more] places any personal property of~~  
27 ~~another having a value that exceeds \$5,000, or if the~~  
28 ~~property is an automobile, airplane, motorcycle, motorboat or~~  
29 ~~other motor propelled vehicle in danger of damage or~~  
30 ~~destruction.~~

~~(d.1) Dangerous burning. A person commits a summary offense if he intentionally or recklessly starts a fire to endanger any person or property of another, whether or not any damage to person or property actually occurs.~~

~~\* \* \*~~

~~(h) Limitations on liability. The provisions of subsections (a), (b), (c), (d), (d.1) and (e) shall not be construed to establish criminal liability upon any volunteer or paid firefighter or volunteer or paid firefighting company or association if said company or association endangers a participating firefighter or real or personal property in the course of an approved, controlled fire training program or fire evolution, provided that said company or association has complied with the following:~~

~~(1) a sworn statement from the owner of any real or personal property involved in such program or evolution that there is no fire insurance policy or no lien or encumbrance exists which applies to such real or personal property;~~

~~(2) approval or permits from the appropriate local government or State officials, if necessary, to conduct such program or exercise have been received;~~

~~(3) precautions have been taken so that the program or evolution does not affect any other persons or real or personal property; and~~

~~(4) participation of firefighters in the program or exercise if voluntary.~~

~~(i) Defenses. It is a defense to prosecution under subsections (c) [and (d)], (d) and (d.1) where a person is charged with destroying a vehicle, lawful title to which is vested in him, if the vehicle is free of any encumbrances, there~~

~~is no insurance covering loss by fire or explosion or both on the vehicle and the person delivers to the nearest State Police station at least 48 hours in advance of the planned destruction a written sworn statement certifying that the person is the lawful titleholder, that the vehicle is free of any encumbrances and that there is no insurance covering loss by fire or explosion or both on the vehicle.~~

~~\* \* \*~~

SECTION 2. SECTION 6105(C)(4) OF TITLE 18 IS AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

§ 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS.

\* \* \*

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

\* \* \*

(4) A PERSON WHO HAS BEEN ADJUDICATED AS AN INCOMPETENT OR WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL INSTITUTION FOR INPATIENT CARE AND TREATMENT UNDER SECTION 302, 303 OR 304 OF THE PROVISIONS OF THE ACT OF JULY 9, 1976 (P.L.817, NO.143), KNOWN AS THE MENTAL HEALTH PROCEDURES ACT. THIS PARAGRAPH SHALL NOT APPLY TO ANY PROCEEDING UNDER SECTION 302 OF THE MENTAL HEALTH PROCEDURES ACT UNLESS THE EXAMINING PHYSICIAN HAS ISSUED A CERTIFICATION THAT INPATIENT CARE WAS NECESSARY OR THAT THE PERSON WAS COMMITTABLE.

\* \* \*

(J) COPY OF ORDER TO STATE POLICE.--IF THE COURT GRANTS RELIEF FROM THE DISABILITIES IMPOSED UNDER THIS SECTION, A COPY

1 OF THE ORDER SHALL BE SENT BY THE PROTHONOTARY WITHIN TEN DAYS  
2 OF THE ENTRY OF THE ORDER TO THE PENNSYLVANIA STATE POLICE AND  
3 SHALL INCLUDE THE NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER  
4 OF THE INDIVIDUAL.

5 SECTION 3. SECTION 6109(E)(1)(XII) AND (I) OF TITLE 18 ARE  
6 AMENDED TO READ:

7 § 6109. LICENSES.

8 \* \* \*

9 (E) ISSUANCE OF LICENSE.--

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

17 \* \* \*

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

19 THIS SUBPARAGRAPH DOES NOT APPLY TO AN INDIVIDUAL WHOSE  
20 FUGITIVE STATUS IS BASED UPON NONMOVING OR MOVING SUMMARY  
21 OFFENSE UNDER TITLE 75 (RELATING TO VEHICLES).

22 \* \* \*

23 (I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED  
24 BY THE ISSUING AUTHORITY FOR GOOD CAUSE. A LICENSE TO CARRY  
25 FIREARMS SHALL BE REVOKED BY THE ISSUING AUTHORITY FOR ANY  
26 REASON STATED IN SUBSECTION (E)(1) WHICH OCCURS DURING THE TERM  
27 OF THE PERMIT. NOTICE OF REVOCATION SHALL BE IN WRITING AND  
28 SHALL STATE THE SPECIFIC REASON FOR REVOCATION. NOTICE SHALL BE  
29 SENT BY CERTIFIED MAIL, AND, AT THAT TIME, A COPY SHALL BE  
30 FORWARDED TO THE COMMISSIONER. AN INDIVIDUAL WHOSE LICENSE IS

1 REVOKED SHALL SURRENDER THE LICENSE TO THE ISSUING AUTHORITY  
2 WITHIN FIVE DAYS OF RECEIPT OF THE NOTICE. AN INDIVIDUAL WHOSE  
3 LICENSE IS REVOKED MAY APPEAL TO THE COURT OF COMMON PLEAS FOR  
4 THE JUDICIAL DISTRICT IN WHICH THE INDIVIDUAL RESIDES. AN  
5 INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE.

6 \* \* \*

7 SECTION 4. SECTION 6111(B)(1.1)(I), (1.4) AND (3) AND (G)(3)  
8 OF TITLE 18 ARE AMENDED AND SUBSECTIONS (B) AND (G) ARE AMENDED  
9 BY ADDING PARAGRAPHS TO READ:

10 § 6111. SALE OR TRANSFER OF FIREARMS.

11 \* \* \*

12 (B) DUTY OF SELLER.--NO LICENSED IMPORTER, LICENSED  
13 MANUFACTURER OR LICENSED DEALER SHALL SELL OR DELIVER ANY  
14 FIREARM TO ANOTHER PERSON, OTHER THAN A LICENSED IMPORTER,  
15 LICENSED MANUFACTURER, LICENSED DEALER OR LICENSED COLLECTOR,  
16 UNTIL THE CONDITIONS OF SUBSECTION (A) HAVE BEEN SATISFIED AND  
17 UNTIL HE HAS:

18 \* \* \*

19 (1.1) ON [AND AFTER THE EARLIER OF] THE DATE OF  
20 PUBLICATION IN THE PENNSYLVANIA BULLETIN OF A NOTICE BY THE  
21 PENNSYLVANIA STATE POLICE THAT THE INSTANTANEOUS RECORDS  
22 CHECK HAS BEEN IMPLEMENTED [OR THE DATE OF JULY 1, 1998], ALL  
23 OF THE FOLLOWING SHALL APPLY:

24 (I) [FOR] IN THE EVENT OF AN ELECTRONIC FAILURE  
25 UNDER SECTION 6111.1(B)(2) (RELATING TO PENNSYLVANIA  
26 STATE POLICE) FOR PURPOSES OF A FIREARM WHICH EXCEEDS THE  
27 BARREL AND RELATED LENGTHS SET FORTH IN SECTION 6102,  
28 OBTAINED A COMPLETED APPLICATION/RECORD OF SALE FROM THE  
29 POTENTIAL BUYER OR TRANSFEREE TO BE FILLED OUT IN  
30 TRIPLICATE, THE ORIGINAL COPY TO BE SENT TO THE

PENNSYLVANIA STATE POLICE, POSTMARKED VIA FIRST CLASS MAIL, WITHIN 14 DAYS OF SALE, ONE COPY TO BE RETAINED BY THE LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED DEALER FOR A PERIOD OF 20 YEARS AND ONE COPY TO BE PROVIDED TO THE PURCHASER OR TRANSFEREE.

\* \* \*

(1.4) [PRIOR TO JANUARY 1, 1997, AND FOLLOWING] FOLLOWING IMPLEMENTATION OF THE INSTANTANEOUS RECORDS CHECK BY THE PENNSYLVANIA STATE POLICE ON OR BEFORE [OCTOBER 11] DECEMBER 31, 1999, NO APPLICATION/RECORD OF SALE SHALL BE COMPLETED FOR THE PURCHASE OR TRANSFER OF A FIREARM WHICH EXCEEDS THE BARREL LENGTHS SET FORTH IN SECTION 6102. A STATEMENT SHALL BE SUBMITTED BY THE DEALER TO THE PENNSYLVANIA STATE POLICE, POSTMARKED VIA FIRST CLASS MAIL, WITHIN 14 DAYS OF THE SALE, CONTAINING THE NUMBER OF FIREARMS SOLD WHICH EXCEED THE BARREL AND RELATED LENGTHS SET FORTH IN SECTION 6102, THE AMOUNT OF SURCHARGE AND OTHER FEES REMITTED AND A LIST OF THE UNIQUE APPROVAL NUMBERS GIVEN PURSUANT TO PARAGRAPH (4), TOGETHER WITH A STATEMENT THAT THE BACKGROUND CHECKS HAVE BEEN PERFORMED ON THE FIREARMS CONTAINED IN THE STATEMENT. THE FORM OF THE STATEMENT RELATING TO PERFORMANCE OF BACKGROUND CHECKS SHALL BE PROMULGATED BY THE PENNSYLVANIA STATE POLICE.

\* \* \*

(3) REQUESTED BY MEANS OF A TELEPHONE CALL THAT THE PENNSYLVANIA STATE POLICE CONDUCT A CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY AND A MENTAL HEALTH RECORD CHECK. THE PURCHASER AND THE LICENSED DEALER SHALL PROVIDE SUCH INFORMATION AS IS NECESSARY TO ACCURATELY IDENTIFY THE PURCHASER. THE REQUESTER SHALL BE CHARGED A FEE EQUIVALENT TO

1 THE COST OF PROVIDING THE SERVICE BUT NOT TO EXCEED \$2 PER  
2 BUYER OR TRANSFEREE.

3 \* \* \*

4 (7) FOR PURPOSES OF THE ENFORCEMENT OF 18 U.S.C. §  
5 922(D)(9), (G)(1) AND (S)(1) (RELATING TO UNLAWFUL ACTS), IN  
6 THE EVENT THE CRIMINAL HISTORY OR JUVENILE DELINQUENCY  
7 BACKGROUND CHECK INDICATES A CONVICTION FOR A MISDEMEANOR  
8 THAT THE PENNSYLVANIA STATE POLICE CANNOT DETERMINE IS OR IS  
9 NOT RELATED TO AN ACT OF DOMESTIC VIOLENCE, THE PENNSYLVANIA  
10 STATE POLICE SHALL ISSUE A TEMPORARY DELAY OF THE APPROVAL OF  
11 THE PURCHASE OR TRANSFER. DURING THE TEMPORARY DELAY, THE  
12 PENNSYLVANIA STATE POLICE SHALL CONDUCT A REVIEW OR  
13 INVESTIGATION OF THE CONVICTION WITH COURTS, LOCAL POLICE  
14 DEPARTMENTS, DISTRICT ATTORNEYS AND OTHER LAW ENFORCEMENT OR  
15 RELATED INSTITUTIONS AS NECESSARY TO DETERMINE WHETHER OR NOT  
16 THE MISDEMEANOR CONVICTION INVOLVED AN ACT OF DOMESTIC  
17 VIOLENCE. THE PENNSYLVANIA STATE POLICE SHALL CONDUCT THE  
18 REVIEW OR INVESTIGATION AS EXPEDITIOUSLY AS POSSIBLE. NO  
19 FIREARM MAY BE TRANSFERRED BY THE DEALER TO THE PURCHASER WHO  
20 IS THE SUBJECT OF THE INVESTIGATION DURING THE TEMPORARY  
21 DELAY. THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE DEALER  
22 OF THE TERMINATION OF THE TEMPORARY DELAY AND EITHER DENY THE  
23 SALE OR PROVIDE THE UNIQUE APPROVAL NUMBER UNDER PARAGRAPH  
24 (4).

25 \* \* \*

26 (G) PENALTIES.--

27 \* \* \*

28 (3) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER  
29 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY REQUESTS  
30 A CRIMINAL HISTORY, JUVENILE DELINQUENCY OR MENTAL HEALTH



1 RECORD CHECK OR OTHER CONFIDENTIAL INFORMATION [PURSUANT TO  
2 SECTION 6109] FROM THE PENNSYLVANIA STATE POLICE [OR OTHER  
3 LAW ENFORCEMENT AGENCY] UNDER THIS CHAPTER FOR ANY PURPOSE  
4 OTHER THAN COMPLIANCE WITH THIS CHAPTER OR KNOWINGLY AND  
5 INTENTIONALLY DISSEMINATES ANY CRIMINAL HISTORY, JUVENILE  
6 DELINQUENCY OR MENTAL HEALTH RECORD OR OTHER CONFIDENTIAL  
7 INFORMATION [PURSUANT TO SECTION 6109] TO ANY PERSON OTHER  
8 THAN THE SUBJECT OF THE INFORMATION COMMITS A FELONY OF THE  
9 THIRD DEGREE.

10 (3.1) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER  
11 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY OBTAINS  
12 OR FURNISHES INFORMATION COLLECTED OR MAINTAINED PURSUANT TO  
13 SECTION 6109 FOR ANY PURPOSE OTHER THAN COMPLIANCE WITH THIS  
14 CHAPTER OR WHO KNOWINGLY OR INTENTIONALLY DISSEMINATES,  
15 PUBLISHES OR OTHERWISE MAKES AVAILABLE SUCH INFORMATION TO  
16 ANY PERSON OTHER THAN THE SUBJECT OF THE INFORMATION COMMITS  
17 A FELONY OF THE THIRD DEGREE.

18 \* \* \*

19 SECTION 5. SECTION 6111.1(B)(3) AND (E) OF TITLE 18 ARE  
20 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
21 READ:

22 § 6111.1. PENNSYLVANIA STATE POLICE.

23 \* \* \*

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

25 \* \* \*

26 (3) THE PENNSYLVANIA STATE POLICE SHALL FULLY COMPLY,  
27 EXECUTE AND ENFORCE THE DIRECTIVES OF THIS SECTION [WITHIN  
28 FOUR YEARS OF THE ENACTMENT OF THIS SUBSECTION.] AS FOLLOWS:

29 (I) THE INSTANTANEOUS BACKGROUND CHECK FOR FIREARMS  
30 AS DEFINED IN SECTION 6102 (RELATING TO DEFINITIONS)

1           SHALL BEGIN ON JULY 1, 1998.

2           (II) THE INSTANTANEOUS BACKGROUND CHECK FOR FIREARMS  
3           THAT EXCEED THE BARREL LENGTHS SET FORTH IN SECTION 6102  
4           SHALL BEGIN FOLLOWING NOTICE PUBLISHED IN THE  
5           PENNSYLVANIA BULLETIN ON THE DATE OF IMPLEMENTATION, BUT  
6           NO LATER THAN DECEMBER 31, 1999.

7           \* \* \*

8           (E) CHALLENGE TO RECORDS.--ANY PERSON WHO IS DENIED THE  
9           RIGHT TO RECEIVE, SELL, TRANSFER, POSSESS, CARRY, MANUFACTURE OR  
10          PURCHASE A FIREARM AS A RESULT OF THE PROCEDURES ESTABLISHED BY  
11          THIS SECTION MAY CHALLENGE THE ACCURACY OF THAT PERSON'S  
12          CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH  
13          RECORD [UNDER THE PROCEDURES OF CHAPTER 91 (RELATING TO CRIMINAL  
14          HISTORY RECORD INFORMATION).] PURSUANT TO A DENIAL BY THE  
15          INSTANTANEOUS RECORDS CHECK IN ACCORDANCE WITH PROCEDURES  
16          ESTABLISHED BY THE PENNSYLVANIA STATE POLICE. THE DECISION  
17          RESULTING FROM A CHALLENGE UNDER THIS SUBSECTION MAY BE APPEALED  
18          TO THE ATTORNEY GENERAL WITHIN 30 DAYS OF THE DECISION BY THE  
19          PENNSYLVANIA STATE POLICE. THE DECISION OF THE ATTORNEY GENERAL  
20          MAY BE APPEALED TO THE COMMONWEALTH COURT IN ACCORDANCE WITH  
21          COURT RULE.

22          \* \* \*

23          (J) IMMUNITY.--THE PENNSYLVANIA STATE POLICE AND ITS  
24          EMPLOYEES SHALL BE IMMUNE FROM ACTIONS FOR DAMAGES FOR THE USE  
25          OF A FIREARM BY A PURCHASER OR FOR THE UNLAWFUL TRANSFER OF A  
26          FIREARM BY A DEALER UNLESS THE ACT OF THE PENNSYLVANIA STATE  
27          POLICE OR ITS EMPLOYEES CONSTITUTES A CRIME, ACTUAL FRAUD,  
28          ACTUAL MALICE OR WILLFUL MISCONDUCT.

29          SECTION 6. SECTIONS 6111.3 HEADING AND (A), 6113(A)(5) AND  
30          (D) OF TITLE 18 ARE AMENDED TO READ:

1 § 6111.3. FIREARM [INSTANT] RECORDS CHECK FUND.

2 (A) ESTABLISHMENT.--THE FIREARM [OWNERSHIP] RECORDS CHECK  
3 FUND IS HEREBY ESTABLISHED AS A RESTRICTED ACCOUNT IN THE STATE  
4 TREASURY, SEPARATE AND APART FROM ALL OTHER PUBLIC MONEY OR  
5 FUNDS OF THE COMMONWEALTH, TO BE APPROPRIATED ANNUALLY BY THE  
6 GENERAL ASSEMBLY, FOR USE IN CARRYING OUT THE PROVISIONS OF  
7 SECTION 6111 (RELATING TO FIREARM OWNERSHIP). THE MONEYS IN THE  
8 FUND ON JUNE 1, 1998, ARE HEREBY APPROPRIATED TO THE  
9 PENNSYLVANIA STATE POLICE.

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 THREE  
15 YEARS FROM DATE OF ISSUE, PERMITTING THE LICENSEE TO SELL  
16 FIREARMS DIRECT TO THE CONSUMER, SUBJECT TO THE FOLLOWING  
17 CONDITIONS IN ADDITION TO THOSE SPECIFIED IN SECTION 6111  
18 (RELATING TO SALE OR TRANSFER OF FIREARMS), FOR BREACH OF ANY OF  
19 WHICH THE LICENSE SHALL BE FORFEITED AND THE LICENSEE SUBJECT TO  
20 PUNISHMENT AS PROVIDED IN THIS SUBCHAPTER:

21 \* \* \*

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

30 \* \* \*

(D) DEFINITIONS.--FOR THE PURPOSES OF THIS SECTION AND  
SECTION 6112 (RELATING TO RETAIL DEALER REQUIRED TO BE LICENSED)  
ONLY UNLESS OTHERWISE SPECIFICALLY PROVIDED, THE TERM "FIREARM"  
SHALL INCLUDE ANY WEAPON THAT IS DESIGNED TO OR MAY READILY BE  
CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE  
OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

Section ~~3~~ 7. Title 18 is amended by adding sections to read: <—

§ 7510. Municipal housing code avoidance.

(a) Offense defined.--A person commits the crime of  
municipal housing code avoidance if:

(1) the person has been convicted of a fourth or  
subsequent violation of the same subsection of a municipal  
housing code for the same property;

(2) the violation has been continual and uncorrected;

(3) the violation poses a threat to the public's health,  
safety or property; and

(4) no reasonable attempt has been made by the person to  
correct the violation.

(b) Grading.--Municipal housing code avoidance shall  
constitute a:

(1) Misdemeanor of the second degree when the offense is  
a fourth conviction of a violation of the same subsection  
under a municipal housing code relating to the same property.

(2) Misdemeanor of the first degree when the offense is  
based on five or more convictions of violations of the same  
subsection under a municipal housing code relating to the  
same property.

(c) Definition.--As used in this section, the term  
"municipal housing code" means any municipality's building,  
housing or property maintenance code or ordinance.

1 § 7511. Control of alarm devices and automatic dialing devices.

2 (a) Automatic dialing devices.--A person may not attach or  
3 use an automatic dialing device without doing all of the  
4 following:

5 (1) Providing the disclosure under subsection (b).

6 (2) Obtaining prior written approval from a public  
7 safety agency to use the automatic dialing device to alert  
8 the public safety agency of an alarm condition. The public  
9 safety agency shall not be responsible for any costs for the  
10 installation and maintenance of any dedicated telephone line  
11 or equipment associated with the alarm termination.

12 (b) Disclosure.--A person seeking approval under subsection  
13 (a) shall disclose the telephone number of a person to be  
14 contacted if the automatic dialing device is activated and all  
15 relevant facts concerning the design and layout of the premises  
16 to be protected by the automatic dialing device. The person  
17 shall inform the public safety agency of any change in the  
18 information required by this subsection as soon as practicable.

19 (c) False alarms prohibited.--

20 (1) A person that owns, uses or possesses an alarm  
21 device or automatic dialing device may not, after causing or  
22 permitting three false alarms to occur in a consecutive 12-  
23 month period, cause or permit a subsequent false alarm to  
24 occur in the same consecutive 12-month period. A person that  
25 violates this paragraph commits a summary offense and shall,  
26 upon conviction, be sentenced to pay a fine of NOT MORE THAN <—  
27 \$300.

28 (2) Venue for prosecution of an offense under this  
29 subsection shall lie at any of the following places:

30 (i) Where the alarm originated.

1           (ii) Where the alarm was received by the:

2                   (A) public service agency; or

3                   (B) third person designated to notify the public  
4                   service agency.

5           (3) ~~Disposition~~ NOTWITHSTANDING 42 PA.C.S. § 3733                   <—  
6           (RELATING TO DEPOSITS INTO ACCOUNT) OR ANY OTHER LAW, THE  
7           DISPOSITION of fines shall be as follows:

8                   (i) The fine shall be paid to the municipality if  
9                   all of the following apply:

10                   (A) The public safety agency which responded to  
11                   the false alarm serves the municipality.

12                   (B) The prosecution is initiated by the public  
13                   safety agency under clause (A) or by the  
14                   municipality.

15                   ~~(C) The offense is prosecuted by the appropriate~~                   <—  
16                   district attorney.

17                   (ii) The FULL AMOUNT OF THE fine shall be paid to                   <—  
18                   the Commonwealth if all of the following apply:

19                   (A) The Pennsylvania State Police is the public  
20                   safety agency which responded to the false alarm.

21                   (B) The prosecution is initiated by the  
22                   Pennsylvania State Police.

23                   ~~(C) The offense is prosecuted by the Attorney~~                   <—  
24                   General.

25                   ~~(D)~~ (C) There is no prosecution under                   <—  
26                   subparagraph (i).

27           (d) Suspension or revocation of approval.--The public safety  
28           agency may refuse, revoke or suspend the approval granted under  
29           subsection (a) if the public safety agency determines any of the  
30           following:

1       (1) The request for approval contains a statement of  
2       material of fact which is false.

3       (2) The person failed to comply with this section.

4       (3) The person violated subsection (c).

5       (e) Local regulation of installers.--

6       (1) General rule.--Except as set forth in paragraph (2),  
7       nothing in this section shall prohibit a municipality from  
8       requiring any individual who installs alarms in such  
9       municipality to acquire a license, meet educational  
10       requirements or pass an examination relating to competence to  
11       perform such installations. Nothing in this section shall  
12       preclude municipalities from doing any of the following:

13           (i) Denying or revoking local permits for failure to  
14           comply with local ordinances.

15           (ii) Levying lawful taxes and fees.

16           (iii) Requiring the purchase of a business privilege  
17           license.

18       (2) Limitation.--A municipality may not require a  
19       licensed electrical contractor to acquire a separate or  
20       additional license or certification to install alarms if the  
21       electrical contractor is licensed by the municipality and has  
22       passed an examination in the National Electrical Code, a  
23       similar code or local electrical code and has at least two  
24       years' experience as an electrical contractor.

25       (f) Definitions.--As used in this section, the following  
26       words and phrases shall have the meanings given to them in this  
27       subsection:

28       "Alarm." A communication to a public safety agency  
29       indicating that a crime, fire or other emergency warranting  
30       immediate action by that public safety agency has occurred or is

1 occurring.

2 "Alarm device." A device designed to automatically transmit  
3 an alarm:

4 (1) directly to a public safety agency; or

5 (2) to a person that is instructed to notify the public  
6 safety agency of the alarm.

7 "Automatic dialing device." A device which is interconnected  
8 to a telephone line and preprogrammed to transmit the coded  
9 signal of an alarm to a dedicated telephone trunk line or to  
10 dial a predetermined telephone number to an alarm to a public  
11 safety agency.

12 "Dedicated telephone trunk line." A telephone line or lines  
13 which serves a public safety agency which is dedicated to  
14 receiving transmissions from an automatic dialing device.

15 "False alarm." The activation of an alarm device to which a  
16 public safety agency responds when a crime, fire or other  
17 emergency has not occurred.

18 "Person." An individual, corporation, partnership,  
19 incorporated association or other similar entity.

20 "Public safety agency." The Pennsylvania State Police or any  
21 municipal police or fire department.

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

23 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

24 (1) THE AMENDMENT OR ADDITION OF 18 PA.C.S. §§  
25 2713(D)(2), 7510 AND 7511 SHALL TAKE EFFECT IN 60 DAYS.

26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
27 IMMEDIATELY.