

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1293 Session of  
2009

INTRODUCED BY CRUZ, YOUNGBLOOD, PAYTON AND M. O'BRIEN,  
APRIL 20, 2009

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 20, 2009

AN ACT

1 Relating to firearm registration; providing for duties of the  
2 Pennsylvania State Police; and imposing penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Firearm  
7 Registration Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Antique firearm." Includes:

13 (1) Any firearm, including any firearm with a matchlock,  
14 flintlock, percussion cap or similar type of ignition system,  
15 manufactured in or before 1898.

16 (2) Any replica of any firearm described in paragraph

17 (1) if the replica:

18 (i) is not designed or redesigned for using rimfire

1 or conventional centerfire fixed ammunition; or

2 (ii) uses rimfire or conventional centerfire  
3 ammunition that is no longer manufactured in the United  
4 States and that is not readily available in the ordinary  
5 channels of commercial trade.

6 (3) Any firearm, other than a machine gun, which,  
7 although designed as a weapon, the Pennsylvania State Police  
8 finds by reason of the date of its manufacture, value, design  
9 and other characteristics is primarily a collector's item and  
10 is not likely to be used as a weapon.

11 "Firearm." A weapon which will or is designed or restored to  
12 expel a projectile or projectiles by the action of any  
13 explosive, the frame or receiver of any such device or any  
14 firearm muffler or silencer. The term shall not include:

15 (1) Antique firearms.

16 (2) Any device used exclusively for line throwing,  
17 signaling or safety and required or recommended by the United  
18 States Coast Guard or Interstate Commerce Commission.

19 (3) Any device used exclusively for firing explosives,  
20 rivets, stud cartridges or any similar industrial ammunition  
21 incapable of use as a weapon.

## 22 Section 3. Registration.

23 (a) General rule.--All firearms in this Commonwealth shall  
24 be registered in accordance with this section. It shall be the  
25 duty of a person owning or possessing any firearm to cause the  
26 firearm to be registered. No person within this Commonwealth may  
27 possess, harbor, have under the person's control, transfer,  
28 offer for sale, sell, give, deliver or accept any firearm unless  
29 the person is the holder of a valid registration certificate for  
30 the firearm. No person within this Commonwealth may possess,

1 harbor, have under the person's control, transfer, offer for  
2 sale, sell, deliver or accept any firearm which is  
3 unregistrable under this act.

4 (b) Nonapplicability.--This section shall not apply to:

5 (1) Firearms owned or under the direct control or  
6 custody of any Federal, State or local governmental authority  
7 maintained in the course of its official duties.

8 (2) Duty-related firearms owned and possessed by law  
9 enforcement officers who are not residents of this  
10 Commonwealth.

11 (3) Duty-related firearms owned and possessed by  
12 corrections officers who are not residents of this  
13 Commonwealth.

14 (4) Firearms owned, manufactured or processed by  
15 licensed manufacturers of firearms, bulk transporters or  
16 licensed sellers of firearms at wholesale or retail, provided  
17 that such persons have all licenses required by law.

18 (5) Any nonresident of this Commonwealth participating  
19 in any lawful recreational firearm-related activity in this  
20 Commonwealth, or on the way to or from the firearm-related  
21 activity in another jurisdiction, provided that the  
22 possession or control of the firearm is lawful in the  
23 jurisdiction in which the individual resides and that the  
24 weapon is either:

25 (i) Broken down in a nonfunctioning state.

26 (ii) Unloaded and enclosed in a case, firearm-  
27 carrying box, shipping box or other container.

28 (6) Private security personnel who possess or control  
29 any firearm or ammunition within this Commonwealth. Firearms  
30 under this paragraph shall be owned and maintained by the

1 security firm employing the security personnel and shall be  
2 registered by the security firm in accordance with this  
3 section.

4 Section 4. Insurance.

5 (a) General rule.--No registration certificate shall be  
6 issued to any person unless the person:

7 (1) Has not been convicted of a crime of violence.

8 (2) Has not been convicted within the five years prior  
9 to the application of any violation of any law relating to  
10 the use, possession or sale of any narcotic or dangerous  
11 drug.

12 (3) Is not otherwise ineligible to possess a firearm  
13 under any Federal or State law.

14 (b) Application.--Every person who is required to register a  
15 firearm under this act shall obtain an application for  
16 registration of the firearm from the Pennsylvania State Police.  
17 The application shall be in writing and sworn under oath and  
18 shall require the following information:

19 (1) The name, home and business address, telephone  
20 number, date of birth and Social Security number of the  
21 applicant.

22 (2) The age, sex and citizenship of the applicant.

23 (3) The name of the manufacturer, the caliber or gauge,  
24 the model, type and serial number of each firearm to be  
25 registered.

26 (4) Two photographs taken within 30 days immediately  
27 prior to the date of filing the application equivalent to  
28 passport size showing the full face, head and shoulders of  
29 the applicant in a clear and distinguishing manner.

30 (5) Additional information as the Pennsylvania State

Police may deem necessary to process the application.

(c) Fingerprinting.--The applicant or registrant shall submit to fingerprinting by the Pennsylvania State Police in accordance with procedures and regulations prescribed by the Pennsylvania State Police.

(d) Records.--The Pennsylvania State Police shall cause to be kept an accurate record of each application received and acted upon together with all other information and data pertaining to the application on all applications for owner's registration certificates issued or denied under this act. Applications for owner's registration certificates shall be numbered in consecutive numbers as filed, and each certificate issued shall be identified with the duplicate number of the application upon which it was issued and shall expire automatically one year from the date of issuance.

(e) Background check.--The Pennsylvania State Police shall conduct a criminal background check on the applicant to ensure compliance with this section. No application may be approved until and unless a criminal background check is completed.

(f) Procedure.--Within 30 days of receipt of an application, the Pennsylvania State Police, after consideration of the application for an owner's registration certificate and all information obtained relative to the application, shall either approve or deny the application and notify the applicant in writing of the determination.

(g) Approval.--In the event the application is approved, the Pennsylvania State Police shall issue to the applicant an owner's registration certificate which shall contain the applicant's name, residence, date of birth, photograph and other personal information as may be required by the Pennsylvania

1 State Police. The owner's registration certificate shall not be  
2 transferable and shall be carried simultaneously with the  
3 firearm and shall be exhibited to any police officer upon demand  
4 for inspection. Registration shall not make lawful the carrying  
5 or possessing of a firearm if prohibited by law.

6 (h) Denial.--In the event the application is denied, the  
7 Pennsylvania State Police shall inform the applicant in writing  
8 of the denial. Any applicant who believes that the applicant's  
9 application is wrongfully denied may, within ten days after  
10 receiving notice of the denial, file a written appeal of the  
11 denial in accordance with 2 Pa.C.S. (relating to administrative  
12 law and procedure). Within three days after notification of a  
13 decision unfavorable to the applicant and all time for appeal  
14 having expired, the applicant shall surrender to the  
15 Pennsylvania State Police the firearm for which the applicant  
16 was denied registration.

17 (i) Renewal.--Each registrant must renew registration  
18 annually. Applications for renewal shall be made by a registrant  
19 60 days prior to the expiration of the current registration  
20 certificate.

21 Section 5. Additional duties of registrant.

22 Each person holding a registration certificate shall:

23 (1) Notify the Pennsylvania State Police of:

24 (i) The loss, theft or destruction of the  
25 registration certificate or of a registered firearm  
26 within 48 hours of the discovery of the loss, theft or  
27 destruction.

28 (ii) A change in any of the information appearing on  
29 the registration certificate within 48 hours.

30 (iii) The sale, transfer or other disposition of the

firearm not less than 48 hours prior to delivery.

(2) Return to the Pennsylvania State Police the registrant's copy of the registration certificate for any firearm which is lost, stolen, destroyed or otherwise disposed of within 48 hours.

(3) Keep any firearm in the registrant's possession unloaded and disassembled or bound by a trigger lock, gun safe or similar device unless the firearm is in the registrant's immediate possession and control while at the registrant's place of residence or business or while being used for lawful recreational purposes within this Commonwealth. This paragraph shall not apply to law enforcement personnel or security personnel while in the course of their employment.

#### Section 6. Penalty.

A person who violates this act commits a summary offense.

#### Section 7. Regulations.

The Pennsylvania State Police shall promulgate rules and regulations for the implementation of this act.

#### Section 8. Acquisition or possession prohibited by law.

Nothing in this act shall make lawful the acquisition or possession of firearms or firearm accessories which is otherwise prohibited by law.

#### Section 9. Effective date.

This act shall take effect in 180 days.