

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 756 Session of 2011

INTRODUCED BY GABLER, BAKER, BARRAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CALTAGIRONE, CAUSER, CUTLER, DENLINGER, DeWEESE, EVERETT, GEIST, GROVE, HARHART, HARRIS, HEFFLEY, HELM, HORNAMAN, HUTCHINSON, KAUFFMAN, KORTZ, KOTIK, MAJOR, METCALFE, METZGAR, MILLARD, MILLER, MOUL, MUSTIO, PEIFER, PICKETT, PYLE, RAPP, READSHAW, ROAE, ROCK, STABACK, STEVENSON AND WHITE, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 17, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for duties of
3 Pennsylvania State Police.

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

6 Section 1. Section 6111.1(b)(2) of Title 18 of the
7 Pennsylvania Consolidated Statutes is amended and the subsection
8 is amended by adding paragraphs to read:

9 § 6111.1. Pennsylvania State Police.

10 * * *

11 (b) Duty of Pennsylvania State Police.--

12 * * *

13 (2) In the event of electronic failure, scheduled
14 computer downtime or similar event beyond the control of the
15 Pennsylvania State Police, the Pennsylvania State Police
16 shall immediately notify the requesting licensee of the

1 reason for and estimated length of the delay. [If the failure
2 or event lasts for a period exceeding 48 hours, the dealer
3 shall not be subject to any penalty for completing a
4 transaction absent the completion of an instantaneous records
5 check for the remainder of the failure or similar event, but
6 the dealer shall obtain a completed application/record of
7 sale following the provisions of section 6111(b)(1) and (1.1)
8 (relating to sale or transfer of firearms) as if an
9 instantaneous records check has not been established for any
10 sale or transfer of a firearm for the purpose of a subsequent
11 background check.] The Pennsylvania State Police shall
12 immediately post on their Internet website the cause of the
13 failure or similar event and an approximate time frame for
14 restoration of the instantaneous records check system.

15 (2.1) A licensee may complete a transaction absent the
16 completion of an instantaneous records check if there is a
17 failure or similar event and either of the following applies:

18 (i) The purchaser presents a valid Pennsylvania
19 license to carry a firearm.

20 (ii) The failure or similar event lasts for a period
21 exceeding 48 hours.

22 (2.2) A licensee shall, for any transaction under
23 paragraph (2.1) during a failure or similar event, obtain a
24 completed application/record of sale following section
25 6111(b)(1) and (1.1) (relating to sale or transfer of
26 firearms) as if an instantaneous records check has not been
27 established for any sale or transfer of a firearm for the
28 purpose of a subsequent background check.

29 * * *

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