

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1160 Session of
2007

INTRODUCED BY METCALFE, BASTIAN, COX, EVERETT, GERGELY, GRELL,
M. KELLER, KORTZ, MOUL, MUSTIO, PETRARCA, PYLE, RAPP, ROAE,
ROHRER, R. STEVENSON AND CAUSER, APRIL 25, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for licenses for
3 carrying a firearm.

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

6 Section 1. Section 6109 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:

8 § 6109. Licenses.

9 * * *

10 (m.1) Temporary emergency licenses.--

11 (1) A person seeking a temporary emergency license to
12 carry a concealed firearm shall submit to the sheriff of the
13 county in which the person resides all of the following:

14 (i) Evidence of imminent danger to the person or
15 member of the person's family.

16 (ii) A sworn affidavit that contains the information
17 required on an application for a license to carry a
18 firearm and attesting that the person is 21 years of age

1 or older, is not prohibited from owning firearms under
2 section 6105 (relating to persons not to possess, use,
3 manufacture, control, sell or transfer firearms) or any
4 other Federal or State law and is not currently subject
5 to a protection from abuse order or a protection order
6 issued by a court of another state.

7 (iii) A temporary emergency license fee established
8 by the Commissioner of the Pennsylvania State Police for
9 an amount that does not exceed the actual cost of
10 conducting the criminal background check or \$10,
11 whichever is less.

12 (2) Upon receipt of the items required under paragraph
13 (1), the sheriff immediately shall conduct a criminal
14 history, juvenile delinquency and mental health record check
15 of the applicant. Immediately upon receipt of the results of
16 the records check, the sheriff shall review the information
17 and shall determine whether the applicant meets the criteria
18 set forth in this section. If the sheriff determines, to the
19 best of the sheriff's ability, that the applicant has met all
20 of the criteria, the sheriff shall immediately issue the
21 applicant a temporary emergency license to carry a concealed
22 firearm.

23 (3) If the sheriff refuses to issue a temporary
24 emergency license, the sheriff shall specify the grounds for
25 the denial in a written notice to the applicant. The
26 applicant may appeal the denial or challenge criminal records
27 check results that were the basis of the denial, if
28 applicable, in the same manner as a denial of a license to
29 carry a firearm under this section.

30 (4) A temporary emergency license issued under this

1 subsection shall be valid for 90 days and may not be renewed.

2 A person who has been issued a temporary emergency license
3 under this subsection shall not be issued another temporary
4 emergency license unless at least four years have expired
5 since the issuance of the prior temporary emergency license.

6 (5) A person who holds a temporary emergency license to
7 carry a firearm shall have the same rights to carry a firearm
8 as a person issued a license to carry a firearm under this
9 section. A licensee under this subsection shall be subject to
10 all other duties, restrictions and penalties under this
11 section.

12 (6) A sheriff who issues a temporary emergency license
13 to carry a firearm shall retain, for the entire period during
14 which the temporary emergency license is in effect, the
15 evidence of imminent danger that the applicant submitted to
16 the sheriff that was the basis for the license, or a copy of
17 the evidence, as appropriate.

18 (7) The application for a temporary emergency license to
19 carry a firearm shall be uniform throughout this Commonwealth
20 and shall be on a form prescribed by the Pennsylvania State
21 Police.

22 (8) As used in this subsection, the term "evidence of
23 imminent danger" means a written document prepared by a
24 governmental entity or public official describing the facts
25 that give a person reasonable cause to fear a criminal attack
26 upon the person or a member of the person's family that would
27 justify a prudent person to carry a firearm. Written
28 documents of this nature include, but are not limited to, any
29 temporary or final protection from abuse order or protection
30 order issued by another state.

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