

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1029 Session of
2007

INTRODUCED BY R. STEVENSON, METCALFE, BAKER, BELFANTI, BOYD,
BROOKS, CAPPELLI, CAUSER, CLYMER, CREIGHTON, CUTLER, DALEY,
DENLINGER, J. EVANS, EVERETT, GEIST, HALUSKA, HENNESSEY,
HESS, HUTCHINSON, KORTZ, KOTIK, LONGIETTI, McILHATTAN,
MILLARD, R. MILLER, PETRARCA, PICKETT, PYLE, RAPP, ROAE,
SOLOBAY, SONNEY, STERN AND SURRA, APRIL 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for sale or transfer
3 of firearms.

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

6 Section 1. Section 6111(a), (b) introductory paragraph and
7 (1.1) and (f)(3) and (4) of Title 18 of the Pennsylvania
8 Consolidated Statutes are amended to read:

9 § 6111. Sale or transfer of firearms.

10 (a) [Time and manner] Manner of delivery.--

11 [(1) Except as provided in paragraph (2), no seller
12 shall deliver a firearm to the purchaser or transferee
13 thereof until 48 hours shall have elapsed from the time of
14 the application for the purchase thereof, and, when
15 delivered, the firearm shall be securely wrapped and shall be
16 unloaded.

1 (2) Thirty days after publication in the Pennsylvania
2 Bulletin that the Instantaneous Criminal History Records
3 Check System has been established in accordance with the
4 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
5 U.S.C. § 921 et seq.), no] No seller shall deliver a firearm
6 to the purchaser thereof until the provisions of this section
7 have been satisfied, and, when delivered, the firearm shall
8 be securely wrapped and shall be unloaded.

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

15 * * *

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

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

1 provided to the purchaser or transferee.

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

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

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

19 (v) Unless it has been discovered pursuant to a
20 criminal history, juvenile delinquency and mental health
21 records background check that the potential purchaser or
22 transferee is prohibited from possessing a firearm
23 pursuant to section 6105 (relating to persons not to
24 possess, use, manufacture, control, sell or transfer
25 firearms), no information on the application/record of
26 sale provided pursuant to this subsection shall be
27 retained as precluded by section 6111.4 (relating to
28 registration of firearms) by the Pennsylvania State
29 Police either through retention of the application/record
30 of sale or by entering the information onto a computer,

1 and, further, an application/record of sale received by
2 the Pennsylvania State Police pursuant to this subsection
3 shall be destroyed within 72 hours of the completion of
4 the criminal history, juvenile delinquency and mental
5 health records background check.

6 * * *

7 (f) Application of section.--

8 * * *

9 (3) The provisions contained in [subsection (a)]
10 subsections (a) and (b)(1.1), (3), (4), (5), (6) and (7)
11 shall not apply to any law enforcement officer whose current
12 identification as a law enforcement officer shall be
13 construed as a valid license to carry a firearm or any person
14 who possesses a valid license to carry a firearm under
15 section 6109 (relating to licenses).

16 [(4) (i) The provisions of subsection (a) shall not
17 apply to any person who presents to the seller or
18 transferor a written statement issued by the official
19 described in subparagraph (iii) during the ten-day period
20 ending on the date of the most recent proposal of such
21 transfer or sale by the transferee or purchaser stating
22 that the transferee or purchaser requires access to a
23 firearm because of a threat to the life of the transferee
24 or purchaser or any member of the household of that
25 transferee or purchaser.

26 (ii) The issuing official shall notify the
27 applicant's local police authority that such a statement
28 has been issued. In counties of the first class the chief
29 of police shall notify the police station or substation
30 closest to the applicant's residence.

1 (iii) The statement issued under subparagraph (ii)
2 shall be issued by the district attorney, or his
3 designee, of the county of residence if the transferee or
4 purchaser resides in a municipality where there is no
5 chief of police. Otherwise, the statement shall be issued
6 by the chief of police in the municipality in which the
7 purchaser or transferee resides.]

8 * * *

9 Section 2. This act shall take effect in 60 days.