

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1845 Session of 2007

INTRODUCED BY SABATINA, BLACKWELL, BRENNAN, CRUZ, JAMES, JOSEPHS, W. KELLER, KENNEY, KIRKLAND, MELIO, MURT, M. O'BRIEN, PAYTON, ROEBUCK, SIPTROTH, K. SMITH, SWANGER, R. TAYLOR, THOMAS, WATERS, YOUNGBLOOD, GERBER, HARPER AND HARHAI, SEPTEMBER 27, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 1, 2008

AN ACT

1 Amending ~~Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—  
2 ~~Consolidated Statutes, further providing for possession of~~  
3 ~~firearm with altered manufacturer's number and for altering~~  
4 ~~or obliterating marks of identification.~~ TITLES 18 (CRIMES <—  
5 AND OFFENSES) AND 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF  
6 THE PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR  
7 FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES; IN FIREARMS,  
8 FURTHER PROVIDING FOR INELIGIBILITY FOR POSSESSION OR  
9 DEALING, FOR REQUIRED LICENSURE, FOR EMERGENCY PROHIBITIONS,  
10 FOR LICENSES, FOR POSSESSION WITH ALTERED MANUFACTURER'S  
11 NUMBER, FOR SALE OR TRANSFER, FOR THE PENNSYLVANIA STATE  
12 POLICE AND FOR REGISTRATION; FURTHER PROVIDING FOR LIMITATION  
13 OF ACTIONS; AND ABROGATING A REGULATION.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 ~~Section 1. Sections 6110.2 and 6117 of Title 18 of the~~ <—  
17 ~~Pennsylvania Consolidated Statutes are amended to read:~~

18 SECTION 1. SECTIONS 4906(C) AND 6105(B) OF TITLE 18 OF THE <—  
19 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

20 § 4906. FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES.

21 \* \* \*

1 (C) GRADING.--

2 (1) IF THE VIOLATION OF SUBSECTION (A) OR (B) OCCURS  
3 DURING A DECLARED STATE OF EMERGENCY AND THE FALSE REPORT  
4 CAUSES THE RESOURCES OF THE LAW ENFORCEMENT AUTHORITY TO BE  
5 DIVERTED FROM DEALING WITH THE DECLARED STATE OF EMERGENCY,  
6 THE OFFENSE SHALL BE GRADED ONE STEP GREATER THAN THAT SET  
7 FORTH IN THE APPLICABLE SUBSECTION.

8 (2) IF THE VIOLATION OF SUBSECTION (A) OR (B) RELATES TO  
9 A FALSE REPORT OF THE THEFT OR LOSS OF A FIREARM, AS DEFINED  
10 IN SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY  
11 TRAINING), THE OFFENSE SHALL BE GRADED ONE STEP GREATER THAN  
12 THAT SET FORTH IN THE APPLICABLE SUBSECTION.

13 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL  
14 OR TRANSFER FIREARMS.

15 \* \* \*

16 (B) ENUMERATED OFFENSES.--THE FOLLOWING OFFENSES SHALL APPLY  
17 TO SUBSECTION (A):

18 SECTION 908 (RELATING TO PROHIBITED OFFENSIVE WEAPONS).

19 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

20 SECTION 912 (RELATING TO POSSESSION OF WEAPON ON SCHOOL  
21 PROPERTY).

22 SECTION 2502 (RELATING TO MURDER).

23 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

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

26 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

27 SECTION 2703 (RELATING TO ASSAULT BY PRISONER).

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

29 SECTION 2709.1 (RELATING TO STALKING).

30 SECTION 2716 (RELATING TO WEAPONS OF MASS DESTRUCTION).

1 SECTION 2901 (RELATING TO KIDNAPPING).

2 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

3 SECTION 2910 (RELATING TO LURING A CHILD INTO A MOTOR  
4 VEHICLE OR STRUCTURE).

5 SECTION 3121 (RELATING TO RAPE).

6 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
7 INTERCOURSE).

8 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

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

10 SECTION 3302 (RELATING TO CAUSING OR RISKING  
11 CATASTROPHE).

12 SECTION 3502 (RELATING TO BURGLARY).

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

15 SECTION 3701 (RELATING TO ROBBERY).

16 SECTION 3702 (RELATING TO ROBBERY OF MOTOR VEHICLE).

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

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

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

23 SECTION 4906 (RELATING TO FALSE REPORTS TO LAW  
24 ENFORCEMENT AUTHORITIES) IF THE FICTITIOUS REPORT INVOLVED  
25 THE THEFT OF A FIREARM AS PROVIDED IN SECTION 4906(C)(2).

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

28 SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES OR  
29 VICTIMS).

30 SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS

1 [OR] VICTIM OR PARTY).

2 SECTION 5121 (RELATING TO ESCAPE).

3 SECTION 5122 (RELATING TO WEAPONS OR IMPLEMENTS FOR  
4 ESCAPE).

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

6 SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY  
7 TRAINING).

8 SECTION 5516 (RELATING TO FACSIMILE WEAPONS OF MASS  
9 DESTRUCTION).

10 SECTION 6110.1 (RELATING TO POSSESSION OF FIREARM BY  
11 MINOR).

12 SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

13 SECTION 6302 (RELATING TO SALE OR LEASE OF WEAPONS AND  
14 EXPLOSIVES).

15 ANY OFFENSE EQUIVALENT TO ANY OF THE ABOVE-ENUMERATED  
16 OFFENSES UNDER THE PRIOR LAWS OF THIS COMMONWEALTH OR ANY  
17 OFFENSE EQUIVALENT TO ANY OF THE ABOVE-ENUMERATED OFFENSES  
18 UNDER THE STATUTES OF ANY OTHER STATE OR OF THE UNITED  
19 STATES.

20 \* \* \*

21 SECTION 2. SECTION 6106(B) OF TITLE 18 IS AMENDED BY ADDING  
22 A PARAGRAPH TO READ:

23 § 6106. FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE.

24 \* \* \*

25 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT  
26 APPLY TO:

27 \* \* \*

28 (16) ANY PERSON HOLDING A LICENSE IN ACCORDANCE WITH  
29 SECTION 6109(F)(3).

30 \* \* \*

1 SECTION 3. SECTION 6107 OF TITLE 18 IS AMENDED TO READ:

2 § 6107. PROHIBITED CONDUCT DURING EMERGENCY.

3 (A) GENERAL RULE.--NO PERSON SHALL CARRY A FIREARM[ , RIFLE  
4 OR SHOTGUN] UPON THE PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY  
5 DURING AN EMERGENCY PROCLAIMED BY A STATE OR MUNICIPAL  
6 GOVERNMENTAL EXECUTIVE UNLESS THAT PERSON IS:

7 (1) ACTIVELY ENGAGED IN A DEFENSE OF THAT PERSON'S LIFE  
8 OR PROPERTY FROM PERIL OR THREAT.

9 (2) LICENSED TO CARRY FIREARMS UNDER SECTION 6109  
10 (RELATING TO LICENSES) OR IS EXEMPT FROM LICENSING UNDER  
11 SECTION 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED  
12 WITHOUT A LICENSE).

13 (B) SEIZURE, TAKING AND CONFISCATION.--EXCEPT AS OTHERWISE  
14 PROVIDED UNDER SUBSECTION (A) AND NOTWITHSTANDING THE PROVISIONS  
15 OF 35 PA.C.S. CH. 73 (RELATING TO COMMONWEALTH SERVICES) OR ANY  
16 OTHER PROVISION OF LAW TO THE CONTRARY, NO FIREARM, ACCESSORY OR  
17 AMMUNITION MAY BE SEIZED, TAKEN OR CONFISCATED DURING AN  
18 EMERGENCY UNLESS THE SEIZURE, TAKING OR CONFISCATION WOULD BE  
19 AUTHORIZED ABSENT THE EMERGENCY.

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

23 "ACCESSORY." ANY SCOPE, SIGHT, BIPOD, SLING, LIGHT,  
24 MAGAZINE, CLIP OR OTHER RELATED ITEM THAT IS ATTACHED TO OR  
25 NECESSARY FOR THE OPERATION OF A FIREARM.

26 "FIREARM." THE TERM INCLUDES ANY WEAPON THAT IS DESIGNED TO  
27 OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE  
28 ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY WEAPON.

29 SECTION 4. SECTION 6109(F)(1) OF TITLE 18 IS AMENDED, THE  
30 SUBSECTION IS AMENDED BY ADDING PARAGRAPHS AND THE SECTION IS

1 AMENDED BY ADDING SUBSECTIONS TO READ:

2 § 6109. LICENSES.

3 \* \* \*

4 (F) TERM OF LICENSE.--

5 (1) A LICENSE TO CARRY A FIREARM ISSUED UNDER SUBSECTION  
6 (E) SHALL BE VALID THROUGHOUT THIS COMMONWEALTH FOR A PERIOD  
7 OF FIVE YEARS UNLESS EXTENDED UNDER PARAGRAPH (3) OR SOONER  
8 REVOKED.

9 \* \* \*

10 (3) NOTWITHSTANDING PARAGRAPH (1) OR ANY OTHER PROVISION  
11 OF LAW TO THE CONTRARY, A LICENSE TO CARRY A FIREARM THAT IS  
12 HELD BY A MEMBER OF THE UNITED STATES ARMED FORCES OR THE  
13 PENNSYLVANIA NATIONAL GUARD ON FEDERAL ACTIVE DUTY AND  
14 DEPLOYED OVERSEAS THAT IS SCHEDULED TO EXPIRE DURING THE  
15 PERIOD OF DEPLOYMENT SHALL BE EXTENDED UNTIL 90 DAYS AFTER  
16 THE END OF THE DEPLOYMENT.

17 (4) POSSESSION OF A LICENSE, TOGETHER WITH A COPY OF THE  
18 PERSON'S MILITARY ORDERS SHOWING THE DATES OF OVERSEAS  
19 DEPLOYMENT, INCLUDING THE DATE THAT THE OVERSEAS DEPLOYMENT  
20 ENDS, SHALL CONSTITUTE, DURING THE EXTENSION PERIOD SPECIFIED  
21 IN PARAGRAPH (3), A DEFENSE TO ANY CHARGE FILED PURSUANT TO  
22 SECTION 6106 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT  
23 A LICENSE) OR 6108 (RELATING TO CARRYING FIREARMS ON PUBLIC  
24 STREETS OR PUBLIC PROPERTY IN PHILADELPHIA).

25 \* \* \*

26 (M.1) TEMPORARY EMERGENCY LICENSES.--

27 (1) A PERSON SEEKING A TEMPORARY EMERGENCY LICENSE TO  
28 CARRY A CONCEALED FIREARM SHALL SUBMIT TO THE SHERIFF OF THE  
29 COUNTY IN WHICH THE PERSON RESIDES ALL OF THE FOLLOWING:

30 (I) EVIDENCE OF IMMINENT DANGER TO THE PERSON OR

1           MEMBER OF THE PERSON'S FAMILY.

2           (II) A SWORN AFFIDAVIT THAT CONTAINS THE INFORMATION  
3           REQUIRED ON AN APPLICATION FOR A LICENSE TO CARRY A  
4           FIREARM AND ATTESTING THAT THE PERSON IS 21 YEARS OF AGE  
5           OR OLDER, IS NOT PROHIBITED FROM OWNING FIREARMS UNDER  
6           SECTION 6105 (RELATING TO PERSONS NOT TO POSSESS, USE,  
7           MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS) OR ANY  
8           OTHER FEDERAL OR STATE LAW AND IS NOT CURRENTLY SUBJECT  
9           TO A PROTECTION FROM ABUSE ORDER OR A PROTECTION ORDER  
10           ISSUED BY A COURT OF ANOTHER STATE.

11           (III) A TEMPORARY EMERGENCY LICENSE FEE ESTABLISHED  
12           BY THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE FOR  
13           AN AMOUNT THAT DOES NOT EXCEED THE ACTUAL COST OF  
14           CONDUCTING THE CRIMINAL BACKGROUND CHECK OR \$10,  
15           WHICHEVER IS LESS.

16           (2) UPON RECEIPT OF THE ITEMS REQUIRED UNDER PARAGRAPH  
17           (1), THE SHERIFF IMMEDIATELY SHALL CONDUCT A CRIMINAL  
18           HISTORY, JUVENILE DELINQUENCY AND MENTAL HEALTH RECORD CHECK  
19           OF THE APPLICANT. IMMEDIATELY UPON RECEIPT OF THE RESULTS OF  
20           THE RECORDS CHECK, THE SHERIFF SHALL REVIEW THE INFORMATION  
21           AND SHALL DETERMINE WHETHER THE APPLICANT MEETS THE CRITERIA  
22           SET FORTH IN THIS SECTION. IF THE SHERIFF DETERMINES, TO THE  
23           BEST OF THE SHERIFF'S ABILITY, THAT THE APPLICANT HAS MET ALL  
24           OF THE CRITERIA, THE SHERIFF SHALL IMMEDIATELY ISSUE THE  
25           APPLICANT A TEMPORARY EMERGENCY LICENSE TO CARRY A CONCEALED  
26           FIREARM.

27           (3) IF THE SHERIFF REFUSES TO ISSUE A TEMPORARY  
28           EMERGENCY LICENSE, THE SHERIFF SHALL SPECIFY THE GROUNDS FOR  
29           THE DENIAL IN A WRITTEN NOTICE TO THE APPLICANT. THE  
30           APPLICANT MAY APPEAL THE DENIAL OR CHALLENGE CRIMINAL RECORDS

1 CHECK RESULTS THAT WERE THE BASIS OF THE DENIAL, IF  
2 APPLICABLE, IN THE SAME MANNER AS A DENIAL OF A LICENSE TO  
3 CARRY A FIREARM UNDER THIS SECTION.

4 (4) A TEMPORARY EMERGENCY LICENSE ISSUED UNDER THIS  
5 SUBSECTION SHALL BE VALID FOR 90 DAYS AND MAY NOT BE RENEWED.  
6 A PERSON WHO HAS BEEN ISSUED A TEMPORARY EMERGENCY LICENSE  
7 UNDER THIS SUBSECTION SHALL NOT BE ISSUED ANOTHER TEMPORARY  
8 EMERGENCY LICENSE UNLESS AT LEAST FOUR YEARS HAVE EXPIRED  
9 SINCE THE ISSUANCE OF THE PRIOR TEMPORARY EMERGENCY LICENSE.

10 (5) A PERSON WHO HOLDS A TEMPORARY EMERGENCY LICENSE TO  
11 CARRY A FIREARM SHALL HAVE THE SAME RIGHTS TO CARRY A FIREARM  
12 AS A PERSON ISSUED A LICENSE TO CARRY A FIREARM UNDER THIS  
13 SECTION. A LICENSEE UNDER THIS SUBSECTION SHALL BE SUBJECT TO  
14 ALL OTHER DUTIES, RESTRICTIONS AND PENALTIES UNDER THIS  
15 SECTION.

16 (6) A SHERIFF WHO ISSUES A TEMPORARY EMERGENCY LICENSE  
17 TO CARRY A FIREARM SHALL RETAIN, FOR THE ENTIRE PERIOD DURING  
18 WHICH THE TEMPORARY EMERGENCY LICENSE IS IN EFFECT, THE  
19 EVIDENCE OF IMMINENT DANGER THAT THE APPLICANT SUBMITTED TO  
20 THE SHERIFF THAT WAS THE BASIS FOR THE LICENSE, OR A COPY OF  
21 THE EVIDENCE, AS APPROPRIATE.

22 (7) THE APPLICATION FOR A TEMPORARY EMERGENCY LICENSE TO  
23 CARRY A FIREARM SHALL BE UNIFORM THROUGHOUT THIS COMMONWEALTH  
24 AND SHALL BE ON A FORM PRESCRIBED BY THE PENNSYLVANIA STATE  
25 POLICE.

26 (8) AS USED IN THIS SUBSECTION, THE TERM "EVIDENCE OF  
27 IMMINENT DANGER" MEANS A WRITTEN DOCUMENT PREPARED BY A  
28 GOVERNMENTAL ENTITY OR PUBLIC OFFICIAL DESCRIBING THE FACTS  
29 THAT GIVE A PERSON REASONABLE CAUSE TO FEAR A CRIMINAL ATTACK  
30 UPON THE PERSON OR A MEMBER OF THE PERSON'S FAMILY THAT WOULD



1 JUSTIFY A PRUDENT PERSON TO CARRY A FIREARM. WRITTEN  
2 DOCUMENTS OF THIS NATURE INCLUDE, BUT ARE NOT LIMITED TO, ANY  
3 TEMPORARY OR FINAL PROTECTION FROM ABUSE ORDER OR PROTECTION  
4 ORDER ISSUED BY ANOTHER STATE.

5 (M.2) INCONSISTENT PROVISIONS.--NOTWITHSTANDING THE  
6 PROVISIONS OF SECTION 7506 (RELATING TO VIOLATION OF RULES  
7 REGARDING CONDUCT ON COMMONWEALTH PROPERTY), 75 PA.C.S. § 7727  
8 (RELATING TO ADDITIONAL LIMITATIONS ON OPERATION), OR THE ACT OF  
9 JUNE 28, 1995 (P.L.89, NO.18), KNOWN AS THE CONSERVATION AND  
10 NATURAL RESOURCES ACT, AND REGULATIONS PROMULGATED UNDER THAT  
11 ACT, A FIREARM MAY BE CARRIED AS PROVIDED IN SUBSECTION (A) BY:

12 (1) A LAW ENFORCEMENT OFFICER WHOSE CURRENT  
13 IDENTIFICATION AS A LAW ENFORCEMENT OFFICER SHALL BE  
14 CONSTRUED AS A VALID LICENSE TO CARRY A FIREARM; OR

15 (2) ANY LICENSEE.

16 (M.3) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE  
17 CONSTRUED TO:

18 (1) PERMIT THE HUNTING OR HARVESTING OF ANY WILDLIFE  
19 WITH A FIREARM OR AMMUNITION NOT OTHERWISE PERMITTED BY 34  
20 PA.C.S. (RELATING TO GAME).

21 (2) AUTHORIZE ANY COMMONWEALTH AGENCY TO REGULATE THE  
22 POSSESSION OF FIREARMS IN ANY MANNER INCONSISTENT WITH THE  
23 PROVISIONS OF THIS TITLE.

24 SECTION 5. SECTIONS 6110.2 AND 6111(B), (G)(4) AND (J) OF  
25 TITLE 18 ARE AMENDED TO READ:

26 § 6110.2. Possession of firearm with altered manufacturer's  
27 number.

28 (a) General rule.--No person shall possess a firearm which  
29 has had the manufacturer's number integral to the frame or  
30 receiver altered, changed, removed or obliterated.

1 (b) Penalty.--A person who violates this section commits a  
2 [misdemeanor] felony of the [first] second degree.

3 (c) Definition.--As used in this section, the term "firearm"  
4 shall have the same meaning as that term is defined in section  
5 6105(i) (relating to persons not to possess, use, manufacture,  
6 control, sell or transfer firearms), except that the term shall  
7 not include antique firearms as defined in section 6118  
8 (relating to antique firearms).

9 § 6111. SALE OR TRANSFER OF FIREARMS. ←

10 \* \* \*

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

17 (1) FOR PURPOSES OF A FIREARM AS DEFINED IN SECTION 6102  
18 (RELATING TO DEFINITIONS), OBTAINED A COMPLETED  
19 APPLICATION/RECORD OF SALE FROM THE POTENTIAL BUYER OR  
20 TRANSFEREE TO BE FILLED OUT IN TRIPLICATE, THE ORIGINAL COPY  
21 TO BE SENT TO THE PENNSYLVANIA STATE POLICE, POSTMARKED VIA  
22 FIRST CLASS MAIL, WITHIN 14 DAYS OF THE SALE, ONE COPY TO BE  
23 RETAINED BY THE LICENSED IMPORTER, LICENSED MANUFACTURER OR  
24 LICENSED DEALER FOR A PERIOD OF 20 YEARS AND ONE COPY TO BE  
25 PROVIDED TO THE PURCHASER OR TRANSFEREE. THE FORM OF THIS  
26 APPLICATION/RECORD OF SALE SHALL BE NO MORE THAN ONE PAGE IN  
27 LENGTH AND SHALL BE PROMULGATED BY THE PENNSYLVANIA STATE  
28 POLICE AND PROVIDED BY THE LICENSED IMPORTER, LICENSED  
29 MANUFACTURER OR LICENSED DEALER. THE APPLICATION/RECORD OF  
30 SALE SHALL INCLUDE THE NAME, ADDRESS, BIRTHDATE, GENDER,

1 RACE, PHYSICAL DESCRIPTION AND SOCIAL SECURITY NUMBER OF THE  
2 PURCHASER OR TRANSFEREE, THE DATE OF THE APPLICATION AND THE  
3 CALIBER, LENGTH OF BARREL, MAKE, MODEL AND MANUFACTURER'S  
4 NUMBER OF THE FIREARM TO BE PURCHASED OR TRANSFERRED. THE  
5 APPLICATION/RECORD OF SALE SHALL ALSO CONTAIN THE FOLLOWING  
6 QUESTION:

7 ARE YOU THE ACTUAL BUYER OF THE FIREARM(S) LISTED ON THIS  
8 APPLICATION/RECORD OF SALE? WARNING: YOU ARE NOT THE  
9 ACTUAL BUYER IF YOU ARE ACQUIRING THE FIREARM(S) ON  
10 BEHALF OF ANOTHER PERSON, UNLESS YOU ARE LEGITIMATELY  
11 ACQUIRING THE FIREARM AS A GIFT FOR ANY OF THE FOLLOWING  
12 INDIVIDUALS WHO ARE LEGALLY ELIGIBLE TO OWN A FIREARM:

13 (1) SPOUSE;

14 (2) PARENT;

15 (3) CHILD;

16 (4) GRANDPARENT; OR

17 (5) GRANDCHILD.

18 \* \* \*

19 (G) PENALTIES.--

20 \* \* \*

21 (4) ANY PERSON, PURCHASER OR TRANSFEREE [WHO] COMMITTS A  
22 FELONY OF THE THIRD DEGREE IF, IN CONNECTION WITH THE  
23 PURCHASE, DELIVERY OR TRANSFER OF A FIREARM UNDER THIS  
24 CHAPTER, HE KNOWINGLY AND INTENTIONALLY:

25 (I) MAKES ANY MATERIALLY FALSE ORAL [OR WRITTEN  
26 STATEMENT OR] STATEMENT;

27 (II) MAKES ANY MATERIALLY FALSE WRITTEN STATEMENT,  
28 INCLUDING A STATEMENT ON ANY FORM PROMULGATED BY FEDERAL  
29 OR STATE AGENCIES; OR

30 (III) WILLFULLY FURNISHES OR EXHIBITS ANY FALSE

1 IDENTIFICATION INTENDED OR LIKELY TO DECEIVE THE SELLER,  
2 LICENSED DEALER OR LICENSED MANUFACTURER [COMMITTS A  
3 FELONY OF THE THIRD DEGREE].

4 \* \* \*

5 (J) EXEMPTION.--

6 (1) THE PROVISIONS OF SUBSECTIONS (A) AND (B) SHALL NOT  
7 APPLY TO:

8 (I) SALES BETWEEN FEDERAL FIREARMS LICENSEES[.]; OR

9 (II) THE PURCHASE OF FIREARMS BY A CHIEF LAW

10 ENFORCEMENT OFFICER, OR HIS DESIGNEE, FOR THE OFFICIAL  
11 USE OF LAW ENFORCEMENT OFFICERS.

12 (2) FOR THE PURPOSES OF THIS SUBSECTION, THE TERM "CHIEF  
13 LAW ENFORCEMENT OFFICER" SHALL INCLUDE THE COMMISSIONER OF  
14 THE PENNSYLVANIA STATE POLICE, THE CHIEF OR HEAD OF A POLICE  
15 DEPARTMENT, A COUNTY SHERIFF OR ANY EQUIVALENT LAW  
16 ENFORCEMENT OFFICIAL.

17 SECTION 6. SECTION 6111.1(B) OF TITLE 18 IS AMENDED BY  
18 ADDING A PARAGRAPH TO READ:

19 § 6111.1. PENNSYLVANIA STATE POLICE.

20 \* \* \*

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

22 \* \* \*

23 (5) THE PENNSYLVANIA STATE POLICE SHALL MAINTAIN A  
24 REGISTRY OF ALL FIREARMS REPORTED LOST OR STOLEN IN THIS  
25 COMMONWEALTH. THE REGISTRY SHALL CONTAIN, IF AVAILABLE, THE  
26 MANUFACTURER, MODEL, CALIBER, SERIAL NUMBER AND ANY OTHER  
27 IDENTIFYING INFORMATION CONCERNING ANY FIREARM REPORTED LOST  
28 OR STOLEN, AS WELL AS THE NAME OF THE LAWFUL OWNER OF THE  
29 FIREARM. IF A FIREARM IS REPORTED STOLEN TO A LOCAL LAW  
30 ENFORCEMENT AGENCY, THAT AGENCY SHALL COLLECT THE REQUIRED

1 INFORMATION AND SHALL SUBMIT IT TO THE PENNSYLVANIA STATE  
2 POLICE WITHIN 24 HOURS. INFORMATION CONCERNING A FIREARM  
3 REPORTED LOST OR STOLEN:

4 (I) MAY BE DELETED FROM THE REGISTRY AFTER 20 YEARS;

5 AND

6 (II) SHALL BE DELETED FROM THE REGISTRY AFTER THE  
7 FIREARM IS RETURNED TO THE LAWFUL OWNER.

8 \* \* \*

9 SECTION 7. SECTIONS 6111.4 AND 6117 OF TITLE 18 ARE AMENDED  
10 TO READ:

11 § 6111.4. REGISTRATION OF FIREARMS.

12 NOTWITHSTANDING ANY SECTION OF THIS CHAPTER TO THE CONTRARY,  
13 NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ALLOW ANY  
14 GOVERNMENT OR LAW ENFORCEMENT AGENCY OR ANY AGENT THEREOF TO  
15 CREATE, MAINTAIN OR OPERATE ANY REGISTRY OF FIREARM OWNERSHIP  
16 WITHIN THIS COMMONWEALTH[.], OTHER THAN A REGISTRY OF FIREARMS  
17 REPORTED LOST OR STOLEN UNDER SECTION 6111.1(B)(5) (RELATING TO  
18 PENNSYLVANIA STATE POLICE). FOR THE PURPOSES OF THIS SECTION  
19 ONLY, THE TERM "FIREARM" SHALL INCLUDE ANY WEAPON THAT IS  
20 DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE  
21 BY THE ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY  
22 SUCH WEAPON.

23 § 6117. Altering or obliterating marks of identification.

24 (a) Offense defined.--No person shall change, alter, remove,  
25 or obliterate the manufacturer's number integral to the frame or  
26 receiver of any firearm which shall have the same meaning as  
27 provided in section 6105 (relating to persons not to possess,  
28 use, manufacture, control, sell or transfer firearms).

29 [(b) Presumption.--Possession of any firearm upon which any  
30 such mark shall have been changed, altered, removed or

1 obliterated shall be prima facie evidence that the possessor has  
2 changed, altered, removed or obliterated the same.]

3 (c) Penalty.--A violation of this section constitutes a  
4 felony of the second degree.

5 [(d) Appellate review.--If a sentencing court refuses to  
6 apply this section where applicable, the Commonwealth shall have  
7 the right to appellate review of the action of the sentencing  
8 court. The appellate court shall vacate the sentence and remand  
9 the case to the sentencing court for imposition of a sentence in  
10 accordance with this section if it finds that the sentence was  
11 imposed in violation of this section.]

12 SECTION 8. SECTION 5552(B)(1) AND (C) OF TITLE 42 ARE  
13 AMENDED TO READ:

←

14 § 5552. OTHER OFFENSES.

15 \* \* \*

16 (B) MAJOR OFFENSES.--A PROSECUTION FOR ANY OF THE FOLLOWING  
17 OFFENSES MUST BE COMMENCED WITHIN FIVE YEARS AFTER IT IS  
18 COMMITTED:

19 (1) UNDER THE FOLLOWING PROVISIONS OF TITLE 18 (RELATING  
20 TO CRIMES AND OFFENSES):

21 SECTION 901 (RELATING TO CRIMINAL ATTEMPT) INVOLVING  
22 ATTEMPT TO COMMIT MURDER WHERE NO MURDER OCCURS.

23 SECTION 902 (RELATING TO CRIMINAL SOLICITATION)  
24 INVOLVING SOLICITATION TO COMMIT MURDER WHERE NO MURDER  
25 OCCURS.

26 SECTION 903 (RELATING TO CRIMINAL CONSPIRACY)  
27 INVOLVING CONSPIRACY TO COMMIT MURDER WHERE NO MURDER  
28 OCCURS.

29 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

30 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

1 SECTION 2706 (RELATING TO TERRORISTIC THREATS).

2 SECTION 2713 (RELATING TO NEGLECT OF CARE-DEPENDENT  
3 PERSON).

4 SECTION 2901 (RELATING TO KIDNAPPING).

5 SECTION 3301 (RELATING TO ARSON AND RELATED  
6 OFFENSES).

7 SECTION 3502 (RELATING TO BURGLARY).

8 SECTION 3701 (RELATING TO ROBBERY).

9 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR  
10 DISPOSITION) THROUGH SECTION 3933 (RELATING TO UNLAWFUL  
11 USE OF COMPUTER).

12 SECTION 4101 (RELATING TO FORGERY).

13 SECTION 4107 (RELATING TO DECEPTIVE OR FRAUDULENT  
14 BUSINESS PRACTICES).

15 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND  
16 BREACH OF DUTY TO ACT DISINTERESTEDLY).

17 SECTION 4109 (RELATING TO RIGGING PUBLICLY EXHIBITED  
18 CONTEST).

19 SECTION 4117 (RELATING TO INSURANCE FRAUD).

20 SECTION 4701 (RELATING TO BRIBERY IN OFFICIAL AND  
21 POLITICAL MATTERS) THROUGH SECTION 4703 (RELATING TO  
22 RETALIATION FOR PAST OFFICIAL ACTION).

23 SECTION 4902 (RELATING TO PERJURY) THROUGH SECTION  
24 4912 (RELATING TO IMPERSONATING A PUBLIC SERVANT).

25 SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES  
26 OR VICTIMS).

27 SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS  
28 [OR VICTIM], VICTIM OR PARTY).

29 SECTION 5101 (RELATING TO OBSTRUCTING ADMINISTRATION  
30 OF LAW OR OTHER GOVERNMENTAL FUNCTION).

1 SECTION 5111 (RELATING TO DEALING IN PROCEEDS OF  
2 UNLAWFUL ACTIVITIES).

3 SECTION 5512 (RELATING TO LOTTERIES, ETC.) THROUGH  
4 SECTION 5514 (RELATING TO POOL SELLING AND BOOKMAKING).

5 SECTION 5902(B) (RELATING TO PROSTITUTION AND RELATED  
6 OFFENSES).

7 SECTION 6111(G)(2) AND (4) (RELATING TO SALE OR  
8 TRANSFER OF FIREARMS).

9 \* \* \*

10 (C) EXCEPTIONS.--IF THE PERIOD PRESCRIBED IN SUBSECTION (A),  
11 (B) OR (B.1) HAS EXPIRED, A PROSECUTION MAY NEVERTHELESS BE  
12 COMMENCED FOR:

13 \* \* \*

14 (4) AN OFFENSE IN VIOLATION OF 18 PA.C.S. § 6111(C) OR  
15 (G) (RELATING TO SALE OR TRANSFER OF FIREARMS), WITHIN ONE  
16 YEAR OF ITS DISCOVERY BY STATE OR LOCAL LAW ENFORCEMENT, BUT  
17 IN NO CASE SHALL THIS PARAGRAPH EXTEND THE PERIOD OF  
18 LIMITATION OTHERWISE APPLICABLE BY MORE THAN EIGHT YEARS.

19 \* \* \*

20 SECTION 9. THE PROVISIONS OF 17 PA. CODE § 11.215 (RELATING  
21 TO WEAPONS AND HUNTING) ARE ABROGATED TO THE EXTENT THEY APPLY  
22 TO ANY PERSON IDENTIFIED UNDER 18 PA.C.S. § 6109(M.2).

23 Section ~~2~~ 10. This act shall take effect in 60 days.

<—