

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 154 Session of
2023

INTRODUCED BY ORTITAY, HAMM, ZIMMERMAN AND ROWE, MARCH 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for definitions, for licenses,
4 for sale or transfer of firearms and for Pennsylvania State
5 Police, repealing provisions relating to firearm sales
6 surcharge and to Firearm Records Check Fund and further
7 providing for licensing of dealers and for administrative
8 regulations.

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

11 Section 1. Section 6102 of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:
13 § 6102. Definitions.

14 Subject to additional definitions contained in subsequent
15 provisions of this subchapter which are applicable to specific
16 provisions of this subchapter, the following words and phrases,
17 when used in this subchapter shall have, unless the context
18 clearly indicates otherwise, the meanings given to them in this
19 section:

20 * * *

21 "NICS." The National Instant Criminal Background Check

1 System maintained by the Federal Bureau of Investigation in
2 accordance with the Brady Handgun Violence Prevention Act
3 (Public Law 103-159, 107 Stat. 1536).

4 * * *

5 Section 2. Sections 6109(d)(5) and 6111(a), (b), (f), (g)(3)
6 and (j) of Title 18 are amended to read:

7 § 6109. Licenses.

8 * * *

9 (d) Sheriff to conduct investigation.--The sheriff to whom
10 the application is made shall:

11 * * *

12 (5) [conduct a criminal background, juvenile delinquency
13 and mental health check following the procedures set forth in
14 section 6111 (relating to sale or transfer of firearms),
15 receive a unique approval number for that inquiry and record
16 the date and number on the application.] contact the NICS
17 for the purpose of conducting a background check under 18
18 U.S.C. § 922(t) (relating to unlawful acts) and obtain a
19 unique identification number and a proceed response. The
20 unique identification number and date shall be recorded on
21 the application.

22 * * *

23 § 6111. Sale or transfer of firearms.

24 [(a) Time and manner of delivery.--

25 (1) Except as provided in paragraph (2), no seller shall
26 deliver a firearm to the purchaser or transferee thereof
27 until 48 hours shall have elapsed from the time of the
28 application for the purchase thereof, and, when delivered,
29 the firearm shall be securely wrapped and shall be unloaded.

30 (2) Thirty days after publication in the Pennsylvania

1 Bulletin that the Instantaneous Criminal History Records
2 Check System has been established in accordance with the
3 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
4 U.S.C. § 921 et seq.), no seller shall deliver a firearm to
5 the purchaser thereof until the provisions of this section
6 have been satisfied, and, when delivered, the firearm shall
7 be securely wrapped and shall be unloaded.]

8 (b) Duty of seller.--No licensed importer, licensed
9 manufacturer or licensed dealer shall sell or deliver any
10 firearm to another person, other than a licensed importer,
11 licensed manufacturer, licensed dealer or licensed collector,
12 [until the conditions of subsection (a) have been satisfied and]
13 until he has:

14 (1) For purposes of a firearm as defined in section 6102
15 (relating to definitions), [obtained a completed
16 application/record of sale from the potential buyer or
17 transferee to be filled out in triplicate, the original copy
18 to be sent to the Pennsylvania State Police, postmarked via
19 first class mail, within 14 days of the sale, one copy to be
20 retained by the licensed importer, licensed manufacturer or
21 licensed dealer for a period of 20 years and one copy to be
22 provided to the purchaser or transferee. The form of this
23 application/record of sale shall be no more than one page in
24 length and shall be promulgated by the Pennsylvania State
25 Police and provided by the licensed importer, licensed
26 manufacturer or licensed dealer. The application/record of
27 sale shall include the name, address, birthdate, gender,
28 race, physical description and Social Security number of the
29 purchaser or transferee, the date of the application and the
30 caliber, length of barrel, make, model and manufacturer's

1 number of the firearm to be purchased or transferred. The
2 application/record of sale shall also contain] provided a
3 notice to the potential buyer or transferee which contains
4 the following question:

5 Are you the actual buyer of the firearm(s), as defined
6 under 18 Pa.C.S. § 6102 (relating to definitions), listed
7 on this application/record of sale? Warning: You are not
8 the actual buyer if you are acquiring the firearm(s) on
9 behalf of another person, unless you are legitimately
10 acquiring the firearm as a gift for any of the following
11 individuals who are legally eligible to own a firearm:

- 12 (1) spouse;
- 13 (2) parent;
- 14 (3) child;
- 15 (4) grandparent; or
- 16 (5) grandchild.

17 (1.1) [On the date of publication in the Pennsylvania
18 Bulletin of a notice by the Pennsylvania State Police that
19 the instantaneous records check has been implemented, all of
20 the following shall apply:

21 (i) In the event of an electronic failure under
22 section 6111.1(b)(2) (relating to Pennsylvania State
23 Police) for purposes of a firearm which exceeds the
24 barrel and related lengths set forth in section 6102,
25 obtained a completed application/record of sale from the
26 potential buyer or transferee to be filled out in
27 triplicate, the original copy to be sent to the
28 Pennsylvania State Police, postmarked via first class
29 mail, within 14 days of sale, one copy to be retained by
30 the licensed importer, licensed manufacturer or licensed

1 dealer for a period of 20 years and one copy to be
2 provided to the purchaser or transferee.

3 (ii) The form of the application/record of sale
4 shall be no more than one page in length and shall be
5 promulgated by the Pennsylvania State Police and provided
6 by the licensed importer, licensed manufacturer or
7 licensed dealer.

8 (iii) For purposes of conducting the criminal
9 history, juvenile delinquency and mental health records
10 background check which shall be completed within ten days
11 of receipt of the information from the dealer, the
12 application/record of sale shall include the name,
13 address, birthdate, gender, race, physical description
14 and Social Security number of the purchaser or transferee
15 and the date of application.

16 (iv) No information regarding the type of firearm
17 need be included other than an indication that the
18 firearm exceeds the barrel lengths set forth in section
19 6102.

20 (v) Unless it has been discovered pursuant to a
21 criminal history, juvenile delinquency and mental health
22 records background check that the potential purchaser or
23 transferee is prohibited from possessing a firearm
24 pursuant to section 6105 (relating to persons not to
25 possess, use, manufacture, control, sell or transfer
26 firearms), no information on the application/record of
27 sale provided pursuant to this subsection shall be
28 retained as precluded by section 6111.4 (relating to
29 registration of firearms) by the Pennsylvania State
30 Police either through retention of the application/record

1 of sale or by entering the information onto a computer,
2 and, further, an application/record of sale received by
3 the Pennsylvania State Police pursuant to this subsection
4 shall be destroyed within 72 hours of the completion of
5 the criminal history, juvenile delinquency and mental
6 health records background check.] (Reserved).

7 (1.2) [Fees collected under paragraph (3) and section
8 6111.2 (relating to firearm sales surcharge) shall be
9 transmitted to the Pennsylvania State Police within 14 days
10 of collection.] (Reserved).

11 (1.3) In addition to the criminal penalty under section
12 6119 (relating to violation penalty), any person who
13 knowingly and intentionally [maintains or fails to destroy
14 any information submitted to the Pennsylvania State Police
15 for purposes of a background check pursuant to paragraphs
16 (1.1) and (1.4) or] violates section 6111.4 shall be subject
17 to a civil penalty of \$250 per violation.[, entry or failure
18 to destroy.

19 (1.4) Following implementation of the instantaneous
20 records check by the Pennsylvania State Police on or before
21 December 1, 1998, no application/record of sale shall be
22 completed for the purchase or transfer of a firearm which
23 exceeds the barrel lengths set forth in section 6102. A
24 statement shall be submitted by the dealer to the
25 Pennsylvania State Police, postmarked via first class mail,
26 within 14 days of the sale, containing the number of firearms
27 sold which exceed the barrel and related lengths set forth in
28 section 6102, the amount of surcharge and other fees remitted
29 and a list of the unique approval numbers given pursuant to
30 paragraph (4), together with a statement that the background

1 checks have been performed on the firearms contained in the
2 statement. The form of the statement relating to performance
3 of background checks shall be promulgated by the Pennsylvania
4 State Police.]

5 (1.5) Contacted the NICS for the purpose of conducting a
6 background check pursuant to 18 U.S.C. § 922(t) (relating to
7 unlawful acts) and obtained a unique identification number
8 and a proceed response.

9 (2) Inspected photoidentification of the potential
10 purchaser or transferee, including, but not limited to, a
11 driver's license, official Pennsylvania photoidentification
12 card or official government photoidentification card. In the
13 case of a potential buyer or transferee who is a member of a
14 recognized religious sect or community whose tenets forbid or
15 discourage the taking of photographs of members of that sect
16 or community, a seller shall accept a valid-without-photo
17 driver's license or a combination of documents, as prescribed
18 by the Pennsylvania State Police, containing the applicant's
19 name, address, date of birth and the signature of the
20 applicant.

21 [(3) Requested by means of a telephone call that the
22 Pennsylvania State Police conduct a criminal history,
23 juvenile delinquency history and a mental health record
24 check. The purchaser and the licensed dealer shall provide
25 such information as is necessary to accurately identify the
26 purchaser. The requester shall be charged a fee equivalent to
27 the cost of providing the service but not to exceed \$2 per
28 buyer or transferee.]

29 (4) Received a unique approval number for that inquiry
30 from the Pennsylvania State Police and recorded the date and

1 the number on the application/record of sale form.

2 (5) Issued a receipt containing the information from
3 paragraph (4), including the unique approval number of the
4 purchaser. This receipt shall be prima facie evidence of the
5 purchaser's or transferee's compliance with the provisions of
6 this section.

7 (6) Unless it has been discovered pursuant to a criminal
8 history, juvenile delinquency and mental health records
9 background check that the potential purchaser or transferee
10 is prohibited from possessing a firearm pursuant to section
11 6105, no information received via telephone following the
12 implementation of the instantaneous background check system
13 from a purchaser or transferee who has received a unique
14 approval number shall be retained by the Pennsylvania State
15 Police.

16 (7) For purposes of the enforcement of 18 U.S.C. §
17 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
18 the event the criminal history or juvenile delinquency
19 background check indicates a conviction for a misdemeanor
20 that the Pennsylvania State Police cannot determine is or is
21 not related to an act of domestic violence, the Pennsylvania
22 State Police shall issue a temporary delay of the approval of
23 the purchase or transfer. During the temporary delay, the
24 Pennsylvania State Police shall conduct a review or
25 investigation of the conviction with courts, local police
26 departments, district attorneys and other law enforcement or
27 related institutions as necessary to determine whether or not
28 the misdemeanor conviction involved an act of domestic
29 violence. The Pennsylvania State Police shall conduct the
30 review or investigation as expeditiously as possible. No

1 firearm may be transferred by the dealer to the purchaser who
2 is the subject of the investigation during the temporary
3 delay. The Pennsylvania State Police shall notify the dealer
4 of the termination of the temporary delay and either deny the
5 sale or provide the unique approval number under paragraph
6 (4).]

7 * * *

8 (f) Application of section.--

9 (1) For the purposes of this section only, except as
10 provided by paragraph (2), "firearm" shall mean any weapon
11 which is designed to or may readily be converted to expel any
12 projectile by the action of an explosive or the frame or
13 receiver of any such weapon.

14 (2) The provisions contained in [subsections (a) and]
15 subsection (c) shall only apply to pistols or revolvers with
16 a barrel length of less than 15 inches, any shotgun with a
17 barrel length of less than 18 inches, any rifle with a barrel
18 length of less than 16 inches or any firearm with an overall
19 length of less than 26 inches.

20 (3) The provisions contained in subsection [(a)] (b)
21 (1.5) shall not apply to any law enforcement officer whose
22 current identification as a law enforcement officer shall be
23 construed as a valid license to carry a firearm or any person
24 who possesses a valid license to carry a firearm under
25 section 6109 (relating to licenses).

26 [(4) (i) The provisions of subsection (a) shall not
27 apply to any person who presents to the seller or
28 transferor a written statement issued by the official
29 described in subparagraph (iii) during the ten-day period
30 ending on the date of the most recent proposal of such

transfer or sale by the transferee or purchaser stating that the transferee or purchaser requires access to a firearm because of a threat to the life of the transferee or purchaser or any member of the household of that transferee or purchaser.

(ii) The issuing official shall notify the applicant's local police authority that such a statement has been issued. In counties of the first class the chief of police shall notify the police station or substation closest to the applicant's residence.

(iii) The statement issued under subparagraph (ii) shall be issued by the district attorney, or his designee, of the county of residence if the transferee or purchaser resides in a municipality where there is no chief of police. Otherwise, the statement shall be issued by the chief of police in the municipality in which the purchaser or transferee resides.]

(g) Penalties.--

* * *

(3) Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally requests [a criminal history, juvenile delinquency or mental health record check or other confidential information from the Pennsylvania State Police under this chapter] an NICS check for any purpose other than compliance with this chapter or knowingly and intentionally disseminates any [criminal history, juvenile delinquency or mental health record] information obtained from a NICS check or other confidential information to any person other than the subject of the information commits a felony of the third degree.

1 * * *

2 (j) Exemption.--

3 (1) The provisions of [subsections (a) and] subsection
4 (b) shall not apply to:

5 (i) sales between Federal firearms licensees; or

6 (ii) the purchase of firearms by a chief law
7 enforcement officer or his designee, for the official use
8 of law enforcement officers.

9 (2) For the purposes of this subsection, the term "chief
10 law enforcement officer" shall include the Commissioner of
11 the Pennsylvania State Police, the chief or head of a police
12 department, a county sheriff or any equivalent law
13 enforcement official.

14 Section 3. Section 6111.1(b)(1), (2) and (3), (c), (e), (i),
15 (j.1), (j.2) and (j.3) of Title 18 are amended and the section
16 is amended by adding subsections to read:

17 § 6111.1. Pennsylvania State Police.

18 * * *

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

20 [(1) Upon receipt of a request for a criminal history,
21 juvenile delinquency history and mental health record check
22 of the potential purchaser or transferee, the Pennsylvania
23 State Police shall immediately during the licensee's call or
24 by return call forthwith:

25 (i) review the Pennsylvania State Police criminal
26 history and fingerprint records to determine if the
27 potential purchaser or transferee is prohibited from
28 receipt or possession of a firearm under Federal or State
29 law;

30 (ii) review the juvenile delinquency and mental

1 health records of the Pennsylvania State Police to
2 determine whether the potential purchaser or transferee
3 is prohibited from receipt or possession of a firearm
4 under Federal or State law; and

5 (iii) inform the licensee making the inquiry either:

6 (A) that the potential purchase or transfer is
7 prohibited; or

8 (B) provide the licensee with a unique approval
9 number.

10 (2) In the event of electronic failure, scheduled
11 computer downtime or similar event beyond the control of the
12 Pennsylvania State Police, the Pennsylvania State Police
13 shall immediately notify the requesting licensee of the
14 reason for and estimated length of the delay. If the failure
15 or event lasts for a period exceeding 48 hours, the dealer
16 shall not be subject to any penalty for completing a
17 transaction absent the completion of an instantaneous records
18 check for the remainder of the failure or similar event, but
19 the dealer shall obtain a completed application/record of
20 sale following the provisions of section 6111(b)(1) and (1.1)
21 (relating to sale or transfer of firearms) as if an
22 instantaneous records check has not been established for any
23 sale or transfer of a firearm for the purpose of a subsequent
24 background check.

25 (3) The Pennsylvania State Police shall fully comply,
26 execute and enforce the directives of this section as
27 follows:

28 (i) The instantaneous background check for firearms
29 as defined in section 6102 (relating to definitions)
30 shall begin on July 1, 1998.

(ii) The instantaneous background check for firearms that exceed the barrel lengths set forth in section 6102 shall begin on the later of:

(A) the date of publication of the notice under section 6111(a)(2); or

(B) December 31, 1998.]

* * *

[(c) Establish a telephone number.--The Pennsylvania State Police shall establish a telephone number which shall be operational seven days a week between the hours of 8 a.m. and 10 p.m. local time for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers and licensed dealers. The Pennsylvania State Police shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.]

* * *

(e) Challenge to records.--

(1) Any person who is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of the [procedures established by this section] information recorded in a registry of the Pennsylvania State Police may challenge the accuracy of that person's criminal history, juvenile delinquency history or mental health record [pursuant to a denial by the instantaneous records check] by submitting a challenge to the Pennsylvania State Police within 30 days from the date of the denial.

(1.1) Any person who is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of a determination under subsection (j.5)
(3) may challenge the accuracy of the determination by

1 submitting a challenge to the Pennsylvania State Police
2 within 30 days from the date that notice of the determination
3 is received.

4 (2) The Pennsylvania State Police shall conduct a review
5 of the accuracy of the information forming the basis for the
6 denial or determination and shall have the burden of proving
7 the accuracy of the record or determination. Within 20 days
8 after receiving a challenge, the Pennsylvania State Police
9 shall notify the challenger of the specific basis for the
10 denial or determination, including, but not limited to, the
11 jurisdiction and docket number of any relevant court decision
12 [and] as well as the specific provisions of Federal or State
13 statute relevant to the denial or determination. The
14 Pennsylvania State Police shall provide the challenger an
15 opportunity to provide additional information for the
16 purposes of the review. The Pennsylvania State Police shall
17 communicate its final decision to the challenger within 60
18 days of the receipt of the challenge. The decision of the
19 Pennsylvania State Police shall include all information which
20 formed a basis for the decision.

21 (3) If the challenge is ruled invalid, the person shall
22 have the right to appeal the decision to the Attorney General
23 within 30 days of the decision. The Attorney General shall
24 conduct a hearing de novo in accordance with the
25 Administrative Agency Law. The burden of proof shall be upon
26 the Commonwealth.

27 (4) The decision of the Attorney General may be appealed
28 to the Commonwealth Court by an aggrieved party.

29 (5) Pursuant to the memorandum of understanding under
30 subsection (j.4), the Pennsylvania State Police shall report

1 to the National Instant Criminal Background Check System
2 Index, Denied Persons Files, the name and other available
3 identifying information of any person who successfully
4 challenges:

5 (i) the accuracy of the person's criminal history,
6 juvenile delinquency history or mental health record; or
7 (ii) the accuracy of a determination under
8 subsection (j.5)(3).

9 (6) Nothing in this section shall be construed to limit,
10 prevent or impair the right of a person to challenge or
11 appeal a denial, delay or other determination through the
12 NICS.

13 * * *

14 [(i) Reports.--The Pennsylvania State Police shall annually
15 compile and report to the General Assembly, on or before
16 December 31, the following information for the previous year:

17 (1) number of firearm sales, including the types of
18 firearms;

19 (2) number of applications for sale of firearms denied,
20 number of challenges of the denials and number of final
21 reversals of initial denials;

22 (3) summary of the Pennsylvania State Police's
23 activities, including the average time taken to complete a
24 criminal history, juvenile delinquency history or mental
25 health record check; and

26 (4) uniform crime reporting statistics compiled by the
27 Pennsylvania State Police based on the National Incident-
28 based Reporting System.]

29 * * *

30 [(j.1) Delinquency and mental health records.--The

provisions of this section which relate to juvenile delinquency and mental health records checks shall be applicable when the data has been made available to the Pennsylvania State Police but not later than October 11, 1999.

(j.2) Records check.--The provisions of this section which relate to the instantaneous records check conducted by telephone shall be applicable 30 days following notice by the Pennsylvania State Police pursuant to section 6111(a)(2).]

(j.3) Immunity.--[The Pennsylvania State Police and its employees shall be immune from actions for damages for the use of a firearm by a purchaser or for the unlawful transfer of a firearm by a dealer unless the act of the Pennsylvania State Police or its employees constitutes a crime, actual fraud, actual malice or willful misconduct.] Unless the act of the Pennsylvania State Police or its employees constitutes a crime, actual fraud, actual malice or willful misconduct, the Pennsylvania State Police and its employees shall be immune from actions for damages for:

(1) the use of a firearm by a purchaser or lawful owner;

or

(2) the unlawful transfer of a firearm by a dealer.

(j.4) Report of State prohibitors to NICS.--The Pennsylvania State Police shall, in accordance with Federal and State law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the NICS in this Commonwealth. The Pennsylvania State Police shall, as soon as possible but within 72 hours of receipt, report, electronically or otherwise, to the NICS, the name and other available identifying information of any person who:

1 (1) under section 6105, may not possess, use, control,
2 sell, transfer or manufacture a firearm in this Commonwealth;
3 or

4 (2) was previously reported under paragraph (1) or any
5 predecessor statute or agreement and may currently possess,
6 use, control, sell, transfer or manufacture a firearm in this
7 Commonwealth.

8 (j.5) Report of court orders to NICS.--

9 (1) The Pennsylvania State Police shall, as soon as
10 possible but within 72 hours of receipt, report,
11 electronically or otherwise, to the NICS, any record relevant
12 to a determination of whether a person is disqualified from
13 possessing or receiving a firearm under 18 U.S.C. § 922(g)(8)
14 or (9) and any record relevant to a determination of whether
15 a person is not disqualified or is no longer disqualified
16 from possessing or receiving a firearm under 18 U.S.C. §
17 922(g)(8) or (9).

18 (2) Upon receipt of a record relevant to a determination
19 of whether a person is disqualified from possessing or
20 receiving a firearm under 18 U.S.C. § 922(g)(8) which record
21 does not contain either the Social Security Number or date of
22 birth of the person, the Pennsylvania State Police shall, as
23 soon as possible but within 72 hours of receipt, compare the
24 record to:

25 (i) any information in the possession of the
26 Pennsylvania State Police, including information
27 accessible to the Firearms License Validation System
28 established in section 6109(1) (relating to licenses);
29 and

30 (ii) any information maintained by the Department of

1 Transportation and accessible by the Pennsylvania State
2 Police for law enforcement purposes.

3 (3) Based on a review under paragraph (2), if the
4 Pennsylvania State Police are able to determine with
5 reasonable certainty a date of birth for the person who is
6 the subject of the record, this information shall be used to
7 supplement the record reported to the NICS under paragraph
8 (1). At the same time the record is reported to the NICS, the
9 person determined to be the subject of the report shall be
10 notified in writing by the Pennsylvania State Police. The
11 notification shall include:

12 (i) a copy of all records, under paragraph (2),
13 relevant to the determination; and

14 (ii) an explanation of the right to challenge that
15 determination under subsection (e)(1.1).

16 * * *

17 Section 4. Sections 6111.2 and 6111.3 of Title 18 are
18 repealed:

19 [§ 6111.2. Firearm sales surcharge.

20 (a) Surcharge imposed.--There is hereby imposed on each sale
21 of a firearm subject to tax under Article II of the act of March
22 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
23 additional surcharge of \$3. This shall be referred to as the
24 Firearm Sale Surcharge. All moneys received from this surcharge
25 shall be deposited in the Firearm Instant Records Check Fund.

26 (b) Increases or decreases.--Five years from the effective
27 date of this subsection, and every five years thereafter, the
28 Pennsylvania State Police shall provide such information as
29 necessary to the Legislative Budget and Finance Committee for
30 the purpose of reviewing the need to increase or decrease the

1 instant check fee. The committee shall issue a report of its
2 findings and recommendations to the General Assembly for a
3 statutory change in the fee.

4 (c) Revenue sources.--Funds received under the provisions of
5 this section and section 6111(b)(3) (relating to sale or
6 transfer of firearms), as estimated and certified by the
7 Secretary of Revenue, shall be deposited within five days of the
8 end of each quarter into the fund.

9 (d) Definition.--As used in this section only, the term
10 "firearm" shall mean any weapon which is designed to or may
11 readily be converted to expel any projectile by the action of an
12 explosion or the frame or receiver of any such weapon.

13 § 6111.3. Firearm Records Check Fund.

14 (a) Establishment.--The Firearm Records Check Fund is hereby
15 established as a restricted account in the State Treasury,
16 separate and apart from all other public money or funds of the
17 Commonwealth, to be appropriated annually by the General
18 Assembly, for use in carrying out the provisions of section 6111
19 (relating to firearm ownership). The moneys in the fund on June
20 1, 1998, are hereby appropriated to the Pennsylvania State
21 Police.

22 (b) Source.--The source of the fund shall be moneys
23 collected and transferred under section 6111.2 (relating to
24 firearm sales surcharge) and moneys collected and transferred
25 under section 6111(b)(3).]

26 Section 5. Sections 6113(a) and 6124 of Title 18 are amended
27 to read:

28 § 6113. Licensing of dealers.

29 (a) General rule.--The chief or head of any police force or
30 police department of a city, and, elsewhere, the sheriff of the

1 county, shall grant to reputable applicants licenses, in form
2 prescribed by the Pennsylvania State Police, effective for three
3 years from date of issue, permitting the licensee to sell
4 firearms direct to the consumer, subject to the following
5 conditions in addition to those specified in section 6111
6 (relating to sale or transfer of firearms), for breach of any of
7 which the license shall be forfeited and the licensee subject to
8 punishment as provided in this subchapter:

9 (1) The business shall be carried on only upon the
10 premises designated in the license or at a lawful gun show or
11 meet.

12 (2) The license, or a copy thereof, certified by the
13 issuing authority, shall be displayed on the premises where
14 it can easily be read.

15 (3) No firearm shall be sold in violation of any
16 provision of this subchapter.

17 (4) No firearm shall be sold under any circumstances
18 unless the purchaser is personally known to the seller or
19 shall present clear evidence of the purchaser's identity.

20 [(5) A true record in triplicate shall be made of every
21 firearm sold, in a book kept for the purpose, the form of
22 which may be prescribed by the Pennsylvania State Police, and
23 shall be personally signed by the purchaser and by the person
24 effecting the sale, each in the presence of the other, and
25 shall contain the information required by section 6111. The
26 record shall be maintained by the licensee for a period of 20
27 years.]

28 (6) No firearm as defined in section 6102 (relating to
29 definitions) shall be displayed in any part of any premises
30 where it can readily be seen from the outside. In the event

1 that the Commissioner of the Pennsylvania State Police shall
2 find a clear and present danger to public safety within this
3 Commonwealth or any area thereof, firearms shall be stored
4 and safeguarded pursuant to regulations to be established by
5 the Pennsylvania State Police by the licensee during the
6 hours when the licensee is closed for business.

7 (7) The dealer shall possess all applicable current
8 revenue licenses.

9 * * *

10 § 6124. Administrative regulations.

11 The commissioner may establish form specifications and
12 regulations, consistent with section 6109(c) (relating to
13 licenses), with respect to uniform forms control, including the
14 following:

15 (1) License to carry firearms.

16 (2) Firearm registration.

17 (3) Dealer's license.

18 [(4) Application for purchase of a firearm.]

19 (5) Record of sale of firearms.]

20 Section 6. This act shall take effect in 360 days.