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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1845 Session of  
2007

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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

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SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JUNE 10, 2008

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for false reports to law  
4 enforcement authorities; in firearms, further providing for  
5 ineligibility for possession or dealing, for required  
6 licensure, for emergency prohibitions, for licenses, for  
7 possession with altered manufacturer's number, for sale or  
8 transfer, ~~for the Pennsylvania State Police and for~~ <—  
9 ~~registration~~, FOR REGISTRATION AND FOR PROCEDURE; <—  
10 ESTABLISHING THE STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
11 AND THE STRAW PURCHASE PREVENTION EDUCATION FUND; further  
12 providing for limitation of actions; and abrogating a  
13 regulation.

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

16 Section 1. Sections 4906(c) and 6105(b) of Title 18 of the  
17 Pennsylvania Consolidated Statutes are amended to read:

18 § 4906. False reports to law enforcement authorities.

19 \* \* \*

20 (c) Grading.--

21 (1) If the violation of subsection (a) or (b) occurs

1 during a declared state of emergency and the false report  
2 causes the resources of the law enforcement authority to be  
3 diverted from dealing with the declared state of emergency,  
4 the offense shall be graded one step greater than that set  
5 forth in the applicable subsection.

6 (2) If the violation of subsection (a) or (b) relates to  
7 a false report of the theft or loss of a firearm, as defined  
8 in section 5515 (relating to prohibiting of paramilitary  
9 training), the offense shall be graded one step greater than  
10 that set forth in the applicable subsection.

11 § 6105. Persons not to possess, use, manufacture, control, sell  
12 or transfer firearms.

13 \* \* \*

14 (b) Enumerated offenses.--The following offenses shall apply  
15 to subsection (a):

16 Section 908 (relating to prohibited offensive weapons).

17 Section 911 (relating to corrupt organizations).

18 Section 912 (relating to possession of weapon on school  
19 property).

20 Section 2502 (relating to murder).

21 Section 2503 (relating to voluntary manslaughter).

22 Section 2504 (relating to involuntary manslaughter) if  
23 the offense is based on the reckless use of a firearm.

24 Section 2702 (relating to aggravated assault).

25 Section 2703 (relating to assault by prisoner).

26 Section 2704 (relating to assault by life prisoner).

27 Section 2709.1 (relating to stalking).

28 Section 2716 (relating to weapons of mass destruction).

29 Section 2901 (relating to kidnapping).

30 Section 2902 (relating to unlawful restraint).

1           Section 2910 (relating to luring a child into a motor  
2           vehicle or structure).

3           Section 3121 (relating to rape).

4           Section 3123 (relating to involuntary deviate sexual  
5           intercourse).

6           Section 3125 (relating to aggravated indecent assault).

7           Section 3301 (relating to arson and related offenses).

8           Section 3302 (relating to causing or risking  
9           catastrophe).

10          Section 3502 (relating to burglary).

11          Section 3503 (relating to criminal trespass) if the  
12          offense is graded a felony of the second degree or higher.

13          Section 3701 (relating to robbery).

14          Section 3702 (relating to robbery of motor vehicle).

15          Section 3921 (relating to theft by unlawful taking or  
16          disposition) upon conviction of the second felony offense.

17          Section 3923 (relating to theft by extortion) when the  
18          offense is accompanied by threats of violence.

19          Section 3925 (relating to receiving stolen property) upon  
20          conviction of the second felony offense.

21          Section 4906 (relating to false reports to law  
22          enforcement authorities) if the fictitious report involved  
23          the theft of a firearm as provided in section 4906(c)(2).

24          Section 4912 (relating to impersonating a public servant)  
25          if the person is impersonating a law enforcement officer.

26          Section 4952 (relating to intimidation of witnesses or  
27          victims).

28          Section 4953 (relating to retaliation against witness  
29          [or], victim or party).

30          Section 5121 (relating to escape).

1 Section 5122 (relating to weapons or implements for  
2 escape).

3 Section 5501(3) (relating to riot).

4 Section 5515 (relating to prohibiting of paramilitary  
5 training).

6 Section 5516 (relating to facsimile weapons of mass  
7 destruction).

8 Section 6110.1 (relating to possession of firearm by  
9 minor).

10 Section 6301 (relating to corruption of minors).

11 Section 6302 (relating to sale or lease of weapons and  
12 explosives).

13 Any offense equivalent to any of the above-enumerated  
14 offenses under the prior laws of this Commonwealth or any  
15 offense equivalent to any of the above-enumerated offenses  
16 under the statutes of any other state or of the United  
17 States.

18 \* \* \*

19 Section 2. Section 6106(b) of Title 18 is amended by adding  
20 a paragraph to read:

21 § 6106. Firearms not to be carried without a license.

22 \* \* \*

23 (b) Exceptions.--The provisions of subsection (a) shall not  
24 apply to:

25 \* \* \*

26 (16) Any person holding a license in accordance with  
27 section 6109(f)(3).

28 \* \* \*

29 Section 3. Section 6107 of Title 18 is amended to read:

30 § 6107. Prohibited conduct during emergency.

1       (a) General rule.--No person shall carry a firearm[, rifle  
2 or shotgun] upon the public streets or upon any public property  
3 during an emergency proclaimed by a State or municipal  
4 governmental executive unless that person is:

5           (1) Actively engaged in a defense of that person's life  
6 or property from peril or threat.

7           (2) Licensed to carry firearms under section 6109  
8 (relating to licenses) or is exempt from licensing under  
9 section 6106(b) (relating to firearms not to be carried  
10 without a license).

11       (b) Seizure, taking and confiscation.--Except as otherwise  
12 provided under subsection (a) and notwithstanding the provisions  
13 of 35 Pa.C.S. Ch. 73 (relating to Commonwealth services) or any  
14 other provision of law to the contrary, no firearm, accessory or  
15 ammunition may be seized, taken or confiscated during an  
16 emergency unless the seizure, taking or confiscation would be  
17 authorized absent the emergency.

18       (c) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection:

21       "Accessory." Any scope, sight, bipod, sling, light,  
22 magazine, clip or other related item that is attached to or  
23 necessary for the operation of a firearm.

24       "Firearm." The term includes any weapon that is designed to  
25 or may readily be converted to expel any projectile by the  
26 action of an explosive or the frame or receiver of any weapon.

27       Section 4. Section 6109(f)(1) of Title 18 is amended, the  
28 subsection is amended by adding paragraphs and the section is  
29 amended by adding subsections to read:

30 § 6109. Licenses.

1 \* \* \*

2 (f) Term of license.--

3 (1) A license to carry a firearm issued under subsection  
4 (e) shall be valid throughout this Commonwealth for a period  
5 of five years unless extended under paragraph (3) or sooner  
6 revoked.

7 \* \* \*

8 (3) Notwithstanding paragraph (1) or any other provision  
9 of law to the contrary, a license to carry a firearm that is  
10 held by a member of the United States Armed Forces or the  
11 Pennsylvania National Guard on Federal active duty and  
12 deployed overseas that is scheduled to expire during the  
13 period of deployment shall be extended until 90 days after  
14 the end of the deployment.

15 (4) Possession of a license, together with a copy of the  
16 person's military orders showing the dates of overseas  
17 deployment, including the date that the overseas deployment  
18 ends, shall constitute, during the extension period specified  
19 in paragraph (3), a defense to any charge filed pursuant to  
20 section 6106 (relating to firearms not to be carried without  
21 a license) or 6108 (relating to carrying firearms on public  
22 streets or public property in Philadelphia).

23 \* \* \*

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

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

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

30 (ii) A sworn affidavit that contains the information

1 required on an application for a license to carry a  
2 firearm and attesting that the person is 21 years of age  
3 or older, is not prohibited from owning firearms under  
4 section 6105 (relating to persons not to possess, use,  
5 manufacture, control, sell or transfer firearms) or any  
6 other Federal or State law and is not currently subject  
7 to a protection from abuse order or a protection order  
8 issued by a court of another state.

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

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

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

1 carry a firearm under this section.

2 (4) A temporary emergency license issued under this  
3 subsection shall be valid for 90 days and may not be renewed.  
4 A person who has been issued a temporary emergency license  
5 under this subsection shall not be issued another temporary  
6 emergency license unless at least four years have expired  
7 since the issuance of the prior temporary emergency license.

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

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

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

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



1 temporary or final protection from abuse order or protection  
2 order issued by another state.

3 (m.2) Inconsistent provisions.--Notwithstanding the  
4 provisions of section 7506 (relating to violation of rules  
5 regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727  
6 (relating to additional limitations on operation), or the act of  
7 June 28, 1995 (P.L.89, No.18), known as the Conservation and  
8 Natural Resources Act, and regulations promulgated under that  
9 act, a firearm may be carried as provided in subsection (a) by:

10 (1) a law enforcement officer whose current  
11 identification as a law enforcement officer shall be  
12 construed as a valid license to carry a firearm; or

13 (2) any licensee.

14 (m.3) Construction.--Nothing in this section shall be  
15 construed to:

16 (1) Permit the hunting or harvesting of any wildlife  
17 with a firearm or ammunition not otherwise permitted by 34  
18 Pa.C.S. (relating to game).

19 (2) Authorize any Commonwealth agency to regulate the  
20 possession of firearms in any manner inconsistent with the  
21 provisions of this title.

22 Section 5. Sections 6110.2 and 6111(b), (g)(4) and (j) of  
23 Title 18 are amended to read:

24 § 6110.2. Possession of firearm with altered manufacturer's  
25 number.

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

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

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

7 § 6111. Sale or transfer of firearms.

8 \* \* \*

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 (1) For purposes of a firearm as defined in section 6102  
16 (relating to definitions), obtained a completed  
17 application/record of sale from the potential buyer or  
18 transferee to be filled out in triplicate, the original copy  
19 to be sent to the Pennsylvania State Police, postmarked via  
20 first class mail, within 14 days of the sale, one copy to be  
21 retained by the licensed importer, licensed manufacturer or  
22 licensed dealer for a period of 20 years and one copy to be  
23 provided to the purchaser or transferee. The form of this  
24 application/record of sale shall be no more than one page in  
25 length and shall be promulgated by the Pennsylvania State  
26 Police and provided by the licensed importer, licensed  
27 manufacturer or licensed dealer. The application/record of  
28 sale shall include the name, address, birthdate, gender,  
29 race, physical description and Social Security number of the  
30 purchaser or transferee, the date of the application and the

1 caliber, length of barrel, make, model and manufacturer's  
2 number of the firearm to be purchased or transferred. The  
3 application/record of sale shall also contain the following  
4 question:

5 Are you the actual buyer of the firearm(s), AS DEFINED ←  
6 UNDER 18 PA.C.S. § 6102, listed on this  
7 application/record of sale? Warning: You are not the  
8 actual buyer if you are acquiring the firearm(s) on  
9 behalf of another person, unless you are legitimately  
10 acquiring the firearm as a gift for any of the following  
11 individuals who are legally eligible to own a firearm:

- 12 (1) spouse;  
13 (2) parent;  
14 (3) child;  
15 (4) grandparent; or  
16 (5) grandchild.

17 \* \* \*

18 (g) Penalties.--

19 \* \* \*

20 (4) Any person, purchaser or transferee [who] commits a  
21 felony of the third degree if, in connection with the  
22 purchase, delivery or transfer of a firearm under this  
23 chapter, he knowingly and intentionally:

24 (i) makes any materially false oral [or written  
25 statement or] statement;

26 (ii) makes any materially false written statement,  
27 including a statement on any form promulgated by Federal  
28 or State agencies; or

29 (iii) willfully furnishes or exhibits any false  
30 identification intended or likely to deceive the seller,

1 licensed dealer or licensed manufacturer [commits a  
2 felony of the third degree].

3 \* \* \*

4 (j) Exemption.--

5 (1) The provisions of subsections (a) and (b) shall not  
6 apply to:

7 (i) sales between Federal firearms licensees[.]; or

8 (ii) the purchase of firearms by a chief law  
9 enforcement officer, or his designee, for the official  
10 use of law enforcement officers.

11 (2) For the purposes of this subsection, the term "chief  
12 law enforcement officer" shall include the Commissioner of  
13 the Pennsylvania State Police, the chief or head of a police  
14 department, a county sheriff or any equivalent law  
15 enforcement official.

16 ~~Section 6. Section 6111.1(b) of Title 18 is amended by~~ <—  
17 ~~adding a paragraph to read:~~

18 ~~§ 6111.1. Pennsylvania State Police.~~

19 \* \* \*

20 ~~(b) Duty of Pennsylvania State Police.—~~

21 \* \* \*

22 ~~(5) The Pennsylvania State Police shall maintain a~~  
23 ~~registry of all firearms reported lost or stolen in this~~  
24 ~~Commonwealth. The registry shall contain, if available, the~~  
25 ~~manufacturer, model, caliber, serial number and any other~~  
26 ~~identifying information concerning any firearm reported lost~~  
27 ~~or stolen, as well as the name of the lawful owner of the~~  
28 ~~firearm. If a firearm is reported stolen to a local law~~  
29 ~~enforcement agency, that agency shall collect the required~~  
30 ~~information and shall submit it to the Pennsylvania State~~

~~Police within 24 hours. Information concerning a firearm reported lost or stolen:~~

~~(i) may be deleted from the registry after 20 years;~~

~~and~~

~~(ii) shall be deleted from the registry after the firearm is returned to the lawful owner.~~

~~\* \* \*~~

SECTION 6. SECTION 6111.1(E) AND (F) OF TITLE 18 ARE AMENDED ←  
TO READ:

§ 6111.1. PENNSYLVANIA STATE POLICE.

\* \* \*

(E) CHALLENGE TO RECORDS.--

(1) ANY PERSON WHO IS DENIED THE RIGHT TO RECEIVE, SELL, TRANSFER, POSSESS, CARRY, MANUFACTURE OR PURCHASE A FIREARM AS A RESULT OF THE PROCEDURES ESTABLISHED BY THIS SECTION MAY CHALLENGE THE ACCURACY OF THAT PERSON'S CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH RECORD PURSUANT TO A DENIAL BY THE INSTANTANEOUS RECORDS CHECK [IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE PENNSYLVANIA STATE POLICE. THE DECISION RESULTING FROM A CHALLENGE UNDER THIS SUBSECTION MAY BE APPEALED TO THE ATTORNEY GENERAL WITHIN 30 DAYS OF THE DECISION BY THE PENNSYLVANIA STATE POLICE. THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED TO THE COMMONWEALTH COURT IN ACCORDANCE WITH COURT RULE.] BY SUBMITTING A CHALLENGE TO THE PENNSYLVANIA STATE POLICE WITHIN 30 DAYS FROM THE DATE OF THE DENIAL.

(2) THE PENNSYLVANIA STATE POLICE SHALL CONDUCT A REVIEW OF THE ACCURACY OF THE INFORMATION FORMING THE BASIS FOR THE DENIAL, AND SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF THE RECORD. WITHIN 20 DAYS AFTER RECEIVING A CHALLENGE, THE

1 PENNSYLVANIA STATE POLICE SHALL NOTIFY THE CHALLENGER OF THE  
2 BASIS FOR THE DENIAL, INCLUDING, BUT NOT LIMITED TO, THE  
3 JURISDICTION AND DOCKET NUMBER OF ANY RELEVANT COURT DECISION  
4 AND PROVIDE THE CHALLENGER AN OPPORTUNITY TO PROVIDE  
5 ADDITIONAL INFORMATION FOR THE PURPOSES OF THE REVIEW. THE  
6 PENNSYLVANIA STATE POLICE SHALL COMMUNICATE ITS FINAL  
7 DECISION TO THE CHALLENGER WITHIN 60 DAYS OF THE RECEIPT OF  
8 THE CHALLENGE. THE DECISION OF THE PENNSYLVANIA STATE POLICE  
9 SHALL INCLUDE ALL INFORMATION WHICH FORMED A BASIS FOR THE  
10 DECISION.

11 (3) IF THE CHALLENGE IS RULED INVALID, THE PERSON SHALL  
12 HAVE THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL  
13 WITHIN 30 DAYS OF THE DECISION. THE ATTORNEY GENERAL SHALL  
14 CONDUCT A HEARING DE NOVO IN ACCORDANCE WITH THE  
15 ADMINISTRATIVE AGENCY LAW. THE BURDEN OF PROOF SHALL BE UPON  
16 THE COMMONWEALTH.

17 (4) THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED  
18 TO THE COMMONWEALTH COURT BY AN AGGRIEVED PARTY.

19 (F) NOTIFICATION OF MENTAL HEALTH ADJUDICATION, TREATMENT,  
20 COMMITMENT, DRUG USE OR ADDICTION.--

21 (1) NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES  
22 OF THE COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA  
23 STATE POLICE, ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE  
24 POLICE, OF:

25 (I) THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN  
26 ADJUDICATED AS AN INCOMPETENT OR AS A MENTAL DEFECTIVE OR  
27 WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL  
28 INSTITUTION [FOR INPATIENT CARE AND TREATMENT] UNDER THE  
29 ACT OF JULY 9, 1976 (P.L.817, NO.143), KNOWN AS THE  
30 MENTAL HEALTH PROCEDURES ACT, OR WHO HAS BEEN

1 INVOLUNTARILY TREATED AS DESCRIBED IN SECTION 6105(C)(4)  
2 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,  
3 CONTROL, SELL OR TRANSFER FIREARMS)[.] OR AS DESCRIBED IN  
4 18 U.S.C. § 922(G)(4) (RELATING TO UNLAWFUL ACTS) AND ITS  
5 IMPLEMENTING FEDERAL REGULATIONS; AND

6 (II) ANY FINDING OF FACT OR COURT ORDER RELATED TO  
7 ANY PERSON DESCRIBED IN 18 U.S.C. § 922(G)(3).

8 (2) THE NOTIFICATION SHALL BE TRANSMITTED BY THE JUDGE  
9 TO THE PENNSYLVANIA STATE POLICE WITHIN SEVEN DAYS OF THE  
10 ADJUDICATION, COMMITMENT OR TREATMENT.

11 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE  
12 PENNSYLVANIA STATE POLICE MAY DISCLOSE, ELECTRONICALLY OR  
13 OTHERWISE, TO THE UNITED STATES ATTORNEY GENERAL OR A  
14 DESIGNEE, ANY RECORD RELEVANT TO A DETERMINATION OF WHETHER A  
15 PERSON IS DISQUALIFIED FROM POSSESSING OR RECEIVING A FIREARM  
16 UNDER 18 U.S.C. § 922 (G)(3) OR (4) OR AN APPLICABLE STATE  
17 STATUTE.

18 \* \* \*

19 Section 7. Sections 6111.4 and ~~6117~~, 6117 AND 9152(D) AND ←  
20 (E) of Title 18 are amended to read:

21 § 6111.4. Registration of firearms.

22 Notwithstanding any section of this chapter to the contrary,  
23 nothing in this chapter shall be construed to allow any  
24 government or law enforcement agency or any agent thereof to  
25 create, maintain or operate any registry of firearm ownership  
26 within this Commonwealth[.], other than a registry of firearms  
27 reported lost or stolen under section 6111.1(b)(5) (relating to  
28 Pennsylvania State Police). For the purposes of this section  
29 only, the term "firearm" shall include any weapon that is  
30 designed to or may readily be converted to expel any projectile

1 by the action of an explosive or the frame or receiver of any  
2 such weapon.

3 § 6117. Altering or obliterating marks of identification.

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

9 [(b) Presumption.--Possession of any firearm upon which any  
10 such mark shall have been changed, altered, removed or  
11 obliterated shall be prima facie evidence that the possessor has  
12 changed, altered, removed or obliterated the same.]

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

15 [(d) Appellate review.--If a sentencing court refuses to  
16 apply this section where applicable, the Commonwealth shall have  
17 the right to appellate review of the action of the sentencing  
18 court. The appellate court shall vacate the sentence and remand  
19 the case to the sentencing court for imposition of a sentence in  
20 accordance with this section if it finds that the sentence was  
21 imposed in violation of this section.]

22 § 9152. PROCEDURE. ←

23 \* \* \*

24 (D) REVIEW OF CHALLENGE.--ALL CRIMINAL JUSTICE AGENCIES  
25 SHALL HAVE 60 DAYS TO CONDUCT A REVIEW OF ANY CHALLENGE AND  
26 SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF THE RECORD. THE  
27 DECISION ON THE CHALLENGE SHALL INCLUDE ALL INFORMATION,  
28 INCLUDING, BUT NOT LIMITED TO, THE JURISDICTION AND DOCKET  
29 NUMBER OF ANY RELEVANT COURT DECISION WHICH FORMED A BASIS FOR  
30 THE DECISION. IF THE CHALLENGE IS DEEMED VALID, THE APPROPRIATE



1 OFFICIALS MUST ENSURE THAT:

2 (1) THE CRIMINAL HISTORY RECORD INFORMATION IS  
3 CORRECTED.

4 (2) A CERTIFIED AND CORRECTED COPY OF THE CRIMINAL  
5 HISTORY RECORD INFORMATION IS PROVIDED TO THE INDIVIDUAL.

6 (3) PRIOR ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION  
7 DISSEMINATED TO CRIMINAL JUSTICE AGENCIES SHALL BE DESTROYED  
8 OR RETURNED AND REPLACED WITH CORRECTED INFORMATION.

9 (4) THE INDIVIDUAL IS SUPPLIED WITH THE NAMES OF THOSE  
10 NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS WHICH HAVE  
11 RECEIVED ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION.

12 (E) APPEALS.--

13 (1) IF THE CHALLENGE IS RULED INVALID, AN INDIVIDUAL HAS  
14 THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL  
15 WITHIN 30 DAYS OF NOTIFICATION OF THE DECISION BY THE  
16 CRIMINAL JUSTICE AGENCY.

17 (2) THE ATTORNEY GENERAL SHALL [HAVE THE AUTHORITY TO  
18 CONDUCT ADMINISTRATIVE APPEAL HEARINGS] CONDUCT A HEARING DE  
19 NOVO IN ACCORDANCE WITH THE ADMINISTRATIVE AGENCY LAW. THE  
20 BURDEN OF PROOF SHALL BE UPON THE PARTY BEARING THE BURDEN OF  
21 PROOF ON THE CHALLENGE.

22 (3) THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED  
23 TO THE COMMONWEALTH COURT BY AN AGGRIEVED INDIVIDUAL.

24 SECTION 8. CHAPTER 61 OF TITLE 18 IS AMENDED BY ADDING A  
25 SUBCHAPTER TO READ:

26 SUBCHAPTER D

27 STRAW PURCHASE PREVENTION

28 EDUCATION PROGRAM

29 SEC.

30 6181. SCOPE OF SUBCHAPTER.

1 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.

2 6183. DEFINITIONS.

3 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.

4 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.

5 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

6 6187. TRANSFER FOR INITIAL FUNDING.

7 § 6181. SCOPE OF SUBCHAPTER.

8 THIS SUBCHAPTER PROVIDES FOR THE ESTABLISHMENT OF THE STRAW  
9 PURCHASE PREVENTION EDUCATION PROGRAM WITHIN THE OFFICE OF  
10 ATTORNEY GENERAL.

11 § 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.

12 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

13 (1) THE ILLEGAL PURCHASE OF FIREARMS THROUGHOUT THIS  
14 COMMONWEALTH IS A THREAT TO PUBLIC SAFETY AND SECURITY.

15 (2) URBAN AREAS ARE EXPERIENCING INCREASED VIOLENCE AS A  
16 RESULT OF CRIMINAL MISUSE OF FIREARMS. STEMMING THE FLOW OF  
17 THESE ILLEGAL FIREARMS THROUGH STRAW PURCHASES WILL HELP TO  
18 CURB THE CRIME RATE THROUGHOUT THIS COMMONWEALTH AND INCREASE  
19 PUBLIC SAFETY.

20 (3) EDUCATING THE PUBLIC THAT ILLEGALLY PURCHASING A  
21 FIREARM FOR SOMEONE OTHERWISE PROHIBITED FROM POSSESSING ONE  
22 IS A SERIOUS CRIME AND PUNISHABLE UNDER FEDERAL LAW BY TEN  
23 YEARS' IMPRISONMENT ADVANCES PUBLIC SAFETY.

24 (4) COMMITTED TO EDUCATING FIREARMS DEALERS AND THE  
25 GENERAL PUBLIC, THE NATIONAL SHOOTING SPORTS FOUNDATION, IN  
26 PARTNERSHIP WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
27 EXPLOSIVES, IN JULY 2000 CREATED THE "DON'T LIE FOR THE OTHER  
28 GUY PROGRAM."

29 (5) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" WAS  
30 DEVELOPED TO RAISE PUBLIC AWARENESS THAT IT IS A SERIOUS

1 CRIME TO PURCHASE A FIREARM FOR SOMEONE WHO CANNOT LEGALLY DO  
2 SO AND TO EDUCATE FIREARMS DEALERS ON HOW TO BETTER DETECT  
3 AND DETER POTENTIAL STRAW PURCHASES. THE CAMPAIGN DELIVERS  
4 THE MESSAGE THAT ANYONE ATTEMPTING AN ILLEGAL FIREARM  
5 PURCHASE FACES A STIFF FEDERAL PENALTY.

6 (6) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" IS VITAL  
7 TO EDUCATING FEDERALLY LICENSED FIREARMS DEALERS AND THEIR  
8 EMPLOYEES ON HOW TO RECOGNIZE AND DETER THE ILLEGAL PURCHASE  
9 OF FIREARMS THROUGH STRAW PURCHASES. THIS PROGRAM IS AN  
10 IMPORTANT TOOL FOR THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS  
11 AND EXPLOSIVES TO PURSUE ITS MISSION OF PREVENTING TERRORISM,  
12 REDUCING VIOLENT CRIME AND PROTECTING THE PUBLIC.

13 (7) THE NATIONALLY RECOGNIZED "DON'T LIE FOR THE OTHER  
14 GUY PROGRAM" HAS BEEN ENDORSED BY UNITED STATES ATTORNEYS  
15 THROUGHOUT THE NATION, VARIOUS LAW ENFORCEMENT AGENCIES, THE  
16 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES AND THE  
17 DEPARTMENT OF JUSTICE.

18 (8) IT IS IN THE BEST INTEREST OF THIS COMMONWEALTH TO  
19 ESTABLISH A STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
20 WITHIN THE OFFICE OF ATTORNEY GENERAL TO PROVIDE RESOURCES  
21 AND DIRECT GRANT MONEY TO THE "DON'T LIE FOR THE OTHER GUY  
22 PROGRAM" AND SIMILAR PROGRAMS THAT OFFER STRAW PURCHASE  
23 PREVENTION EDUCATION.

24 § 6183. DEFINITIONS.

25 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
26 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
27 CONTEXT CLEARLY INDICATES OTHERWISE:

28 "FUND." THE STRAW PURCHASE PREVENTION EDUCATION FUND  
29 ESTABLISHED IN SECTION 6186 (RELATING TO STRAW PURCHASE  
30 PREVENTION EDUCATION FUND).

1       "PROGRAM." THE STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
2 ESTABLISHED IN SECTION 6184 (RELATING TO STRAW PURCHASE  
3 PREVENTION EDUCATION PROGRAM).

4 § 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.

5       (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION  
6 PROGRAM IS ESTABLISHED AND SHALL PROVIDE RESOURCES AND DIRECT  
7 GRANT MONEY TO UNDERWRITE THE COST OF IMPLEMENTING AN  
8 EDUCATIONAL AND PUBLIC SERVICE OUTREACH PROGRAM IN THE  
9 COMMUNITY.

10       (B) OUTREACH.--THE EDUCATIONAL AND PUBLIC SERVICE OUTREACH  
11 PROGRAM SHALL INFORM INDIVIDUALS OF THE ILLEGAL NATURE OF  
12 PURCHASING A FIREARM FOR AN INDIVIDUAL PROHIBITED FROM OWNING  
13 FIREARMS. THE OUTREACH PROGRAM SHALL BE DEVELOPED BY A NOT-FOR-  
14 PROFIT ORGANIZATION WHICH:

15           (1) IS A NATIONAL TRADE ASSOCIATION REPRESENTING THE  
16 SHOOTING, HUNTING AND FIREARM INDUSTRY.

17           (2) HAS A MEMBERSHIP CONSISTING OF FIREARM  
18 MANUFACTURERS, FIREARM DISTRIBUTORS, FIREARM RETAILERS,  
19 PUBLISHERS AND SPORTSMEN'S ORGANIZATIONS.

20           (3) HAS BEEN IN EXISTENCE FOR AT LEAST 45 YEARS PRIOR TO  
21 THE EFFECTIVE DATE OF THIS SECTION.

22       (C) PRIORITY OF GRANTS.--GRANTS SHALL BE PRIORITIZED BASED  
23 ON THE HIGHEST INCIDENCE OF FIREARM VIOLENCE IN A COUNTY OF THIS  
24 COMMONWEALTH.

25 § 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.

26       IN ADDITION TO ANY OTHER POWERS AND DUTIES, THE ATTORNEY  
27 GENERAL OF THE COMMONWEALTH SHALL:

28           (1) ESTABLISH A GRANT PROGRAM TO PROVIDE MONEYS FROM THE  
29 FUND PURSUANT TO SECTION 6184 (RELATING TO STRAW PURCHASE  
30 PREVENTION EDUCATION PROGRAM).

1           (2) PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE  
2           PROVISIONS OF THIS SUBCHAPTER.

3   § 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

4           (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION  
5   FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY AS A RESTRICTED  
6   ACCOUNT. THE FUND SHALL CONSIST OF FUNDS APPROPRIATED BY THE  
7   GENERAL ASSEMBLY.

8           (B) CONTINUING APPROPRIATION.--ALL MONEYS IN THE FUND AND  
9   THE INTEREST ACCRUING THEREON ARE HEREBY APPROPRIATED TO THE  
10 OFFICE OF ATTORNEY GENERAL ON A CONTINUING BASIS TO CARRY OUT  
11 THE PROVISIONS OF THIS SUBCHAPTER.

12 § 6187. TRANSFER FOR INITIAL FUNDING.

13           THE SUM OF \$100,000 IS HEREBY TRANSFERRED FROM THE GENERAL  
14 FUND TO THE STRAW PURCHASE PREVENTION EDUCATION FUND FOR  
15 EXPENDITURE DURING THE FISCAL YEAR JULY 1, 2008, TO JUNE 30,  
16 2009, TO CARRY OUT THE PROVISIONS OF THIS SUBCHAPTER.

17           Section & 9. Section 5552(b)(1) and (c) of Title 42 are           <—  
18 amended to read:

19   § 5552. Other offenses.

20           \* \* \*

21           (b) Major offenses.--A prosecution for any of the following  
22 offenses must be commenced within five years after it is  
23 committed:

24           (1) Under the following provisions of Title 18 (relating  
25 to crimes and offenses):

26                   Section 901 (relating to criminal attempt) involving  
27 attempt to commit murder where no murder occurs.

28                   Section 902 (relating to criminal solicitation)  
29 involving solicitation to commit murder where no murder  
30 occurs.

1           Section 903 (relating to criminal conspiracy)  
2 involving conspiracy to commit murder where no murder  
3 occurs.

4           Section 911 (relating to corrupt organizations).

5           Section 2702 (relating to aggravated assault).

6           Section 2706 (relating to terroristic threats).

7           Section 2713 (relating to neglect of care-dependent  
8 person).

9           Section 2901 (relating to kidnapping).

10          Section 3301 (relating to arson and related  
11 offenses).

12          Section 3502 (relating to burglary).

13          Section 3701 (relating to robbery).

14          Section 3921 (relating to theft by unlawful taking or  
15 disposition) through section 3933 (relating to unlawful  
16 use of computer).

17          Section 4101 (relating to forgery).

18          Section 4107 (relating to deceptive or fraudulent  
19 business practices).

20          Section 4108 (relating to commercial bribery and  
21 breach of duty to act disinterestedly).

22          Section 4109 (relating to rigging publicly exhibited  
23 contest).

24          Section 4117 (relating to insurance fraud).

25          Section 4701 (relating to bribery in official and  
26 political matters) through section 4703 (relating to  
27 retaliation for past official action).

28          Section 4902 (relating to perjury) through section  
29 4912 (relating to impersonating a public servant).

30          Section 4952 (relating to intimidation of witnesses

1 or victims).

2 Section 4953 (relating to retaliation against witness  
3 [or victim], victim or party).

4 Section 5101 (relating to obstructing administration  
5 of law or other governmental function).

6 Section 5111 (relating to dealing in proceeds of  
7 unlawful activities).

8 Section 5512 (relating to lotteries, etc.) through  
9 section 5514 (relating to pool selling and bookmaking).

10 Section 5902(b) (relating to prostitution and related  
11 offenses).

12 Section 6111(g)(2) and (4) (relating to sale or  
13 transfer of firearms).

14 \* \* \*

15 (c) Exceptions.--If the period prescribed in subsection (a),  
16 (b) or (b.1) has expired, a prosecution may nevertheless be  
17 commenced for:

18 \* \* \*

19 (4) An offense in violation of 18 Pa.C.S. § 6111(c) or  
20 (g) (relating to sale or transfer of firearms), within one  
21 year of its discovery by State or local law enforcement, but  
22 in no case shall this paragraph extend the period of  
23 limitation otherwise applicable by more than eight years.

24 \* \* \*

25 Section ~~9~~ 10. The provisions of 17 Pa. Code § 11.215 ←  
26 (relating to weapons and hunting) are abrogated to the extent  
27 they apply to any person identified under 18 Pa.C.S. §  
28 6109(m.2).

29 Section ~~10~~ 11. This act shall take effect ~~in 60 days~~. AS ←

30 FOLLOWS:

- 1           (1) THE AMENDMENT OF 18 PA.C.S. §§ 6111.1(E) AND 9152(D)  
2           AND (E) SHALL TAKE EFFECT IMMEDIATELY.  
3           (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.  
4           (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
5           DAYS.