

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1043 Session of  
2007

INTRODUCED BY WASHINGTON, FONTANA, STACK, TARTAGLIONE AND  
C. WILLIAMS, AUGUST 2, 2007

REFERRED TO JUDICIARY, AUGUST 2, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for a limit on handgun  
3 purchases and sales; and establishing the Violence Prevention  
4 Fund.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 6111.6. Limit on handgun purchases.

10 (a) Purchase of handgun.--No person may purchase more than  
11 one handgun in this Commonwealth within any 30-day period.

12 (b) Sale of handgun.--No person may sell or cause to be sold  
13 to a person in this Commonwealth more than one handgun within  
14 any 30-day period.

15 (c) Exceptions.--This section shall not apply to the  
16 following:

17 (1) A licensed firearm dealer.

18 (2) A licensed firearm collector.

1           (3) A law enforcement agency or an agency authorized to  
2 perform law enforcement duties.

3           (4) State and local correctional facilities.

4           (5) A private security company licensed to do business  
5 within this Commonwealth.

6           (6) The purchase or sale of antique firearms.

7           (7) A person whose handgun is stolen or irretrievably  
8 lost if:

9           (i) the person provides the seller with an official  
10 copy of the police report of the lost or stolen handgun,  
11 or a summary of the report on a form provided by the  
12 Pennsylvania State Police;

13           (ii) the police report or summary contains the name  
14 and address of the handgun owner, the description of the  
15 handgun, the location of the loss or theft, the date of  
16 the loss or theft and the date the loss or theft was  
17 reported to the law enforcement agency;

18           (iii) the date of the loss or theft as reflected on  
19 the police report or summary occurred within 30 days of  
20 the person's attempt to replace the handgun; and

21           (iv) the seller attaches an official copy of the  
22 police report or summary of the report to the original  
23 sales receipt or other document evidencing the original  
24 sale and retain it for the period prescribed by  
25 regulation of the Pennsylvania State Police.

26 (d) Grading.--

27           (1) Except as set forth in paragraph (2), a person that  
28 is convicted of violating subsection (a) or (b) commits a  
29 misdemeanor of the third degree.

30           (2) A person that, after being sentenced under paragraph

1 (1), is convicted of violating subsection (a) or (b) commits  
2 a felony of the third degree.

3 (e) Disposition of fines collected.--The court imposing and  
4 collecting a fine under subsection (d) shall transfer the fines  
5 thus collected to the State Treasurer for deposit in the  
6 Violence Prevention Fund under subsection (f).

7 (f) Violence Prevention Fund.--There is established in the  
8 General Fund a nonlapsing, restricted receipt account to be  
9 known as the Violence Prevention Fund. Money in the fund is  
10 hereby appropriated to the Pennsylvania Commission on Crime and  
11 Delinquency solely for purposes of violence prevention and youth  
12 violence prevention, including youth education and activities  
13 designed to prevent violence and grants to law enforcement  
14 agencies for equipment and training designed to prevent gun-  
15 related injuries.

16 (g) Notice.--A seller shall notify each prospective  
17 purchaser that the purchase of more than one handgun in a 30-day  
18 period is prohibited under this section and of the applicable  
19 penalties.

20 (h) Handgun purchase history check.--In addition to any  
21 other duty prescribed by this section, a seller of a handgun  
22 shall request the Pennsylvania State Police to conduct a handgun  
23 purchase history check to investigate whether the prospective  
24 handgun purchaser is in compliance with this section. A handgun  
25 purchase history check shall be conducted in accordance with the  
26 procedures governing other background checks under this  
27 subchapter. A handgun purchase history shall be conducted at the  
28 same time any criminal history, juvenile delinquency or mental  
29 health records check is required for a firearm purchase under  
30 this subchapter. Information related to a handgun purchase

1 provided to the Pennsylvania State Police by a seller may be  
2 retained by the Pennsylvania State Police as necessary to  
3 monitor compliance with this section.

4 (i) Definitions.--As used in this section, the following  
5 words and phrases shall have the meanings given to them in this  
6 subsection:

7 "Handgun." Either of the following:

8 (1) A firearm which has a short stock and is designed to  
9 be held and fired by the use of a single hand.

10 (2) Any combination of parts from which a firearm  
11 described under paragraph (1) can be assembled.

12 "Licensed firearm collector." A person who collects firearms  
13 and is licensed as a collector under 18 U.S.C. § 923 (relating  
14 to licensing).

15 "Licensed firearm dealer." A person who is licensed as a  
16 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

17 "Purchase." Does not include the exchange or replacement of  
18 a handgun by a seller for a handgun purchased from the seller by  
19 the same person seeking the exchange or replacement within the  
20 30-day period immediately preceding the date of exchange or  
21 replacement.

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