

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1744 Session of  
2007

INTRODUCED BY CALTAGIRONE, BLACKWELL, DONATUCCI, FRANKEL,  
GODSHALL, HARPER, JAMES, JOSEPHS, KOTIK, MANDERINO, MCGEEHAN,  
MURT, MYERS, M. O'BRIEN, PAYTON, SIPTROTH, STEIL, STURLA,  
J. TAYLOR, THOMAS, WALKO AND YOUNGBLOOD, JULY 13, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JULY 13, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for grading of theft  
3 offenses and for sale or transfer of firearms; providing for  
4 limits on lending or transferring a handgun, for a study by  
5 the Joint State Government Commission and for additional  
6 authority for the Office of Attorney General; and making an  
7 appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Sections 3903(a)(3) and 6111(b)(5) of Title 18 of  
11 the Pennsylvania Consolidated Statutes are amended to read:

12 § 3903. Grading of theft offenses.

13 (a) Felony of the second degree.--Theft constitutes a felony  
14 of the second degree if:

15 \* \* \*

16 [(3) In the case of theft by receiving stolen property,  
17 the property received, retained or disposed of is a firearm  
18 and the receiver is in the business of buying or selling  
19 stolen property].

1           \* \* \*

2   § 6111. Sale or transfer of firearms.

3           \* \* \*

4       (b) Duty of seller.--No licensed importer, licensed  
5 manufacturer or licensed dealer shall sell or deliver any  
6 firearm to another person, other than a licensed importer,  
7 licensed manufacturer, licensed dealer or licensed collector,  
8 until the conditions of subsection (a) have been satisfied and  
9 until he has:

10           \* \* \*

11       (5) (i) Issued a receipt containing the information  
12 from paragraph (4), including the unique approval number  
13 of the purchaser. This receipt shall be prima facie  
14 evidence of the purchaser's or transferee's compliance  
15 with the provisions of this section.

16           (ii) Provided to the buyer of a firearm, as defined  
17 in section 6102, a copy of the notice provided for in  
18 section 6111.6 (relating to notice of limits on lending  
19 or transferring a handgun).

20           \* \* \*

21       Section 2. Title 18 is amended by adding sections to read:

22   § 6111.6. Notice of limits on lending or transferring a  
23 handgun.

24       Each purchaser of a firearm, as defined in § 6102 (relating  
25 to definitions), shall receive a copy of a notice, to be  
26 promulgated by the Pennsylvania State Police, containing the  
27 following information:

28                   Notice of Limits on Lending  
29                   or Transferring a Handgun

30       As the owner of a handgun, you must comply with certain

1 legal obligations and restrictions. You may not lend or give  
2 the handgun to any person, except as provided in 18 Pa.C.S. §  
3 6115(b) (relating to rules and regulations). A violation of  
4 this provision is a crime punishable by five years  
5 imprisonment and a \$10,000 fine. You may not sell or transfer  
6 the handgun to another person unless the sale or transfer  
7 occurs at a licensed dealer or the office of the county  
8 sheriff, as provided in 18 Pa.C.S. § 6111(c) (relating to  
9 sale or transfer of firearms). A violation of this provision  
10 is a crime, punishable by two years imprisonment and a \$5,000  
11 fine. If the person to whom you sell or transfer the handgun  
12 is ineligible to possess a handgun, the penalty is seven  
13 years imprisonment and a \$15,000 fine.

14 § 6111.7. Study by Joint State Government Commission.

15 The Joint State Government Commission shall conduct a  
16 continuing study for the purpose of evaluating the extent, if  
17 any, to which multiple purchases of firearms, as defined in  
18 section 6102 (relating to definitions), by any individual during  
19 the period of the study are a contributing factor to the use of  
20 firearms in criminal activity. Beginning on the effective date  
21 of this section and ending three years from the effective date  
22 of this section, the Pennsylvania State Police shall provide to  
23 the commission such information as is necessary to conduct the  
24 study. The commission may contract with such persons as  
25 appropriate for the purposes of carrying out the study. The  
26 commission shall issue a final report on the study within three  
27 years and six months after the effective date of this section.  
28 The commission may issue interim reports as it deems  
29 appropriate. No identifying information obtained by the  
30 commission may be publicly released by the commission or any

other person in the reports or in any other manner. The commission shall make information which it compiles on multiple firearms purchases available to the Office of Attorney General for law enforcement purposes. The Office of Attorney General or any other law enforcement agency which receives such information shall treat the information as intelligence information subject to the provisions of Chapter 91 (relating to criminal history record information).

§ 6127. Office of Attorney General.

(a) Authority.--In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this chapter. No person charged with a violation of this chapter by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(b) Record examination.--The Attorney General may inspect or examine the inventory and records of a licensed importer, licensed manufacturer or licensed dealer without reasonable cause or warrant:

(1) in the course of a reasonable inquiry during the course of a criminal investigation of a person or persons other than the licensee;

(2) for ensuring compliance with the recordkeeping requirements of this chapter:

(i) not more than once during any 12-month period;

1           or

2                   (ii) at any time with respect to records relating to  
3           a firearm involved in a criminal investigation that is  
4           traced to the licensee; or

5           (3) when such inspection or examination may be required  
6           for determining the disposition of one or more particular  
7           firearms in the course of a bona fide criminal investigation.

8           (c) Authority of law enforcement officers.--Nothing in this  
9           section shall limit or abrogate any existing authority of any  
10          law enforcement officer to investigate or arrest for any  
11          violation of law, or obtain or execute any search warrant,  
12          subpoena or other legal process.

13          Section 3. The sum of \$300,000 is hereby appropriated to the  
14          Joint State Government Commission for the purposes of conducting  
15          the study provided for in 18 Pa.C.S. § 6111.7.

16          Section 4. 18 Pa.C.S. § 6127 shall expire three years after  
17          the effective date of this act.

18          Section 5. This act shall take effect in six months.