
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 861 Session of
2019

INTRODUCED BY BARRAR, BERNSTINE, CIRESI, DeLUCA, FARRY, FREEMAN,
GILLEN, MILLARD, MURT, NEILSON, SAYLOR AND SANCHEZ,
MARCH 18, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, providing for application denial.

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

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

8 § 6129. Application denial.

9 (a) Transmission of data.--The Pennsylvania State Police
10 shall transmit data relating to the denial of an application for
11 the purchase or transfer of a firearm to the Attorney General
12 when the following conditions apply:

13 (1) the denial of the application is based on a
14 conviction for a felony offense that would prohibit an
15 individual from possession of a firearm under Federal or
16 State law; and

17 (2) the time period for challenging the denial under
18 section 6111.1(e) (relating to Pennsylvania State Police) has

1 expired or the challenge to the denial has been ruled
2 invalid.

3 (b) Content of transmission.--When the Pennsylvania State
4 Police are required to transmit data under subsection (a), the
5 content of the transmission shall include all of the following:

- 6 (1) Date of the application.
7 (2) Name and address of the applicant.
8 (3) Name and address of the licensed firearm dealer.
9 (4) Offense, grade of the offense, offense tracking
10 number and date of the offense.

11 (c) Duty of Attorney General.--Upon receipt of data under
12 subsection (a), the Attorney General shall do all of the
13 following:

- 14 (1) Review the denial of application data forwarded from
15 the Pennsylvania State Police.
16 (2) Investigate the incident.
17 (3) Determine whether there is sufficient evidence to
18 prosecute the individual for a violation of section
19 6111(g)(4) (relating to sale or transfer of firearms).
20 (4) Prosecute the individual for violating section
21 6111(g)(4) if there is sufficient evidence under paragraph
22 (3).

23 (d) Confidentiality.--The Attorney General may use the
24 information provided by the Pennsylvania State Police and any
25 information obtained pursuant to its investigation for official
26 purposes only. Notwithstanding any other law, the information
27 shall not be subject to public disclosure.

28 (e) Report to General Assembly.--The Attorney General shall,
29 on an annual basis, submit a report to the Judiciary Committee
30 of the Senate and the Judiciary Committee of the House of

1 Representatives on the Attorney General's efforts related to
2 this section. The report shall include the following
3 information, broken down by county:

4 (1) The number of denials transmitted to the Attorney
5 General by the Pennsylvania State Police.

6 (2) The number of prosecutions for violations of section
7 6111(g)(4).

8 (3) The number of convictions for violations of section
9 6111(g)(4).

10 (4) The average sentence for an individual convicted for
11 a violation of section 6111(g)(4).

12 Section 2. This act shall take effect in 90 days.