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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1357 Session of  
2023

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INTRODUCED BY PARKER, MADDEN, HOHENSTEIN, SANCHEZ, GUENST,  
KINKEAD, CONKLIN, FIEDLER, JOZWIAK, GREEN AND GALLOWAY,  
JUNE 9, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 9, 2023

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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 sale or transfer of firearms,  
4 for Pennsylvania State Police and for firearm sales  
5 surcharge.

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

8 Section 1. Sections 6111(b)(1.1) and (3), 6111.1(b)(2) and  
9 6111.2(a) of Title 18 of the Pennsylvania Consolidated Statutes  
10 are amended to read:

11 § 6111. Sale or transfer of firearms.

12 \* \* \*

13 (b) Duty of seller.--No licensed importer, licensed  
14 manufacturer or licensed dealer shall sell or deliver any  
15 firearm to another person, other than a licensed importer,  
16 licensed manufacturer, licensed dealer or licensed collector,  
17 until the conditions of subsection (a) have been satisfied and  
18 until he has:

19 \* \* \*

1 [(1.1) On the date of publication in the Pennsylvania  
2 Bulletin of a notice by the Pennsylvania State Police that  
3 the instantaneous records check has been implemented, all of  
4 the following shall apply:

5 (i) In the event of an electronic failure under  
6 section 6111.1(b)(2) (relating to Pennsylvania State  
7 Police) for purposes of a firearm which exceeds the  
8 barrel and related lengths set forth in section 6102,  
9 obtained a completed application/record of sale from the  
10 potential buyer or transferee to be filled out in  
11 triplicate, the original copy to be sent to the  
12 Pennsylvania State Police, postmarked via first class  
13 mail, within 14 days of sale, one copy to be retained by  
14 the licensed importer, licensed manufacturer or licensed  
15 dealer for a period of 20 years and one copy to be  
16 provided to the purchaser or transferee.

17 (ii) The form of the application/record of sale  
18 shall be no more than one page in length and shall be  
19 promulgated by the Pennsylvania State Police and provided  
20 by the licensed importer, licensed manufacturer or  
21 licensed dealer.

22 (iii) For purposes of conducting the criminal  
23 history, juvenile delinquency and mental health records  
24 background check which shall be completed within ten days  
25 of receipt of the information from the dealer, the  
26 application/record of sale shall include the name,  
27 address, birthdate, gender, race, physical description  
28 and Social Security number of the purchaser or transferee  
29 and the date of application.

30 (iv) No information regarding the type of firearm

1 need be included other than an indication that the  
2 firearm exceeds the barrel lengths set forth in section  
3 6102.

4 (v) Unless it has been discovered pursuant to a  
5 criminal history, juvenile delinquency and mental health  
6 records background check that the potential purchaser or  
7 transferee is prohibited from possessing a firearm  
8 pursuant to section 6105 (relating to persons not to  
9 possess, use, manufacture, control, sell or transfer  
10 firearms), no information on the application/record of  
11 sale provided pursuant to this subsection shall be  
12 retained as precluded by section 6111.4 (relating to  
13 registration of firearms) by the Pennsylvania State  
14 Police either through retention of the application/record  
15 of sale or by entering the information onto a computer,  
16 and, further, an application/record of sale received by  
17 the Pennsylvania State Police pursuant to this subsection  
18 shall be destroyed within 72 hours of the completion of  
19 the criminal history, juvenile delinquency and mental  
20 health records background check.]

21 \* \* \*

22 (3) Requested by means of a telephone call that the  
23 Pennsylvania State Police conduct a criminal history,  
24 juvenile delinquency history and a mental health record  
25 check. The purchaser and the licensed dealer shall provide  
26 such information as is necessary to accurately identify the  
27 purchaser. The requester shall be charged a fee equivalent to  
28 the cost of providing the service but not to exceed [~~\$2~~] \$6  
29 per buyer or transferee.

30 \* \* \*

1 § 6111.1. Pennsylvania State Police.

2 \* \* \*

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

4 \* \* \*

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

20 \* \* \*

21 § 6111.2. Firearm sales surcharge.

22 (a) Surcharge imposed.--There is hereby imposed on each sale  
23 of a firearm subject to tax under Article II of the act of March  
24 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an  
25 additional surcharge of [~~\$3~~] \$10. This shall be referred to as  
26 the Firearm Sale Surcharge. All moneys received from this  
27 surcharge shall be deposited in the Firearm Instant Records  
28 Check Fund.

29 \* \* \*

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