

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2176 Session of  
2012

INTRODUCED BY SACCONE, COX, METCALFE, ROCK, MALONEY, BRENNAN,  
CREIGHTON, CUTLER, DALEY, EVERETT, GABLER, GEIST, GROVE,  
HESS, KNOWLES, MAHER, METZGAR, NEUMAN, SAINATO, STERN, ROAE,  
GEORGE AND MARSHALL, MARCH 28, 2012

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2012

AN ACT

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

4 The General Assembly finds that:

5 (1) The laws in existence regulating firearms ownership,  
6 possession and use are ineffectual in preventing crime and  
7 only interfere with the natural rights of law abiding  
8 citizens.

9 (2) Citizens engaged in practices currently lawful under  
10 the laws of this Commonwealth, such as open or licensed  
11 concealed carrying of a firearm, have been subjected to  
12 harassment by law enforcement.

13 (3) It is necessary to codify the inherent right to the  
14 carrying of firearms, whether openly or concealed, and that  
15 the right to self-defense is an inherent natural right that  
16 shall not be questioned as stated in section 21 of Article I  
17 of the Constitution of the Commonwealth of Pennsylvania.

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

Section 1. Section 103 of Title 18 of the Pennsylvania  
Consolidated Statutes is amended by adding a definition to read:  
§ 103. Definitions.

Subject to additional definitions contained in subsequent  
provisions of this title which are applicable to specific  
provisions of this part, the following words and phrases when  
used in this title shall have, unless the context clearly  
indicates otherwise, the meanings given to them in this section:

\* \* \*

"Lawful purpose." The term includes possession for the  
purpose of self-defense or the exercise of reasonable force in  
defense of the person or the person's property under Chapter 5  
(relating to general principles of justification).

\* \* \*

Section 2. Section 908(c) of Title 18 is amended to read:  
§ 908. Prohibited offensive weapons.

\* \* \*

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

"Firearm." Any weapon which is designed to or may readily be  
converted to expel any projectile by the action of an explosive  
or the frame or receiver of any such weapon.

"Offensive weapons." Any bomb, grenade, machine gun, sawed-  
off shotgun with a barrel less than 18 inches, firearm specially  
made or specially adapted for concealment or silent discharge,  
any blackjack, sandbag, metal knuckles, dagger, knife, razor or  
cutting instrument, the blade of which is exposed in an

1 automatic way by switch, push-button, spring mechanism, or  
2 otherwise, any stun gun, stun baton, taser or other electronic  
3 or electric weapon or other implement for the infliction of  
4 serious bodily injury which serves no [common] lawful purpose.

5 \* \* \*

6 Section 3. Section 6106 of Title 18 is repealed:

7 [§ 6106. Firearms not to be carried without a license.

8 (a) Offense defined.--

9 (1) Except as provided in paragraph (2), any person who  
10 carries a firearm in any vehicle or any person who carries a  
11 firearm concealed on or about his person, except in his place  
12 of abode or fixed place of business, without a valid and  
13 lawfully issued license under this chapter commits a felony  
14 of the third degree.

15 (2) A person who is otherwise eligible to possess a  
16 valid license under this chapter but carries a firearm in any  
17 vehicle or any person who carries a firearm concealed on or  
18 about his person, except in his place of abode or fixed place  
19 of business, without a valid and lawfully issued license and  
20 has not committed any other criminal violation commits a  
21 misdemeanor of the first degree.

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

24 (1) Constables, sheriffs, prison or jail wardens, or  
25 their deputies, policemen of this Commonwealth or its  
26 political subdivisions, or other law-enforcement officers.

27 (2) Members of the army, navy, marine corps, air force  
28 or coast guard of the United States or of the National Guard  
29 or organized reserves when on duty.

30 (3) The regularly enrolled members of any organization

1       duly organized to purchase or receive such firearms from the  
2       United States or from this Commonwealth.

3       (4) Any persons engaged in target shooting with a  
4       firearm, if such persons are at or are going to or from their  
5       places of assembly or target practice and if, while going to  
6       or from their places of assembly or target practice, the  
7       firearm is not loaded.

8       (5) Officers or employees of the United States duly  
9       authorized to carry a concealed firearm.

10       (6) Agents, messengers and other employees of common  
11       carriers, banks, or business firms, whose duties require them  
12       to protect moneys, valuables and other property in the  
13       discharge of such duties.

14       (7) Any person engaged in the business of manufacturing,  
15       repairing, or dealing in firearms, or the agent or  
16       representative of any such person, having in his possession,  
17       using or carrying a firearm in the usual or ordinary course  
18       of such business.

19       (8) Any person while carrying a firearm which is not  
20       loaded and is in a secure wrapper from the place of purchase  
21       to his home or place of business, or to a place of repair,  
22       sale or appraisal or back to his home or place of business,  
23       or in moving from one place of abode or business to another  
24       or from his home to a vacation or recreational home or  
25       dwelling or back, or to recover stolen property under section  
26       6111.1(b)(4) (relating to Pennsylvania State Police), or to a  
27       place of instruction intended to teach the safe handling, use  
28       or maintenance of firearms or back or to a location to which  
29       the person has been directed to relinquish firearms under 23  
30       Pa.C.S. § 6108 (relating to relief) or back upon return of

1 the relinquished firearm or to a licensed dealer's place of  
2 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2  
3 (relating to relinquishment for consignment sale, lawful  
4 transfer or safekeeping) or back upon return of the  
5 relinquished firearm or to a location for safekeeping  
6 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment  
7 to third party for safekeeping) or back upon return of the  
8 relinquished firearm.

9 (9) Persons licensed to hunt, take furbearers or fish in  
10 this Commonwealth, if such persons are actually hunting,  
11 taking furbearers or fishing as permitted by such license, or  
12 are going to the places where they desire to hunt, take  
13 furbearers or fish or returning from such places.

14 (10) Persons training dogs, if such persons are actually  
15 training dogs during the regular training season.

16 (11) Any person while carrying a firearm in any vehicle,  
17 which person possesses a valid and lawfully issued license  
18 for that firearm which has been issued under the laws of the  
19 United States or any other state.

20 (12) A person who has a lawfully issued license to carry  
21 a firearm pursuant to section 6109 (relating to licenses) and  
22 that said license expired within six months prior to the date  
23 of arrest and that the individual is otherwise eligible for  
24 renewal of the license.

25 (13) Any person who is otherwise eligible to possess a  
26 firearm under this chapter and who is operating a motor  
27 vehicle which is registered in the person's name or the name  
28 of a spouse or parent and which contains a firearm for which  
29 a valid license has been issued pursuant to section 6109 to  
30 the spouse or parent owning the firearm.

1           (14) A person lawfully engaged in the interstate  
2 transportation of a firearm as defined under 18 U.S.C. §  
3 921(a)(3) (relating to definitions) in compliance with 18  
4 U.S.C. § 926A (relating to interstate transportation of  
5 firearms).

6           (15) Any person who possesses a valid and lawfully  
7 issued license or permit to carry a firearm which has been  
8 issued under the laws of another state, regardless of whether  
9 a reciprocity agreement exists between the Commonwealth and  
10 the state under section 6109(k), provided:

11           (i) The state provides a reciprocal privilege for  
12 individuals licensed to carry firearms under section  
13 6109.

14           (ii) The Attorney General has determined that the  
15 firearm laws of the state are similar to the firearm laws  
16 of this Commonwealth.

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

19           (c) Sportsman's firearm permit.--

20           (1) Before any exception shall be granted under  
21 paragraph (b)(9) or (10) of this section to any person 18  
22 years of age or older licensed to hunt, trap or fish or who  
23 has been issued a permit relating to hunting dogs, such  
24 person shall, at the time of securing his hunting, furtaking  
25 or fishing license or any time after such license has been  
26 issued, secure a sportsman's firearm permit from the county  
27 treasurer. The sportsman's firearm permit shall be issued  
28 immediately and be valid throughout this Commonwealth for a  
29 period of five years from the date of issue for any legal  
30 firearm, when carried in conjunction with a valid hunting,

1 furtaking or fishing license or permit relating to hunting  
2 dogs. The sportsman's firearm permit shall be in triplicate  
3 on a form to be furnished by the Pennsylvania State Police.  
4 The original permit shall be delivered to the person, and the  
5 first copy thereof, within seven days, shall be forwarded to  
6 the Commissioner of the Pennsylvania State Police by the  
7 county treasurer. The second copy shall be retained by the  
8 county treasurer for a period of two years from the date of  
9 expiration. The county treasurer shall be entitled to collect  
10 a fee of not more than \$6 for each such permit issued, which  
11 shall include the cost of any official form. The Pennsylvania  
12 State Police may recover from the county treasurer the cost  
13 of any such form, but may not charge more than \$1 for each  
14 official permit form furnished to the county treasurer.

15 (2) Any person who sells or attempts to sell a  
16 sportsman's firearm permit for a fee in excess of that amount  
17 fixed under this subsection commits a summary offense.

18 (d) Revocation of registration.--Any registration of a  
19 firearm under subsection (c) of this section may be revoked by  
20 the county treasurer who issued it, upon written notice to the  
21 holder thereof.

22 (e) Definitions.--

23 (1) For purposes of subsection (b)(3), (4), (5), (7) and  
24 (8), the term "firearm" shall include any weapon which is  
25 designed to or may readily be converted to expel any  
26 projectile by the action of an explosive or the frame or  
27 receiver of the weapon.

28 (2) As used in this section, the phrase "place of  
29 instruction" shall include any hunting club, rifle club,  
30 rifle range, pistol range, shooting range, the premises of a

1 licensed firearms dealer or a lawful gun show or meet.]

2 Section 4. Title 18 is amended by adding a section to read:

3 § 6106.2. License not required.

4 (a) Declaration.--Notwithstanding any other provision of  
5 law, every person present in this Commonwealth shall have an  
6 affirmative, fundamental and constitutional right to keep and  
7 bear firearms, including the right to carry openly or concealed,  
8 carry loaded or unloaded, transport, possess, use, acquire,  
9 purchase, transfer, inherit, buy, sell, give or otherwise  
10 dispose of or receive any firearm or self-defense device without  
11 a license, permission or restriction of any kind from or by this  
12 Commonwealth or any of its political subdivisions.

13 (b) Optional license.--Obtaining a license to carry a  
14 firearm under this chapter shall be optional. The voluntary  
15 nature of the license shall not be construed to require that any  
16 person obtain a license to carry a firearm under this chapter.

17 Section 5. Section 6108 of Title 18 is repealed:

18 [§ 6108. Carrying firearms on public streets or public property  
19 in Philadelphia.

20 No person shall carry a firearm, rifle or shotgun at any time  
21 upon the public streets or upon any public property in a city of  
22 the first class unless:

23 (1) such person is licensed to carry a firearm; or

24 (2) such person is exempt from licensing under section  
25 6106(b) of this title (relating to firearms not to be carried  
26 without a license).]

27 Section 6. Title 18 is amended by adding a section to read:

28 § 6108.1. Sportsman's firearm permit.

29 (a) Permit allowed.--Any person 18 years of age or older who  
30 has been issued a hunting license, trapping license or fishing



1 license or who has been issued a permit relating to hunting dogs  
2 may, at the time of obtaining his hunting, furtaking or fishing  
3 license or any time after the license has been issued, obtain a  
4 sportsman's firearm permit from the county treasurer.

5 (b) Issuance.--The sportsman's firearm permit shall be  
6 issued immediately and shall be valid throughout this  
7 Commonwealth for a period of five years from the date of issue  
8 for any legal firearm when carried in conjunction with a valid  
9 hunting, furtaking or fishing license or permit relating to  
10 hunting dogs.

11 (c) Form.--The sportsman's firearm permit shall be in  
12 triplicate on a form to be furnished by the Pennsylvania State  
13 Police. The original permit shall be delivered to the person,  
14 and a copy of the permit shall be forwarded to the Commissioner  
15 of the Pennsylvania State Police by the county treasurer within  
16 seven days of the date of delivery. A copy of the permit shall  
17 be retained by the county treasurer for a period of two years  
18 from the date of expiration.

19 (d) Fee.--The county treasurer may collect a fee of not more  
20 than \$6 for each permit issued, which shall include the cost of  
21 any official form. The Pennsylvania State Police may recover  
22 from the county treasurer the cost of the form, but may not  
23 charge more than \$1 for each official permit form furnished to  
24 the county treasurer.

25 (e) Offense.--Any person who sells or attempts to sell a  
26 sportsman's firearm permit for a fee in excess of the amount  
27 determined under this section commits a summary offense.

28 Section 7. Section 6109(a), (b), (c), (d) introductory  
29 paragraph, (3), (4) and (5), (e)(1) introductory paragraph, (i),  
30 (v) and (vii), (3) introductory paragraph and (ii) and (4), (f)

1 (2) and (4), (g), (h) (2), (3) and (4), (i.1) introductory  
2 paragraph and (1), (j) and (m.1) (1) introductory paragraph and  
3 (ii), (2), (3), (4), (7) and (9) of Title 18 are amended to  
4 read:

5 § 6109. Licenses.

6 (a) Purpose of license.--[A license to carry a firearm shall  
7 be for the purpose of carrying a firearm concealed on or about  
8 one's person or in a vehicle throughout this Commonwealth.]

9 (1) Due to every Commonwealth citizen having a  
10 fundamental constitutional right to keep and bear arms,  
11 obtaining a license under this section shall be optional. The  
12 voluntary nature of the license shall not be construed to  
13 relieve the issuing authority of the burden of proof for  
14 denying an application for a license. Issuance of a license  
15 under this section by the proper authority shall be prima  
16 facie evidence that law enforcement authorities have verified  
17 that the individual is qualified under the law and not  
18 prohibited from possessing firearms pursuant to section 6105  
19 (relating to persons not to possess, use, manufacture,  
20 control, sell or transfer firearms) or any other provision of  
21 law. Nothing in this section shall be construed to require  
22 that a person must obtain a license under this section in  
23 order to carry a concealed firearm.

24 (2) The voluntary nature of a license to carry a firearm  
25 may not be construed to relieve the issuing authority of the  
26 burden of proof for denying an application for a license.  
27 Issuance of a license to carry a firearm under this section  
28 by the proper authority shall be prima facie evidence that  
29 law enforcement authorities have verified that the individual  
30 is qualified under the law and is not prohibited from

1 possessing firearms under the laws of this Commonwealth.

2 (3) A license to carry a firearm shall be available to  
3 those who wish to carry a firearm openly or concealed on or  
4 about one's person or in a vehicle and shall be valid  
5 throughout this Commonwealth.

6 (4) A license to carry a firearm shall provide citizens  
7 of this Commonwealth with the ability to carry a firearm in  
8 any state that the Commonwealth maintains a reciprocal  
9 agreement for the mutual recognition of licenses to carry  
10 firearms.

11 (b) Place of application.--An individual who is 21 years of  
12 age or older may apply to [a sheriff] the proper issuing  
13 authority for a license to carry a firearm [concealed on or  
14 about his person or in a vehicle] within this Commonwealth. If  
15 the applicant is a resident of this Commonwealth, he shall make  
16 application with the sheriff of the county in which he resides  
17 or, if a resident of a city of the first class, with the chief  
18 of police of that city. If the applicant is not a resident of  
19 this Commonwealth, he shall make application with the sheriff of  
20 any county.

21 (c) Form of application and content.--The application for a  
22 license to carry a firearm shall be uniform throughout this  
23 Commonwealth and shall be on a form prescribed by the  
24 [Pennsylvania State Police] Attorney General. The form may  
25 contain provisions, not exceeding one page, to assure compliance  
26 with this section. Issuing authorities shall use only the  
27 application form prescribed by the [Pennsylvania State Police]  
28 Attorney General. One of the following reasons for obtaining a  
29 firearm license shall be set forth in the application: self-  
30 defense, employment, hunting and fishing, target shooting, gun

1 collecting or another proper reason. The application form shall  
2 be dated and signed by the applicant and shall contain the  
3 following statement:

4 I have never been convicted of a crime that prohibits me  
5 from possessing or acquiring a firearm under Federal or  
6 State law. I am of sound mind and have never been  
7 involuntarily committed to a mental institution or if I  
8 was involuntarily committed, the involuntary commitment  
9 has been expunged. I hereby certify that the statements  
10 contained herein are true and correct to the best of my  
11 knowledge and belief. I understand that, if I knowingly  
12 make any false statements herein, I am subject to  
13 penalties prescribed by law. I authorize the [sheriff, or  
14 his designee, or, in the case of first class cities, the  
15 chief or head of the police department] issuing  
16 authority, or his designee, to inspect only those records  
17 or documents relevant to information required for this  
18 application. If I am issued a license and knowingly  
19 become ineligible to legally possess or acquire firearms,  
20 I will promptly notify the [sheriff of the county in  
21 which I reside or, if I reside in a city of the first  
22 class, the chief of police of that city] issuing  
23 authority.

24 (d) [Sheriff to conduct] Pre-issuance investigation.--The  
25 [sheriff] issuing authority to whom the application is made  
26 shall:

27 \* \* \*

28 [(3) investigate whether the applicant's character and  
29 reputation are such that the applicant will not be likely to  
30 act in a manner dangerous to public safety;]

1           (4) investigate whether the applicant would be precluded  
2 from receiving a license under subsection (e)(1) or section  
3 6105(h) [(relating to persons not to possess, use,  
4 manufacture, control, sell or transfer firearms)]; and

5           (5) conduct a criminal background, juvenile delinquency  
6 and mental health check [following the procedures set forth  
7 in section 6111 (relating to sale or transfer of firearms),  
8 receive] by contacting the National Instant Criminal  
9 Background Check System and must have received a unique  
10 approval number for that inquiry and record the date and  
11 number on the application.

12       (e) Issuance of license.--

13           (1) A license to carry a firearm shall be [for the  
14 purpose of carrying a firearm concealed on or about one's  
15 person or in a vehicle and shall be issued if,] issued after  
16 an investigation not to exceed [45] 14 calendar days, [it  
17 appears that the applicant is an individual concerning whom  
18 no] unless good cause exists to deny the license. A license  
19 shall not be issued to any of the following:

20           [(i) An individual whose character and reputation is  
21 such that the individual would be likely to act in a  
22 manner dangerous to public safety.]

23           \* \* \*

24           (v) An individual who is not of sound mind or who  
25 has ever been involuntarily committed to a mental  
26 institution, unless the involuntary commitment has been  
27 expunged.

28           \* \* \*

29           [(vii) An individual who is a habitual drunkard.]

30           \* \* \*

1           (3) The license to carry a firearm shall be designed to  
2 be uniform throughout this Commonwealth and shall be in a  
3 form prescribed by the [Pennsylvania State Police] Attorney  
4 General. The license shall bear the following:

5           \* \* \*

6           (ii) The signature of the [sheriff] authority  
7 issuing the license.

8           \* \* \*

9           (4) The [sheriff] issuing authority shall require a  
10 photograph of the licensee on the license. The photograph  
11 shall be in a form compatible with the Commonwealth Photo  
12 Imaging Network.

13          \* \* \*

14          (f) Term of license.--

15          \* \* \*

16           (2) At least 60 days prior to the expiration of each  
17 license, the issuing [sheriff] authority shall send to the  
18 licensee an application for renewal of license. Failure to  
19 receive a renewal application shall not relieve a licensee  
20 from the responsibility to renew the license.

21          \* \* \*

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

30          (g) Grant or denial of license.--Upon the receipt of an

1 application for a license to carry a firearm, the [sheriff]  
2 issuing authority shall, within [45] 14 calendar days, issue or  
3 refuse to issue a license on the basis of the investigation  
4 under subsection (d) and the accuracy of the information  
5 contained in the application. If the [sheriff] issuing authority  
6 refuses to issue a license, the [sheriff] issuing authority  
7 shall notify the applicant in writing of the refusal and the  
8 specific reasons. The notice shall be sent by certified mail to  
9 the applicant at the address set forth in the application.

10 (h) Fee.--

11 \* \* \*

12 [(2) (i) The Pennsylvania Commission on Crime and  
13 Delinquency shall implement, within five years of the  
14 effective date of this paragraph, a system in conjunction  
15 with the Pennsylvania State Police and the Pennsylvania  
16 Sheriffs' Association to standardize and modernize the  
17 process of issuing licenses to carry firearms. Upon  
18 implementation of the system under this paragraph, the  
19 Pennsylvania Commission on Crime and Delinquency shall  
20 publish notice thereof in the Pennsylvania Bulletin.

21 (ii) An additional temporary fee of \$5 shall be  
22 remitted by the sheriff to the Firearms License to Carry  
23 Modernization Account, which is hereby established as a  
24 special restricted receipt account within the General  
25 Fund of the State Treasury. Moneys and investment income  
26 in the account shall be awarded as grants to sheriffs to  
27 implement the system, including grants to reimburse  
28 sheriffs for expenses incurred prior to the effective  
29 date of this paragraph.

30 (iii) Moneys credited to the account and any

1 investment income accrued are hereby appropriated on a  
2 continuing basis to the Pennsylvania Commission on Crime  
3 and Delinquency. The commission shall establish  
4 procedures related to the application process for and  
5 distribution of funds to sheriffs under this paragraph.  
6 Notwithstanding the provisions of subparagraph (ii), the  
7 commission may withhold annually an amount not exceeding  
8 5% of the funds credited to the account in that fiscal  
9 year for the cost to implement the system under  
10 subparagraph (i) and for administrative costs directly  
11 related to the responsibilities of the commission under  
12 this paragraph.

13 (iv) This paragraph shall expire five years after  
14 its effective date. Any surplus funds remaining in the  
15 account established in subparagraph (ii) at such time  
16 shall lapse into the General Fund.]

17 (3) An additional fee of \$1 shall be paid by the  
18 applicant for a license to carry a firearm and shall be  
19 remitted by the [sheriff] issuing authority to the Firearms  
20 License Validation System Account, which is hereby  
21 established as a special restricted receipt account within  
22 the General Fund of the State Treasury. The account shall be  
23 used for purposes under subsection (1). Moneys credited to  
24 the account and any investment income accrued are hereby  
25 appropriated on a continuing basis to the Pennsylvania State  
26 Police.

27 (4) No fee other than that provided by this subsection  
28 or the Sheriff Fee Act may be assessed by the [sheriff]  
29 issuing authority for the performance of any background check  
30 made pursuant to this act.



1           \* \* \*

2           (i.1) Notice to [sheriff] issuing authority.--

3 Notwithstanding any statute to the contrary:

4           (1) Upon conviction of a person for a crime specified in  
5 section 6105(a) or (b) or upon conviction of a person for a  
6 crime punishable by imprisonment exceeding one year or upon a  
7 determination that the conduct of a person meets the criteria  
8 specified in section 6105(c)(1), (2), (3), (5), (6) or (9),  
9 the court shall determine if the defendant has a license to  
10 carry firearms issued pursuant to this section. If the  
11 defendant has such a license, the court shall notify the  
12 [sheriff of the county in which that person resides] issuing  
13 authority, on a form developed by the [Pennsylvania State  
14 Police] Attorney General, of the identity of the person and  
15 the nature of the crime or conduct which resulted in the  
16 notification. The notification shall be transmitted by the  
17 judge within seven days of the conviction or determination.

18           \* \* \*

19           (j) Immunity.--[A sheriff] An issuing authority who complies  
20 in good faith with this section shall be immune from liability  
21 resulting or arising from the action or misconduct with a  
22 firearm committed by any individual to whom a license to carry a  
23 firearm has been issued.

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]  
28 issuing authority of the county in which the person resides  
29 all of the following:

30           \* \* \*

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

10 \* \* \*

11 (2) Upon receipt of the items required under paragraph  
12 (1), the [sheriff] issuing authority immediately shall  
13 conduct a criminal history, juvenile delinquency and mental  
14 health record check of the applicant pursuant to section  
15 6105. Immediately upon receipt of the results of the records  
16 check, the [sheriff] issuing authority shall review the  
17 information and shall determine whether the applicant meets  
18 the criteria set forth in this subsection. If the [sheriff]  
19 issuing authority determines that the applicant has met all  
20 of the criteria, the [sheriff] issuing authority shall  
21 immediately issue the applicant a temporary emergency license  
22 to carry a concealed firearm.

23 (3) If the [sheriff] issuing authority refuses to issue  
24 a temporary emergency license, the [sheriff] issuing  
25 authority shall specify the grounds for the denial in a  
26 written notice to the applicant. The applicant may appeal the  
27 denial or challenge criminal records check results that were  
28 the basis of the denial, if applicable, in the same manner as  
29 a denial of a license to carry a firearm under this section.

30 (4) A temporary emergency license issued under this

subsection shall be valid for 45 days and may not be renewed.  
A person who has been issued a temporary emergency license under this subsection shall not be issued another temporary emergency license unless at least five years have expired since the issuance of the prior temporary emergency license. During the 45 days the temporary emergency license is valid, the [sheriff] issuing authority shall conduct an additional investigation of the person for the purposes of determining whether the person may be issued a license pursuant to this section. If, during the course of this investigation, the [sheriff] issuing authority discovers any information that would have prohibited the issuance of a license pursuant to this section, the [sheriff] issuing authority shall be authorized to revoke the temporary emergency license as provided in subsection (i).

\* \* \*

(7) [A sheriff] An issuing authority who issues a temporary emergency license to carry a firearm shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the applicant submitted to the [sheriff] issuing authority that was the basis for the license, or a copy of the evidence, as appropriate.

\* \* \*

(9) Prior to the expiration of a temporary emergency license, if the [sheriff] issuing authority has determined pursuant to investigation that the person issued a temporary emergency license is not disqualified and if the temporary emergency license has not been revoked pursuant to subsection (i), the [sheriff] issuing authority shall issue a license

pursuant to this section that is effective for the balance of the five-year period from the date of the issuance of the temporary emergency license. Records and all other information, duties and obligations regarding such licenses shall be applicable as otherwise provided in this section.

\* \* \*

Section 8. Section 6122 of Title 18 is repealed:

[§ 6122. Proof of license and exception.

(a) General rule.--When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the license for inspection. Failure to produce such license either at the time of arrest or at the preliminary hearing shall create a rebuttable presumption of nonlicensure.

(b) Exception.--An individual carrying a firearm on or about his person or in a vehicle and claiming an exception under section 6106(b) (relating to firearms not to be carried without a license) shall, upon lawful demand of a law enforcement officer, produce satisfactory evidence of qualification for exception.]

Section 9. Title 18 is amended by adding a section to read:

§ 6122.1. Interference with the right to carry, display or possess.

(a) General rule.--Notwithstanding any other provision of law, every person present in this Commonwealth unless incarcerated in a prison or jail, involuntarily committed to a mental institution or not prohibited from possessing a firearm under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) shall have an affirmative fundamental constitutional right to keep and bear

1 arms.

2 (b) Offense.--

3 (1) A public official who interferes with the right to  
4 carry a firearm under sections 6106.2 (relating to license  
5 not required) and 6109 (relating to licenses) commits an  
6 offense as follows:

7 (i) Arresting or attempting to arrest any person for  
8 the lawful possession of any firearm, self-defense  
9 device, whether or not the person possesses a license  
10 issued under section 6109, constitutes a misdemeanor of  
11 the second degree. The public official shall be  
12 personally liable for attorney fees and costs incurred in  
13 any action to enforce sections 6106.2 and 6109.

14 (ii) Stopping, restraining, detaining or otherwise  
15 harassing any person for carrying a firearm or self-  
16 defense device, whether openly or concealed, whether or  
17 not the person possesses a license under section 6109,  
18 constitutes a misdemeanor of the third degree. Any public  
19 official who wrongfully stops, restrains, detains or  
20 otherwise harasses any person in violation of the  
21 provisions of section 6106.2 or 6109 shall be personally  
22 liable for attorney fees, court costs and expenses  
23 incurred in any action to enforce sections 6106.2 and  
24 6109.

25 (iii) Denial, suspension or revocation of any  
26 license or application for a license under section 6109  
27 without just cause constitutes a misdemeanor of the third  
28 degree. Any public official who denies, suspends or  
29 revokes any license or application for a license without  
30 just cause shall be personally liable for attorney fees,

1 court costs and expenses incurred in any action to  
2 enforce section 6109.

3 (2) The Attorney General shall have the duty to  
4 investigate, enforce and prosecute violations of this  
5 subsection.

6 (c) Definitions.--The following words and phrases when used  
7 in this section shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9 "Public official." Any person holding an office of public  
10 trust, whether appointed or elected, or any person employed by  
11 the Commonwealth or any of its political subdivisions.

12 Section 10. This act shall take effect in 60 days.