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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 ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS  
AMENDED, OCTOBER 7, 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 PENNSYLVANIA STATE POLICE, FOR <—  
10 ALTERING OR OBLITERATING MARKS OF IDENTIFICATION, FOR FIREARM  
11 TRACING AND FOR PROCEDURE; ESTABLISHING THE STRAW PURCHASE  
12 PREVENTION EDUCATION PROGRAM AND THE STRAW PURCHASE  
13 PREVENTION EDUCATION FUND; further providing for limitation  
14 of actions; and abrogating a regulation.

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

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

19 § 4906. False reports to law enforcement authorities.

20 \* \* \*

21 (c) Grading.--

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

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

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

14 \* \* \*

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

17 Section 908 (relating to prohibited offensive weapons).

18 Section 911 (relating to corrupt organizations).

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

21 Section 2502 (relating to murder).

22 Section 2503 (relating to voluntary manslaughter).

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

25 Section 2702 (relating to aggravated assault).

26 Section 2703 (relating to assault by prisoner).

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

28 Section 2709.1 (relating to stalking).

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

30 Section 2901 (relating to kidnapping).

1 Section 2902 (relating to unlawful restraint).

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

4 Section 3121 (relating to rape).

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

7 Section 3125 (relating to aggravated indecent assault).

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

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

11 Section 3502 (relating to burglary).

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

14 Section 3701 (relating to robbery).

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

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

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

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

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

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

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

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

1 Section 5121 (relating to escape).

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

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

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

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

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

11 Section 6301 (relating to corruption of minors).

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

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

19 \* \* \*

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

22 § 6106. Firearms not to be carried without a license.

23 \* \* \*

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

26 \* \* \*

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

29 \* \* \*

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

1 § 6107. Prohibited conduct during emergency.

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

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

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

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

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

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

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

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

1 § 6109. Licenses.

2 \* \* \*

3 (f) Term of license.--

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

8 \* \* \*

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

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

24 \* \* \*

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

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

29 (i) Evidence of imminent danger to the person or  
30 ~~member of the person's family.~~ THE PERSON'S MINOR CHILD. <—

1 FOR PURPOSES OF THIS SUBPARAGRAPH, THE TERM "MINOR" SHALL  
2 HAVE THE SAME MEANING AS PROVIDED IN 1 PA.C.S. § 1991  
3 (RELATING TO DEFINITIONS).

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

13 (iii) A IN ADDITION TO THE PROVISIONS OF SUBSECTION <—  
14 (H), A temporary emergency license fee established by the  
15 Commissioner of the Pennsylvania State Police for an  
16 amount that does not exceed the actual cost of conducting  
17 the criminal background check or \$10, whichever is less.

18 (IV) AN APPLICATION FOR A LICENSE TO CARRY A FIREARM <—  
19 ON THE FORM PRESCRIBED PURSUANT TO SUBSECTION (C).

20 (2) Upon receipt of the items required under paragraph  
21 (1), the sheriff immediately shall conduct a criminal  
22 history, juvenile delinquency and mental health record check  
23 of the applicant PURSUANT TO SECTION 6105. Immediately upon <—  
24 receipt of the results of the records check, the sheriff  
25 shall review the information and shall determine whether the  
26 applicant meets the criteria set forth in this section <—  
27 SUBSECTION. If the sheriff determines, to the best of the <—  
28 sheriff's ability, that the applicant has met all of the  
29 criteria, the sheriff shall immediately issue the applicant a  
30 temporary emergency license to carry a concealed firearm.

1           (3) If the sheriff refuses to issue a temporary  
2 emergency license, the sheriff shall specify the grounds for  
3 the denial in a written notice to the applicant. The  
4 applicant may appeal the denial or challenge criminal records  
5 check results that were the basis of the denial, if  
6 applicable, in the same manner as a denial of a license to  
7 carry a firearm under this section.

8           (4) A temporary emergency license issued under this  
9 subsection shall be valid for ~~90~~ 45 days and may not be ←  
10 renewed. A person who has been issued a temporary emergency  
11 license under this subsection shall not be issued another  
12 temporary emergency license unless at least ~~four~~ FIVE years ←  
13 have expired since the issuance of the prior temporary  
14 emergency license. DURING THE 45 DAYS THE TEMPORARY EMERGENCY ←  
15 LICENSE IS VALID, THE SHERIFF SHALL CONDUCT AN ADDITIONAL  
16 INVESTIGATION OF THE PERSON FOR THE PURPOSES OF DETERMINING  
17 WHETHER THE PERSON MAY BE ISSUED A LICENSE PURSUANT TO THIS  
18 SECTION. IF, DURING THE COURSE OF THIS INVESTIGATION, THE  
19 SHERIFF DISCOVERS ANY INFORMATION THAT WOULD HAVE PROHIBITED  
20 THE ISSUANCE OF A LICENSE PURSUANT TO THIS SECTION, THE  
21 SHERIFF SHALL BE AUTHORIZED TO REVOKE THE TEMPORARY EMERGENCY  
22 LICENSE AS PROVIDED IN SUBSECTION (I).

23           (5) THE TEMPORARY EMERGENCY LICENSE ISSUED PURSUANT TO  
24 THIS SECTION SHALL BE CONSISTENT WITH THE FORM PRESCRIBED IN  
25 SUBSECTION (E)(3), (4) AND (5). IN ADDITION TO THE  
26 INFORMATION PROVIDED IN THOSE PARAGRAPHS, THE TEMPORARY  
27 EMERGENCY LICENSE SHALL BE CLEARLY MARKED "TEMPORARY."

28           ~~(5)~~ (6) A person who holds a temporary emergency license ←  
29 to carry a firearm shall have the same rights to carry a  
30 firearm as a person issued a license to carry a firearm under



1 this section. A licensee under this subsection shall be  
2 subject to all other duties, restrictions and penalties under  
3 this section, INCLUDING REVOCATION PURSUANT TO SUBSECTION <—  
4 (I).

5 ~~(6)~~ (7) A sheriff who issues a temporary emergency <—  
6 license to carry a firearm shall retain, for the entire  
7 period during which the temporary emergency license is in  
8 effect, the evidence of imminent danger that the applicant  
9 submitted to the sheriff that was the basis for the license,  
10 or a copy of the evidence, as appropriate.

11 ~~(7)~~ The application for a temporary emergency license to <—  
12 carry a firearm shall be uniform throughout this Commonwealth  
13 and shall be on a form prescribed by the Pennsylvania State  
14 Police.

15 (8) A PERSON APPLYING FOR A TEMPORARY EMERGENCY LICENSE <—  
16 SHALL COMPLETE THE APPLICATION REQUIRED PURSUANT TO  
17 SUBSECTION (C) AND SHALL PROVIDE AT THE TIME OF APPLICATION  
18 THE INFORMATION REQUIRED IN PARAGRAPH (1).

19 (9) PRIOR TO THE EXPIRATION OF A TEMPORARY EMERGENCY  
20 LICENSE, IF THE SHERIFF HAS DETERMINED PURSUANT TO  
21 INVESTIGATION THAT THE PERSON ISSUED A TEMPORARY EMERGENCY  
22 LICENSE IS NOT DISQUALIFIED AND IF THE TEMPORARY EMERGENCY  
23 LICENSE HAS NOT BEEN REVOKED PURSUANT TO SUBSECTION (I), THE  
24 SHERIFF SHALL ISSUE A LICENSE PURSUANT TO THIS SECTION THAT  
25 IS EFFECTIVE FOR THE BALANCE OF THE FIVE-YEAR PERIOD FROM THE  
26 DATE OF THE ISSUANCE OF THE TEMPORARY EMERGENCY LICENSE.  
27 RECORDS AND ALL OTHER INFORMATION, DUTIES AND OBLIGATIONS  
28 REGARDING SUCH LICENSES SHALL BE APPLICABLE AS OTHERWISE  
29 PROVIDED IN THIS SECTION.

30 ~~(8)~~ (10) As used in this subsection, the term "evidence <—

1 ~~of imminent danger" means: a written document prepared by a~~ <—  
2 ~~governmental entity or public official describing the facts~~  
3 ~~that give a person reasonable cause to fear a criminal attack~~  
4 ~~upon the person or a member of the person's family that would~~  
5 ~~justify a prudent person to carry a firearm. Written~~  
6 ~~documents of this nature include, but are not limited to, any~~  
7 ~~temporary or final protection from abuse order or protection~~  
8 ~~order issued by another state.~~

9 (I) A WRITTEN DOCUMENT PREPARED BY THE ATTORNEY <—  
10 GENERAL, A DISTRICT ATTORNEY, A CHIEF LAW ENFORCEMENT  
11 OFFICER, JUDICIAL OFFICER OR THEIR DESIGNEES DESCRIBING  
12 THE FACTS THAT GIVE A PERSON REASONABLE CAUSE TO FEAR A  
13 CRIMINAL ATTACK UPON THE PERSON OR THE PERSON'S MINOR  
14 CHILD. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM  
15 "CHIEF LAW ENFORCEMENT OFFICER" SHALL HAVE THE SAME  
16 MEANING AS PROVIDED IN 42 PA.C.S. § 8951 (RELATING TO  
17 DEFINITIONS) AND "JUDICIAL OFFICER" SHALL HAVE THE SAME  
18 MEANING AS PROVIDED IN 42 PA.C.S. § 102 (RELATING TO  
19 DEFINITIONS).

20 (II) A POLICE REPORT.

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

28 (1) a law enforcement officer whose current  
29 identification as a law enforcement officer shall be  
30 construed as a valid license to carry a firearm; or



1 licensed manufacturer, licensed dealer or licensed collector,  
2 until the conditions of subsection (a) have been satisfied and  
3 until he has:

4 (1) For purposes of a firearm as defined in section 6102  
5 (relating to definitions), obtained a completed  
6 application/record of sale from the potential buyer or  
7 transferee to be filled out in triplicate, the original copy  
8 to be sent to the Pennsylvania State Police, postmarked via  
9 first class mail, within 14 days of the sale, one copy to be  
10 retained by the licensed importer, licensed manufacturer or  
11 licensed dealer for a period of 20 years and one copy to be  
12 provided to the purchaser or transferee. The form of this  
13 application/record of sale shall be no more than one page in  
14 length and shall be promulgated by the Pennsylvania State  
15 Police and provided by the licensed importer, licensed  
16 manufacturer or licensed dealer. The application/record of  
17 sale shall include the name, address, birthdate, gender,  
18 race, physical description and Social Security number of the  
19 purchaser or transferee, the date of the application and the  
20 caliber, length of barrel, make, model and manufacturer's  
21 number of the firearm to be purchased or transferred. The  
22 application/record of sale shall also contain the following  
23 question:

24 Are you the actual buyer of the firearm(s), AS DEFINED ←  
25 UNDER 18 PA.C.S. § 6102, listed on this  
26 application/record of sale? Warning: You are not the  
27 actual buyer if you are acquiring the firearm(s) on  
28 behalf of another person, unless you are legitimately  
29 acquiring the firearm as a gift for any of the following  
30 individuals who are legally eligible to own a firearm:

- 1           (1) spouse;
- 2           (2) parent;
- 3           (3) child;
- 4           (4) grandparent; or
- 5           (5) grandchild.

6           \* \* \*

7       (g) Penalties.--

8           \* \* \*

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

13           (i) makes any materially false oral [or written  
14 statement or] statement;

15           (ii) makes any materially false written statement,  
16 including a statement on any form promulgated by Federal  
17 or State agencies; or

18           (iii) willfully furnishes or exhibits any false  
19 identification intended or likely to deceive the seller,  
20 licensed dealer or licensed manufacturer [commits a  
21 felony of the third degree].

22           \* \* \*

23       (j) Exemption.--

24           (1) The provisions of subsections (a) and (b) shall not  
25 apply to:

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

27           (ii) the purchase of firearms by a chief law  
28 enforcement officer, or his designee, for the official  
29 use of law enforcement officers.

30           (2) For the purposes of this subsection, the term "chief

1 law enforcement officer" shall include the Commissioner of  
2 the Pennsylvania State Police, the chief or head of a police  
3 department, a county sheriff or any equivalent law  
4 enforcement official.

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

7 ~~§ 6111.1. Pennsylvania State Police.~~

8 \* \* \*

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

10 \* \* \*

11 ~~(5) The Pennsylvania State Police shall maintain a~~  
12 ~~registry of all firearms reported lost or stolen in this~~  
13 ~~Commonwealth. The registry shall contain, if available, the~~  
14 ~~manufacturer, model, caliber, serial number and any other~~  
15 ~~identifying information concerning any firearm reported lost~~  
16 ~~or stolen, as well as the name of the lawful owner of the~~  
17 ~~firearm. If a firearm is reported stolen to a local law~~  
18 ~~enforcement agency, that agency shall collect the required~~  
19 ~~information and shall submit it to the Pennsylvania State~~  
20 ~~Police within 24 hours. Information concerning a firearm~~  
21 ~~reported lost or stolen:~~

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

23 ~~and~~

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

26 \* \* \*

27 SECTION 6. SECTION ~~6111.1(E)~~ 6111.1(B)(4), (E) AND (F) OF <—  
28 TITLE 18 ARE AMENDED TO READ:

29 § 6111.1. PENNSYLVANIA STATE POLICE.

30 \* \* \* <—

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

2 \* \* \*

3 (4) THE PENNSYLVANIA STATE POLICE AND ANY LOCAL LAW  
4 ENFORCEMENT AGENCY SHALL MAKE ALL REASONABLE EFFORTS TO  
5 DETERMINE THE LAWFUL OWNER OF ANY FIREARM CONFISCATED OR  
6 RECOVERED BY THE PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW  
7 ENFORCEMENT AGENCY AND RETURN SAID FIREARM TO ITS LAWFUL  
8 OWNER IF THE OWNER IS NOT OTHERWISE PROHIBITED FROM  
9 POSSESSING THE FIREARM. WHEN A COURT OF LAW HAS DETERMINED  
10 THAT THE PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW  
11 ENFORCEMENT AGENCY HAVE FAILED TO EXERCISE THE DUTY UNDER  
12 THIS SUBSECTION, REASONABLE ATTORNEY FEES SHALL BE AWARDED TO  
13 ANY LAWFUL OWNER OF SAID FIREARM WHO HAS SOUGHT JUDICIAL  
14 ENFORCEMENT OF THIS SUBSECTION.

15 \* \* \*

16 (E) CHALLENGE TO RECORDS.--

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

1           (2) THE PENNSYLVANIA STATE POLICE SHALL CONDUCT A REVIEW  
2 OF THE ACCURACY OF THE INFORMATION FORMING THE BASIS FOR THE  
3 DENIAL, AND SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF  
4 THE RECORD. WITHIN 20 DAYS AFTER RECEIVING A CHALLENGE, THE  
5 PENNSYLVANIA STATE POLICE SHALL NOTIFY THE CHALLENGER OF THE  
6 BASIS FOR THE DENIAL, INCLUDING, BUT NOT LIMITED TO, THE  
7 JURISDICTION AND DOCKET NUMBER OF ANY RELEVANT COURT DECISION  
8 AND PROVIDE THE CHALLENGER AN OPPORTUNITY TO PROVIDE  
9 ADDITIONAL INFORMATION FOR THE PURPOSES OF THE REVIEW. THE  
10 PENNSYLVANIA STATE POLICE SHALL COMMUNICATE ITS FINAL  
11 DECISION TO THE CHALLENGER WITHIN 60 DAYS OF THE RECEIPT OF  
12 THE CHALLENGE. THE DECISION OF THE PENNSYLVANIA STATE POLICE  
13 SHALL INCLUDE ALL INFORMATION WHICH FORMED A BASIS FOR THE  
14 DECISION.

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

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

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

25           (1) NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES  
26 OF THE COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA  
27 STATE POLICE, ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE  
28 POLICE, OF:

29           (I) THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN  
30 ADJUDICATED AS AN INCOMPETENT OR AS A MENTAL DEFECTIVE OR



1 WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL  
2 INSTITUTION [FOR INPATIENT CARE AND TREATMENT] UNDER THE  
3 ACT OF JULY 9, 1976 (P.L.817, NO.143), KNOWN AS THE  
4 MENTAL HEALTH PROCEDURES ACT, OR WHO HAS BEEN  
5 INVOLUNTARILY TREATED AS DESCRIBED IN SECTION 6105(C)(4)  
6 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,  
7 CONTROL, SELL OR TRANSFER FIREARMS)[.] OR AS DESCRIBED IN  
8 18 U.S.C. § 922(G)(4) (RELATING TO UNLAWFUL ACTS) AND ITS  
9 IMPLEMENTING FEDERAL REGULATIONS; AND

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

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

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

22 \* \* \*

23 Section 7. Sections ~~6111.4 and 6117, 6117~~ 6117, 6127(A) AND <—  
24 9152(D) AND (E) of Title 18 are amended to read:

25 ~~§ 6111.4. Registration of firearms.~~ <—

26 ~~Notwithstanding any section of this chapter to the contrary,~~  
27 ~~nothing in this chapter shall be construed to allow any~~  
28 ~~government or law enforcement agency or any agent thereof to~~  
29 ~~create, maintain or operate any registry of firearm ownership~~  
30 ~~within this Commonwealth[.], other than a registry of firearms~~

1 ~~reported lost or stolen under section 6111.1(b)(5) (relating to~~  
2 ~~Pennsylvania State Police). For the purposes of this section~~  
3 ~~only, the term "firearm" shall include any weapon that is~~  
4 ~~designed to or may readily be converted to expel any projectile~~  
5 ~~by the action of an explosive or the frame or receiver of any~~  
6 ~~such weapon.~~

7 § 6117. Altering or obliterating marks of identification.

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

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

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

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

26 § 6127. FIREARM TRACING.

←

27 (A) ILLEGAL POSSESSION.--UPON CONFISCATING OR RECOVERING A  
28 FIREARM FROM THE POSSESSION OF ANYONE [UNDER 21 YEARS OF AGE]  
29 WHO IS NOT PERMITTED BY FEDERAL OR STATE LAW TO POSSESS A  
30 FIREARM, A LOCAL LAW ENFORCEMENT AGENCY SHALL USE THE BEST

1 AVAILABLE INFORMATION, INCLUDING A FIREARMS TRACE WHERE  
2 NECESSARY, TO DETERMINE HOW AND FROM WHERE THE PERSON [UNDER 21  
3 YEARS OF AGE] GAINED POSSESSION OF THE FIREARM.

4 \* \* \*

5 § 9152. PROCEDURE. ←

6 \* \* \*

7 (D) REVIEW OF CHALLENGE.--ALL CRIMINAL JUSTICE AGENCIES  
8 SHALL HAVE 60 DAYS TO CONDUCT A REVIEW OF ANY CHALLENGE AND  
9 SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF THE RECORD. THE  
10 DECISION ON THE CHALLENGE SHALL INCLUDE ALL INFORMATION,  
11 INCLUDING, BUT NOT LIMITED TO, THE JURISDICTION AND DOCKET  
12 NUMBER OF ANY RELEVANT COURT DECISION WHICH FORMED A BASIS FOR  
13 THE DECISION. IF THE CHALLENGE IS DEEMED VALID, THE APPROPRIATE  
14 OFFICIALS MUST ENSURE THAT:

15 (1) THE CRIMINAL HISTORY RECORD INFORMATION IS  
16 CORRECTED.

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

19 (3) PRIOR ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION  
20 DISSEMINATED TO CRIMINAL JUSTICE AGENCIES SHALL BE DESTROYED  
21 OR RETURNED AND REPLACED WITH CORRECTED INFORMATION.

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

25 (E) APPEALS.--

26 (1) IF THE CHALLENGE IS RULED INVALID, AN INDIVIDUAL HAS  
27 THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL  
28 WITHIN 30 DAYS OF NOTIFICATION OF THE DECISION BY THE  
29 CRIMINAL JUSTICE AGENCY.

30 (2) THE ATTORNEY GENERAL SHALL [HAVE THE AUTHORITY TO

1 CONDUCT ADMINISTRATIVE APPEAL HEARINGS] CONDUCT A HEARING DE  
2 NOVO IN ACCORDANCE WITH THE ADMINISTRATIVE AGENCY LAW. THE  
3 BURDEN OF PROOF SHALL BE UPON THE PARTY BEARING THE BURDEN OF  
4 PROOF ON THE CHALLENGE.

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

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

9 SUBCHAPTER D

10 STRAW PURCHASE PREVENTION

11 EDUCATION PROGRAM

12 SEC.

13 6181. SCOPE OF SUBCHAPTER.

14 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.

15 6183. DEFINITIONS.

16 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.

17 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.

18 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

19 6187. TRANSFER FOR INITIAL FUNDING.

20 § 6181. SCOPE OF SUBCHAPTER.

21 THIS SUBCHAPTER PROVIDES FOR THE ESTABLISHMENT OF THE STRAW  
22 PURCHASE PREVENTION EDUCATION PROGRAM WITHIN THE OFFICE OF  
23 ATTORNEY GENERAL.

24 § 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.

25 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

28 (2) URBAN AREAS ARE EXPERIENCING INCREASED VIOLENCE AS A  
29 RESULT OF CRIMINAL MISUSE OF FIREARMS. STEMMING THE FLOW OF  
30 THESE ILLEGAL FIREARMS THROUGH STRAW PURCHASES WILL HELP TO

1 CURB THE CRIME RATE THROUGHOUT THIS COMMONWEALTH AND INCREASE  
2 PUBLIC SAFETY.

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

7 (4) COMMITTED TO EDUCATING FIREARMS DEALERS AND THE  
8 GENERAL PUBLIC, THE NATIONAL SHOOTING SPORTS FOUNDATION, IN  
9 PARTNERSHIP WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
10 EXPLOSIVES, IN JULY 2000 CREATED THE "DON'T LIE FOR THE OTHER  
11 GUY PROGRAM."

12 (5) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" WAS  
13 DEVELOPED TO RAISE PUBLIC AWARENESS THAT IT IS A SERIOUS  
14 CRIME TO PURCHASE A FIREARM FOR SOMEONE WHO CANNOT LEGALLY DO  
15 SO AND TO EDUCATE FIREARMS DEALERS ON HOW TO BETTER DETECT  
16 AND DETER POTENTIAL STRAW PURCHASES. THE CAMPAIGN DELIVERS  
17 THE MESSAGE THAT ANYONE ATTEMPTING AN ILLEGAL FIREARM  
18 PURCHASE FACES A STIFF FEDERAL PENALTY.

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

26 (7) THE NATIONALLY RECOGNIZED "DON'T LIE FOR THE OTHER  
27 GUY PROGRAM" HAS BEEN ENDORSED BY UNITED STATES ATTORNEYS  
28 THROUGHOUT THE NATION, VARIOUS LAW ENFORCEMENT AGENCIES, THE  
29 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES AND THE  
30 DEPARTMENT OF JUSTICE.

1           (8) IT IS IN THE BEST INTEREST OF THIS COMMONWEALTH TO  
2           ESTABLISH A STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
3           WITHIN THE OFFICE OF ATTORNEY GENERAL TO PROVIDE RESOURCES  
4           AND DIRECT GRANT MONEY TO THE "DON'T LIE FOR THE OTHER GUY  
5           PROGRAM" AND SIMILAR PROGRAMS THAT OFFER STRAW PURCHASE  
6           PREVENTION EDUCATION.

7   § 6183. DEFINITIONS.

8           THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
9           SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
10          CONTEXT CLEARLY INDICATES OTHERWISE:

11          "FUND." THE STRAW PURCHASE PREVENTION EDUCATION FUND  
12          ESTABLISHED IN SECTION 6186 (RELATING TO STRAW PURCHASE  
13          PREVENTION EDUCATION FUND).

14          "PROGRAM." THE STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
15          ESTABLISHED IN SECTION 6184 (RELATING TO STRAW PURCHASE  
16          PREVENTION EDUCATION PROGRAM).

17   § 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.

18          (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION  
19          PROGRAM IS ESTABLISHED AND SHALL PROVIDE RESOURCES AND DIRECT  
20          GRANT MONEY TO UNDERWRITE THE COST OF IMPLEMENTING AN  
21          EDUCATIONAL AND PUBLIC SERVICE OUTREACH PROGRAM IN THE  
22          COMMUNITY.

23          (B) OUTREACH.--THE EDUCATIONAL AND PUBLIC SERVICE OUTREACH  
24          PROGRAM SHALL INFORM INDIVIDUALS OF THE ILLEGAL NATURE OF  
25          PURCHASING A FIREARM FOR AN INDIVIDUAL PROHIBITED FROM OWNING  
26          FIREARMS. THE OUTREACH PROGRAM SHALL BE DEVELOPED BY A NOT-FOR-  
27          PROFIT ORGANIZATION WHICH:

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

30                  (2) HAS A MEMBERSHIP CONSISTING OF FIREARM

1 MANUFACTURERS, FIREARM DISTRIBUTORS, FIREARM RETAILERS,  
2 PUBLISHERS AND SPORTSMEN'S ORGANIZATIONS.

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

5 (C) PRIORITY OF GRANTS.--GRANTS SHALL BE PRIORITIZED BASED  
6 ON THE HIGHEST INCIDENCE OF FIREARM VIOLENCE IN A COUNTY OF THIS  
7 COMMONWEALTH.

8 § 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.

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

11 (1) ESTABLISH A GRANT PROGRAM TO PROVIDE MONEYS FROM THE  
12 FUND PURSUANT TO SECTION 6184 (RELATING TO STRAW PURCHASE  
13 PREVENTION EDUCATION PROGRAM).

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

16 § 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

17 (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION  
18 FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY AS A RESTRICTED  
19 ACCOUNT. THE FUND SHALL CONSIST OF FUNDS APPROPRIATED BY THE  
20 GENERAL ASSEMBLY.

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

25 § 6187. TRANSFER FOR INITIAL FUNDING.

26 THE SUM OF \$100,000 IS HEREBY TRANSFERRED FROM THE GENERAL  
27 FUND TO THE STRAW PURCHASE PREVENTION EDUCATION FUND FOR  
28 EXPENDITURE DURING THE FISCAL YEAR JULY 1, ~~2008~~ 2009, TO JUNE <—  
29 30, ~~2009~~ 2010, TO CARRY OUT THE PROVISIONS OF THIS SUBCHAPTER. <—

30 Section & 9. Section 5552(b)(1) and (c) of Title 42 are <—

1 amended to read:

2 § 5552. Other offenses.

3 \* \* \*

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

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

9 Section 901 (relating to criminal attempt) involving  
10 attempt to commit murder where no murder occurs.

11 Section 902 (relating to criminal solicitation)  
12 involving solicitation to commit murder where no murder  
13 occurs.

14 Section 903 (relating to criminal conspiracy)  
15 involving conspiracy to commit murder where no murder  
16 occurs.

17 Section 911 (relating to corrupt organizations).

18 Section 2702 (relating to aggravated assault).

19 Section 2706 (relating to terroristic threats).

20 Section 2713 (relating to neglect of care-dependent  
21 person).

22 Section 2901 (relating to kidnapping).

23 Section 3301 (relating to arson and related  
24 offenses).

25 Section 3502 (relating to burglary).

26 Section 3701 (relating to robbery).

27 Section 3921 (relating to theft by unlawful taking or  
28 disposition) through section 3933 (relating to unlawful  
29 use of computer).

30 Section 4101 (relating to forgery).



1 Section 4107 (relating to deceptive or fraudulent  
2 business practices).

3 Section 4108 (relating to commercial bribery and  
4 breach of duty to act disinterestedly).

5 Section 4109 (relating to rigging publicly exhibited  
6 contest).

7 Section 4117 (relating to insurance fraud).

8 Section 4701 (relating to bribery in official and  
9 political matters) through section 4703 (relating to  
10 retaliation for past official action).

11 Section 4902 (relating to perjury) through section  
12 4912 (relating to impersonating a public servant).

13 Section 4952 (relating to intimidation of witnesses  
14 or victims).

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

17 Section 5101 (relating to obstructing administration  
18 of law or other governmental function).

19 Section 5111 (relating to dealing in proceeds of  
20 unlawful activities).

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

23 Section 5902(b) (relating to prostitution and related  
24 offenses).

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

27 \* \* \*

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

1 \* \* \*

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

7 \* \* \*

8 Section ~~9~~ 10. The provisions of 17 Pa. Code § 11.215 <—  
9 (relating to weapons and hunting) are abrogated to the extent  
10 they apply to any person identified under 18 Pa.C.S. §  
11 6109(m.2).

12 Section ~~10~~ 11. This act shall take effect ~~in 60 days~~. AS <—  
13 FOLLOWS:

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