

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1379 Session of
2008

INTRODUCED BY A. WILLIAMS, HUGHES, KITCHEN AND C. WILLIAMS,
APRIL 28, 2008

REFERRED TO JUDICIARY, APRIL 28, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for purchase of handguns.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

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

7 § 6105.2. Purchase of handguns.

8 (a) Handgun purchaser permit.--No person shall sell, give,
9 transfer, assign or otherwise dispose of, nor receive, purchase
10 or otherwise acquire a handgun unless the purchaser, assignee,
11 donee, receiver or holder is licensed as a dealer under this
12 chapter or has first secured a permit to purchase a handgun as
13 provided by this section.

14 (b) Eligibility.--No person of good character and good
15 repute in the community in which he lives, and who is not
16 subject to any of the disabilities set forth in this section or
17 other sections of this chapter, shall be denied a handgun

purchaser permit, except as set forth in this subsection. No handgun purchaser permit shall be issued to any of the following persons:

(1) A person who has been convicted of a crime.

(2) A drug-dependent person, a person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard.

(3) A person who suffers from a physical defect or disease which would make it unsafe for him to handle handguns.

(4) A person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed by the Commonwealth, or other satisfactory proof, that he is no longer suffering from that particular disability in a manner that would interfere with or handicap him in the handling of handguns.

(5) A person under 21 years of age.

(6) A person where the issuance would not be in the interest of the public health, safety or welfare.

(7) A person who is the subject of an active protection from abuse order issued pursuant to 23 Pa.C.S. § 6108 (relating to relief), which order provided for the relinquishment of firearms while the order is in effect.

(8) A person who as a juvenile was adjudicated delinquent for an offense which, if committed by an adult, would constitute a crime and the offense involved the unlawful use or possession of a weapon, explosive or destructive device.

1 (9) A person whose firearm is seized pursuant to 23
2 Pa.C.S. § 6108 and whose firearm has not been returned.

3 (10) A person who knowingly falsifies any information on
4 the application form for a handgun purchaser permit.

5 (c) Issuance.--The chief of police of a full-time police
6 department of the municipality where the applicant resides or
7 the commissioner, in all other cases, shall, upon application,
8 issue to any person eligible under subsection (b) a handgun
9 purchaser permit.

10 (d) Denials.--Any person aggrieved by the denial of a
11 handgun purchaser permit may request a hearing in the court of
12 common pleas of the county in which the applicant resides, if he
13 is a resident of this Commonwealth or in the court of common
14 pleas of the county in which the application was filed for a
15 nonresident. The request for a hearing shall be made in writing
16 within 30 days of the denial of the application. The applicant
17 shall serve a copy of the request for a hearing upon the chief
18 of police of the municipality in which the applicant resides, if
19 he is a resident of this Commonwealth, and upon the commissioner
20 in all cases. The hearing shall be held and a record made within
21 30 days of the receipt of the application for the hearing by the
22 judge of the court of common pleas. No formal pleading and no
23 filing fee shall be required as a preliminary to the hearing.
24 Appeals from the results of the hearing shall be in accordance
25 with the law.

26 (e) Applications.--Applications for handgun purchaser
27 permits shall be in the form prescribed by the commissioner and
28 shall state the applicant's:

29 (1) Name.

30 (2) Residence.

1 (3) Place of business.

2 (4) Age.

3 (5) Date of birth.

4 (6) Occupation.

5 (7) Sex.

6 (8) Physical description, including distinguishing
7 physical characteristics, if any.

8 (9) Whether the applicant is a citizen.

9 (10) Whether the applicant is an alcoholic, habitual
10 drunkard or drug-dependent person.

11 (11) Whether the applicant has ever been confined or
12 committed to a mental institution or hospital for treatment
13 or observation of a mental or psychiatric condition on a
14 temporary, interim or permanent basis, giving the name and
15 location of the institution or hospital and the dates of such
16 confinement or commitment.

17 (12) Whether the applicant has been attended, treated or
18 observed by any doctor or psychiatrist or at any hospital or
19 mental institution on an inpatient or outpatient basis for
20 any mental or psychiatric condition, giving the name and
21 location of the doctor, psychiatrist, hospital or institution
22 and the dates of such occurrence.

23 (13) Whether the applicant presently or ever has been a
24 member of any organization which advocates or approves the
25 commission of acts of force and violence to overthrow the
26 Government of the United States or this Commonwealth, or
27 which seeks to deny others their rights under the
28 Constitution of the United States or the Constitution of
29 Pennsylvania.

30 (14) Whether the applicant has ever been convicted of a

1 crime, or is subject to a protection from abuse order issued
2 pursuant to 23 Pa.C.S. § 6108 prohibiting the person from
3 possessing any firearm, and such other information as the
4 superintendent shall deem necessary for the proper
5 enforcement of this chapter.

6 For the purpose of complying with this subsection, the applicant
7 shall waive any statutory or other right of confidentiality
8 relating to institutional confinement. The application shall be
9 signed by the applicant and shall contain as references the
10 names and addresses of two reputable citizens personally
11 acquainted with him.

12 (f) Application blanks.--Application blanks shall be
13 obtainable from the superintendent, from any other officer
14 authorized to grant a handgun purchaser permit and from licensed
15 retail dealers.

16 (g) Fingerprints.--The chief police officer of the
17 municipality in which the applicant applies or the commissioner
18 shall obtain the fingerprints of the applicant and shall have
19 them compared with all records of fingerprints in the
20 municipality and county in which the applicant resides and also
21 the records of the Pennsylvania State Police and the Federal
22 Bureau of Investigation, provided that an applicant for a
23 handgun purchaser permit who possesses a valid and lawfully
24 issued license under this chapter, or who has previously
25 obtained a handgun purchaser permit from the same licensing
26 authority for which he was previously fingerprinted, and who
27 provides other reasonably satisfactory proof of his identity,
28 need not be fingerprinted again; however, the chief police
29 officer or the commissioner shall proceed to investigate the
30 applicant to determine whether or not the applicant has become

1 subject to any of the disabilities set forth in this chapter.

2 (h) Granting of permit; fee; term; renewal; revocation.--The
3 application for the handgun purchaser permit together with a fee
4 of \$5 shall be delivered or forwarded to the licensing authority
5 who shall investigate the same and, unless good cause for
6 denying the application appears, shall grant the permit, if
7 application has been made, within 30 days from the date of
8 receipt of the application for residents of this Commonwealth
9 and within 45 days for nonresident applicants. A handgun
10 purchaser permit shall be valid for a period of 90 days from the
11 date of issuance and may be renewed by the issuing authority for
12 good cause for an additional 90 days. A handgun purchaser permit
13 shall not be valid if the holder becomes subject to any of the
14 disabilities set forth in subsection (b). In this case, the
15 permit shall be void and shall be returned within five days by
16 the holder to the commissioner, who shall then advise the
17 issuing authority. Failure of the holder to return the handgun
18 purchaser permit to the commissioner within five days shall be a
19 misdemeanor of the first degree. Any handgun purchaser permit
20 may be revoked by the court of common pleas of the county where
21 it was issued, after hearing upon notice, upon a finding that
22 the holder no longer qualifies for the issuance of a permit. The
23 county prosecutor of any county, the chief police officer of any
24 municipality or any citizen may apply to the court of common
25 pleas at any time for revocation of the permit.

26 (i) Additional conditions or requirements.--There shall be
27 no conditions or requirements added to the form or content of
28 the application, or required by the licensing authority for the
29 issuance of a permit, other than those that are specifically set
30 forth in this section.

1 (j) Disposition of fees.--All fees for permits shall be paid
2 to the State Treasury if the permit is issued by the
3 commissioner, to the municipality if issued by the chief of
4 police, and to the county treasurer if issued by the judge of
5 the court of common pleas.

6 (k) Form of permit; quadruplicate; disposition of copies.--
7 The permit shall be in the form prescribed by the commissioner
8 and shall be issued to the applicant in quadruplicate. Prior to
9 the time he receives the handgun from the seller, the applicant
10 shall deliver to the seller the permit in quadruplicate and the
11 seller shall complete all of the information required on the
12 form. Within five days of the sale, the seller shall forward the
13 original copy to the commissioner and the second copy to the
14 chief of police of the municipality in which the purchaser
15 resides, except that in a municipality having no chief of
16 police, such copy shall be forwarded to the commissioner. The
17 third copy shall be returned to the purchaser with the pistol or
18 revolver and the fourth copy shall be kept by the seller as a
19 permanent record.

20 (l) Restriction on number of handguns a person may
21 purchase.--Only one handgun shall be purchased or delivered on
22 each permit.

23 (m) Firearms passing to heirs or legatees.--Notwithstanding
24 any other provision of this section concerning the transfer,
25 receipt or acquisition of a firearm, a permit to purchase shall
26 not be required for the passing of a firearm upon the death of
27 an owner to his heir or legatee, whether the same be by
28 testamentary bequest or by the laws of intestacy. The person who
29 shall receive or acquire the firearm shall, however, be subject
30 to all other provisions of this chapter. If the heir or legatee

1 of the firearm does not qualify to possess or carry it, he may
2 retain ownership of it for the purpose of sale for a period not
3 exceeding 180 days, or for a further limited period as may be
4 approved by the chief law enforcement officer of the
5 municipality in which the heir or legatee resides or the
6 commissioner, provided that the firearm is in the custody of the
7 chief law enforcement officer of the municipality or the
8 superintendent during the period.

9 (n) Sawed-off shotguns.--Nothing in this section shall be
10 construed to authorize the purchase or possession of any sawed-
11 off shotgun.

12 (o) Applicability.--Nothing in this section shall apply to
13 the sale or purchase of a visual distress signaling device
14 approved by the United States Coast Guard, solely for possession
15 on a private or commercial aircraft or any boat; provided,
16 however, that no person under 18 years of age shall purchase nor
17 shall any person sell to a person under 18 years of age such a
18 visual distress signaling device.

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

22 "Commissioner." The Commissioner of the Pennsylvania State
23 Police.

24 "Handgun." Any pistol, revolver or other firearm originally
25 designed or manufactured to be fired by the use of a single
26 hand.

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