
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1471 Session of
2014

INTRODUCED BY GREENLEAF, KITCHEN, ERICKSON, SCHWANK AND
RAFFERTY, SEPTEMBER 15, 2014

REFERRED TO JUDICIARY, SEPTEMBER 15, 2014

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations), 34 (Game), 42 (Judiciary and Judicial Procedure)
3 and 61 (Prisons and Parole) of the Pennsylvania Consolidated
4 Statutes, repealing and adding provisions relating to
5 firearms and other dangerous articles; and making editorial
6 changes.

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

9 Section 1. Chapter 61 of Title 18 of the Pennsylvania
10 Consolidated Statutes is repealed:

11 [CHAPTER 61

12 FIREARMS AND OTHER DANGEROUS ARTICLES

13 Subchapter

14 A. Uniform Firearms Act

15 B. Firearms Generally

16 C. Other Dangerous Articles

17 D. Straw Purchase Prevention Education Program

18 SUBCHAPTER A

19 UNIFORM FIREARMS ACT

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10 § 6101. Short title of subchapter.

11 This subchapter shall be known and may be cited as the
12 Pennsylvania Uniform Firearms Act of 1995.

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 "Commissioner." The Commissioner of the Pennsylvania State
21 Police.

22 "Commonwealth Photo Imaging Network." The computer network
23 administered by the Commonwealth and used to record and store
24 digital photographs of an individual's face and any scars,
25 marks, tattoos or other unique features of the individual.

26 "Conviction." A conviction, a finding of guilty or the
27 entering of a plea of guilty or nolo contendere, whether or not
28 judgment of sentence has been imposed, as determined by the law
29 of the jurisdiction in which the prosecution was held. The term
30 does not include a conviction which has been expunged or

1 overturned or for which an individual has been pardoned unless
2 the pardon expressly provides that the individual may not
3 possess or transport firearms.

4 "County treasurer." The county treasurer or, in home rule or
5 optional plan counties, the person whose duties encompass those
6 of a county treasurer.

7 "Crime punishable by imprisonment exceeding one year." The
8 term does not include any of the following:

9 (1) Federal or State offenses pertaining to antitrust,
10 unfair trade practices, restraints on trade or regulation of
11 business.

12 (2) State offenses classified as misdemeanors and
13 punishable by a term of imprisonment not to exceed two years.

14 "Firearm." Any pistol or revolver with a barrel length less
15 than 15 inches, any shotgun with a barrel length less than 18
16 inches or any rifle with a barrel length less than 16 inches, or
17 any pistol, revolver, rifle or shotgun with an overall length of
18 less than 26 inches. The barrel length of a firearm shall be
19 determined by measuring from the muzzle of the barrel to the
20 face of the closed action, bolt or cylinder, whichever is
21 applicable.

22 "Fund." The Firearm Ownership Fund established in section
23 6111.3 (relating to Firearm Ownership Fund).

24 "Law enforcement officer." Any person employed by any police
25 department or organization of the Commonwealth or political
26 subdivision thereof who is empowered to effect an arrest with or
27 without warrant and who is authorized to carry a firearm in the
28 performance of that person's duties.

29 "Loaded." A firearm is loaded if the firing chamber, the
30 nondetachable magazine or, in the case of a revolver, any of the

1 chambers of the cylinder contain ammunition capable of being
2 fired. In the case of a firearm which utilizes a detachable
3 magazine, the term shall mean a magazine suitable for use in
4 said firearm which magazine contains such ammunition and has
5 been inserted in the firearm or is in the same container or,
6 where the container has multiple compartments, the same
7 compartment thereof as the firearm. If the magazine is inserted
8 into a pouch, holder, holster or other protective device that
9 provides for a complete and secure enclosure of the ammunition,
10 then the pouch, holder, holster or other protective device shall
11 be deemed to be a separate compartment.

12 "Pennsylvania Sheriffs' Association." The State association
13 of sheriffs authorized by the act of June 14, 1923 (P.L.774,
14 No.305), entitled "An act authorizing the sheriffs of the
15 several counties of this Commonwealth to organize themselves
16 into a State Association, for the purpose of holding annual
17 meetings, to secure more uniformity and cooperation in the
18 conduct of their offices, and providing for the payment of
19 certain expenses in connection with such meetings by the various
20 counties."

21 "Safekeeping permit." As defined in 23 Pa.C.S. § 6102
22 (relating to definitions).

23 "Sheriff."

24 (1) Except as provided in paragraph (2), the sheriff of
25 the county.

26 (2) In a city of the first class, the chief or head of
27 the police department.

28 "State." When used in reference to different parts of the
29 United States, includes the District of Columbia, the
30 Commonwealth of Puerto Rico and territories and possessions of

1 the United States.

2 § 6103. Crimes committed with firearms.

3 If any person commits or attempts to commit a crime
4 enumerated in section 6105 (relating to persons not to possess,
5 use, manufacture, control, sell or transfer firearms) when armed
6 with a firearm contrary to the provisions of this subchapter,
7 that person may, in addition to the punishment provided for the
8 crime, also be punished as provided by this subchapter.

9 § 6104. Evidence of intent.

10 In the trial of a person for committing or attempting to
11 commit a crime enumerated in section 6105 (relating to persons
12 not to possess, use, manufacture, control, sell or transfer
13 firearms), the fact that that person was armed with a firearm,
14 used or attempted to be used, and had no license to carry the
15 same, shall be evidence of that person's intention to commit the
16 offense.

17 § 6105. Persons not to possess, use, manufacture, control, sell
18 or transfer firearms.

19 (a) Offense defined.--

20 (1) A person who has been convicted of an offense
21 enumerated in subsection (b), within or without this
22 Commonwealth, regardless of the length of sentence or whose
23 conduct meets the criteria in subsection (c) shall not
24 possess, use, control, sell, transfer or manufacture or
25 obtain a license to possess, use, control, sell, transfer or
26 manufacture a firearm in this Commonwealth.

27 (2) (i) A person who is prohibited from possessing,
28 using, controlling, selling, transferring or
29 manufacturing a firearm under paragraph (1) or subsection
30 (b) or (c) shall have a reasonable period of time, not

1 to exceed 60 days from the date of the imposition of the
2 disability under this subsection, in which to sell or
3 transfer that person's firearms to another eligible
4 person who is not a member of the prohibited person's
5 household.

6 (ii) This paragraph shall not apply to any person
7 whose disability is imposed pursuant to subsection (c)
8 (6).

9 (a.1) Penalty.--

10 (1) A person convicted of a felony enumerated under
11 subsection (b) or a felony under the act of April 14, 1972
12 (P.L.233, No.64), known as The Controlled Substance, Drug,
13 Device and Cosmetic Act, or any equivalent Federal statute or
14 equivalent statute of any other state, who violates
15 subsection (a) commits a felony of the second degree.

16 (2) A person who is the subject of an active protection
17 from abuse order issued pursuant to 23 Pa.C.S. § 6108
18 (relating to relief), which order provided for the
19 relinquishment of firearms, other weapons or ammunition
20 during the period of time the order is in effect, commits a
21 misdemeanor of the first degree if he intentionally or
22 knowingly fails to relinquish a firearm, other weapon or
23 ammunition to the sheriff as required by the order unless, in
24 lieu of relinquishment, he provides an affidavit which lists
25 the firearms, other weapons or ammunition to the sheriff in
26 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
27 (relating to relinquishment for consignment sale, lawful
28 transfer or safekeeping) or 6108.3 (relating to
29 relinquishment to third party for safekeeping).

30 (3) (i) A person commits a misdemeanor of the third

1 degree if he intentionally or knowingly accepts
2 possession of a firearm, other weapon or ammunition from
3 a person he knows is the subject of an active protection
4 from abuse order issued pursuant to 23 Pa.C.S. § 6108,
5 which order provided for the relinquishment of the
6 firearm, other weapon or ammunition during the period of
7 time the order is in effect.

8 (ii) This paragraph shall not apply to:

9 (A) a third party who accepts possession of a
10 firearm, other weapon or ammunition relinquished
11 pursuant to 23 Pa.C.S. § 6108.3; or

12 (B) a dealer licensed pursuant to section 6113
13 (relating to licensing of dealers) or subsequent
14 purchaser from a dealer licensed pursuant to section
15 6113, who accepts possession of a firearm, other
16 weapon or ammunition relinquished pursuant to 23
17 Pa.C.S. § 6108.2.

18 (4) It shall be an affirmative defense to any
19 prosecution under paragraph (3) that the person accepting
20 possession of a firearm, other weapon or ammunition in
21 violation of paragraph (3):

22 (i) notified the sheriff as soon as practicable that
23 he has taken possession; and

24 (ii) relinquished possession of any firearm, other
25 weapon or ammunition possessed in violation of paragraph
26 (3) as directed by the sheriff.

27 (5) A person who has accepted possession of a firearm,
28 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3
29 commits a misdemeanor of the first degree if he intentionally
30 or knowingly returns a firearm, other weapon or ammunition to

1 a defendant or intentionally or knowingly allows a defendant
2 to have access to the firearm, other weapon or ammunition
3 prior to either of the following:

4 (i) The sheriff accepts return of the safekeeping
5 permit issued to the party pursuant to 23 Pa.C.S. §
6 6108.3(d)(1)(i).

7 (ii) The issuance of a court order pursuant to
8 subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to
9 return of relinquished firearms, other weapons and
10 ammunition and additional relief) which modifies a valid
11 protection from abuse order issued pursuant to 23 Pa.C.S.
12 § 6108, which order provided for the relinquishment of
13 the firearm, other weapon or ammunition by allowing the
14 defendant to take possession of the firearm, other weapon
15 or ammunition that had previously been ordered
16 relinquished.

17 (b) Enumerated offenses.--The following offenses shall apply
18 to subsection (a):

19 Section 908 (relating to prohibited offensive weapons).

20 Section 911 (relating to corrupt organizations).

21 Section 912 (relating to possession of weapon on school
22 property).

23 Section 2502 (relating to murder).

24 Section 2503 (relating to voluntary manslaughter).

25 Section 2504 (relating to involuntary manslaughter) if
26 the offense is based on the reckless use of a firearm.

27 Section 2702 (relating to aggravated assault).

28 Section 2703 (relating to assault by prisoner).

29 Section 2704 (relating to assault by life prisoner).

30 Section 2709.1 (relating to stalking).

1 Section 2716 (relating to weapons of mass destruction).

2 Section 2901 (relating to kidnapping).

3 Section 2902 (relating to unlawful restraint).

4 Section 2910 (relating to luring a child into a motor
5 vehicle or structure).

6 Section 3121 (relating to rape).

7 Section 3123 (relating to involuntary deviate sexual
8 intercourse).

9 Section 3125 (relating to aggravated indecent assault).

10 Section 3301 (relating to arson and related offenses).

11 Section 3302 (relating to causing or risking
12 catastrophe).

13 Section 3502 (relating to burglary).

14 Section 3503 (relating to criminal trespass) if the
15 offense is graded a felony of the second degree or higher.

16 Section 3701 (relating to robbery).

17 Section 3702 (relating to robbery of motor vehicle).

18 Section 3921 (relating to theft by unlawful taking or
19 disposition) upon conviction of the second felony offense.

20 Section 3923 (relating to theft by extortion) when the
21 offense is accompanied by threats of violence.

22 Section 3925 (relating to receiving stolen property) upon
23 conviction of the second felony offense.

24 Section 4906 (relating to false reports to law
25 enforcement authorities) if the fictitious report involved
26 the theft of a firearm as provided in section 4906(c)(2).

27 Section 4912 (relating to impersonating a public servant)
28 if the person is impersonating a law enforcement officer.

29 Section 4952 (relating to intimidation of witnesses or
30 victims).

1 Section 4953 (relating to retaliation against witness,
2 victim or party).

3 Section 5121 (relating to escape).

4 Section 5122 (relating to weapons or implements for
5 escape).

6 Section 5501(3) (relating to riot).

7 Section 5515 (relating to prohibiting of paramilitary
8 training).

9 Section 5516 (relating to facsimile weapons of mass
10 destruction).

11 Section 6110.1 (relating to possession of firearm by
12 minor).

13 Section 6301 (relating to corruption of minors).

14 Section 6302 (relating to sale or lease of weapons and
15 explosives).

16 Any offense equivalent to any of the above-enumerated
17 offenses under the prior laws of this Commonwealth or any
18 offense equivalent to any of the above-enumerated offenses
19 under the statutes of any other state or of the United
20 States.

21 (c) Other persons.--In addition to any person who has been
22 convicted of any offense listed under subsection (b), the
23 following persons shall be subject to the prohibition of
24 subsection (a):

25 (1) A person who is a fugitive from justice. This
26 paragraph does not apply to an individual whose fugitive
27 status is based upon a nonmoving or moving summary offense
28 under Title 75 (relating to vehicles).

29 (2) A person who has been convicted of an offense under
30 the act of April 14, 1972 (P.L.233, No.64), known as The

1 Controlled Substance, Drug, Device and Cosmetic Act, or any
2 equivalent Federal statute or equivalent statute of any other
3 state, that may be punishable by a term of imprisonment
4 exceeding two years.

5 (3) A person who has been convicted of driving under the
6 influence of alcohol or controlled substance as provided in
7 75 Pa.C.S. § 3802 (relating to driving under influence of
8 alcohol or controlled substance) or the former 75 Pa.C.S. §
9 3731, on three or more separate occasions within a five-year
10 period. For the purposes of this paragraph only, the
11 prohibition of subsection (a) shall only apply to transfers
12 or purchases of firearms after the third conviction.

13 (4) A person who has been adjudicated as an incompetent
14 or who has been involuntarily committed to a mental
15 institution for inpatient care and treatment under section
16 302, 303 or 304 of the provisions of the act of July 9, 1976
17 (P.L.817, No.143), known as the Mental Health Procedures Act.
18 This paragraph shall not apply to any proceeding under
19 section 302 of the Mental Health Procedures Act unless the
20 examining physician has issued a certification that inpatient
21 care was necessary or that the person was committable.

22 (5) A person who, being an alien, is illegally or
23 unlawfully in the United States.

24 (6) A person who is the subject of an active protection
25 from abuse order issued pursuant to 23 Pa.C.S. § 6108, which
26 order provided for the relinquishment of firearms during the
27 period of time the order is in effect. This prohibition shall
28 terminate upon the expiration or vacation of an active
29 protection from abuse order or portion thereof relating to
30 the relinquishment of firearms.

1 (7) A person who was adjudicated delinquent by a court
2 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
3 under any equivalent Federal statute or statute of any other
4 state as a result of conduct which if committed by an adult
5 would constitute an offense under sections 2502, 2503, 2702,
6 2703 (relating to assault by prisoner), 2704, 2901, 3121,
7 3123, 3301, 3502, 3701 and 3923.

8 (8) A person who was adjudicated delinquent by a court
9 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal
10 statute or statute of any other state as a result of conduct
11 which if committed by an adult would constitute an offense
12 enumerated in subsection (b) with the exception of those
13 crimes set forth in paragraph (7). This prohibition shall
14 terminate 15 years after the last applicable delinquent
15 adjudication or upon the person reaching the age of 30,
16 whichever is earlier.

17 (9) A person who is prohibited from possessing or
18 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to
19 unlawful acts). If the offense which resulted in the
20 prohibition under 18 U.S.C. § 922(g)(9) was committed, as
21 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to
22 definitions), by a person in any of the following
23 relationships:

24 (i) the current or former spouse, parent or guardian
25 of the victim;

26 (ii) a person with whom the victim shares a child in
27 common;

28 (iii) a person who cohabits with or has cohabited
29 with the victim as a spouse, parent or guardian; or

30 (iv) a person similarly situated to a spouse, parent

1 or guardian of the victim;
2 then the relationship need not be an element of the offense
3 to meet the requirements of this paragraph.

4 (d) Exemption.--A person who has been convicted of a crime
5 specified in subsection (a) or (b) or a person whose conduct
6 meets the criteria in subsection (c)(1), (2), (5), (7) or (9)
7 may make application to the court of common pleas of the county
8 where the principal residence of the applicant is situated for
9 relief from the disability imposed by this section upon the
10 possession, transfer or control of a firearm. The court shall
11 grant such relief if it determines that any of the following
12 apply:

13 (1) The conviction has been vacated under circumstances
14 where all appeals have been exhausted or where the right to
15 appeal has expired.

16 (2) The conviction has been the subject of a full pardon
17 by the Governor.

18 (3) Each of the following conditions is met:

19 (i) The Secretary of the Treasury of the United
20 States has relieved the applicant of an applicable
21 disability imposed by Federal law upon the possession,
22 ownership or control of a firearm as a result of the
23 applicant's prior conviction, except that the court may
24 waive this condition if the court determines that the
25 Congress of the United States has not appropriated
26 sufficient funds to enable the Secretary of the Treasury
27 to grant relief to applicants eligible for the relief.

28 (ii) A period of ten years, not including any time
29 spent in incarceration, has elapsed since the most recent
30 conviction of the applicant of a crime enumerated in

1 subsection (b), a felony violation of The Controlled
2 Substance, Drug, Device and Cosmetic Act or the offense
3 which resulted in the prohibition under 18 U.S.C. §
4 922(g) (9).

5 (e) Proceedings.--

6 (1) If a person convicted of an offense under subsection
7 (a), (b) or (c) (1), (2), (5), (7) or (9) makes application to
8 the court, a hearing shall be held in open court to determine
9 whether the requirements of this section have been met. The
10 commissioner and the district attorney of the county where
11 the application is filed and any victim or survivor of a
12 victim of the offense upon which the disability is based may
13 be parties to the proceeding.

14 (2) Upon application to the court of common pleas
15 pursuant to paragraph (1) by an applicant who is subject to
16 the prohibition under subsection (c) (3), the court shall
17 grant such relief if a period of ten years, not including any
18 time spent in incarceration, has passed since the applicant's
19 most recent conviction under subsection (c) (3).

20 (f) Other exemptions and proceedings.--

21 (1) Upon application to the court of common pleas under
22 this subsection by an applicant subject to the prohibitions
23 under subsection (c) (4), the court may grant such relief as
24 it deems appropriate if the court determines that the
25 applicant may possess a firearm without risk to the applicant
26 or any other person.

27 (2) If application is made under this subsection for
28 relief from the disability imposed under subsection (c) (6),
29 notice of such application shall be given to the person who
30 had petitioned for the protection from abuse order, and such

1 person shall be a party to the proceedings. Notice of any
2 court order or amendment to a court order restoring firearms
3 possession or control shall be given to the person who had
4 petitioned for the protection from abuse order, to the
5 sheriff and to the Pennsylvania State Police. The application
6 and any proceedings on the application shall comply with 23
7 Pa.C.S. Ch. 61 (relating to protection from abuse).

8 (3) All hearings conducted under this subsection shall
9 be closed unless otherwise requested to be open by the
10 applicant.

11 (4) (i) The owner of any seized or confiscated firearms
12 or of any firearms ordered relinquished under 23 Pa.C.S.
13 § 6108 shall be provided with a signed and dated written
14 receipt by the appropriate law enforcement agency. This
15 receipt shall include, but not limited to, a detailed
16 identifying description indicating the serial number and
17 condition of the firearm. In addition, the appropriate
18 law enforcement agency shall be liable to the lawful
19 owner of said confiscated, seized or relinquished firearm
20 for any loss, damage or substantial decrease in value of
21 said firearm that is a direct result of a lack of
22 reasonable care by the appropriate law enforcement
23 agency.

24 (ii) Firearms shall not be engraved or permanently
25 marked in any manner, including, but not limited to,
26 engraving of evidence or other identification numbers.
27 Unless reasonable suspicion exists to believe that a
28 particular firearm has been used in the commission of a
29 crime, no firearm shall be test fired. Any reduction in
30 the value of a firearm due to test firing, engraving or

1 permanently marking in violation of this paragraph shall
2 be considered damage, and the law enforcement agency
3 shall be liable to the lawful owner of the firearm for
4 the reduction in value caused by the test firing,
5 engraving or permanently marking.

6 (iii) For purposes of this paragraph, the term
7 "firearm" shall include any scope, sight, bipod, sling,
8 light, magazine, clip, ammunition or other firearm
9 accessory attached to or seized, confiscated or
10 relinquished with a firearm.

11 (g) Other restrictions.--Nothing in this section shall
12 exempt a person from a disability in relation to the possession
13 or control of a firearm which is imposed as a condition of
14 probation or parole or which is imposed pursuant to the
15 provision of any law other than this section.

16 (h) License prohibition.--Any person who is prohibited from
17 possessing, using, controlling, selling, purchasing,
18 transferring or manufacturing any firearm under this section
19 shall not be eligible for or permitted to obtain a license to
20 carry a firearm under section 6109 (relating to licenses).

21 (i) Firearm.--As used in this section only, the term
22 "firearm" shall include any weapons which are designed to or may
23 readily be converted to expel any projectile by the action of an
24 explosive or the frame or receiver of any such weapon.

25 (j) Copy of order to State Police.--If the court grants
26 relief from the disabilities imposed under this section, a copy
27 of the order shall be sent by the prothonotary within ten days
28 of the entry of the order to the Pennsylvania State Police and
29 shall include the name, date of birth and Social Security number
30 of the individual.

1 § 6105.1. Restoration of firearm rights for offenses under
2 prior laws of this Commonwealth.

3 (a) Restoration.--A person convicted of a disabling offense
4 may make application to the court of common pleas in the county
5 where the principal residence of the applicant is situated for
6 restoration of firearms rights. The court shall grant
7 restoration of firearms rights after a hearing in open court to
8 determine whether the requirements of this section have been met
9 unless:

10 (1) the applicant has been convicted of any other
11 offense specified in section 6105(a) or (b) (relating to
12 persons not to possess, use, manufacture, control, sell or
13 transfer firearms) or the applicant's conduct meets the
14 criteria in section 6105(c) (1), (2), (3), (4), (5), (6) or
15 (7);

16 (2) the applicant has been convicted of any other crime
17 punishable by imprisonment exceeding one year as defined in
18 section 6102 (relating to definitions); or

19 (3) the applicant's character and reputation is such
20 that the applicant would be likely to act in a manner
21 dangerous to public safety.

22 (b) Notice and standing.--

23 (1) Notice of an application for restoration of firearms
24 rights shall be provided to the Pennsylvania State Police,
25 the district attorney of the county where the disabling
26 offense occurred and the district attorney of the county
27 where the application is filed. The district attorney of the
28 county where the application is filed, the district attorney
29 of the county where the disabling offense occurred and the
30 Pennsylvania State Police may, at their option, be parties to

1 the proceeding.

2 (2) Notwithstanding paragraph (1), the standing of the
3 Pennsylvania State Police as a party to a proceeding under
4 this section shall be limited to determinations of whether
5 the offense meets the definition of the phrase "disabling
6 offense" or whether the provisions of subsection (a)(1) and
7 (2) have been satisfied.

8 (c) Copy of order to Pennsylvania State Police.--If the
9 court grants restoration of firearms rights to an applicant, a
10 copy of the order shall be sent by the prothonotary within ten
11 days of the entry of the order to the district attorneys and the
12 Pennsylvania State Police, Firearms Division, and shall include
13 the name, date of birth and Social Security number of the
14 applicant.

15 (d) Expungement and pardon.--A restoration of firearms
16 rights under this section shall not result in the expungement of
17 any criminal history record information nor will it constitute a
18 gubernatorial pardon.

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

22 "Disabling offense." A conviction for any offense which:

23 (1) resulted in a Federal firearms disability and is
24 substantially similar to either an offense currently graded
25 as a crime punishable by a term of imprisonment for not more
26 than two years or conduct which no longer constitutes a
27 violation of law; and

28 (2) was a violation of either of the following:

29 (i) the former act of May 1, 1929 (P.L.905, No.403),
30 known as The Vehicle Code, or the former act of April 29,

1 1959 (P.L.58, No.32), known as The Vehicle Code; or
2 (ii) the former act of June 24, 1939 (P.L.872,
3 No.375), known as the Penal Code.

4 The definition shall not include any offense which, if committed
5 under contemporary standards, would constitute a misdemeanor of
6 the second degree or greater under section 2701 (relating to
7 simple assault) and was committed by a current or former spouse,
8 parent or guardian of the victim, by a person with whom the
9 victim shares a child in common, by a person who is cohabitating
10 with or has cohabitated with the victim as a spouse, parent or
11 guardian or by a person similarly situated to a spouse, parent
12 or guardian of the victim.

13 "Restoration of firearms rights." Relieving any and all
14 disabilities with respect to a person's right to own, possess,
15 use, control, sell, purchase, transfer, manufacture, receive,
16 ship or transport firearms, including any disabilities imposed
17 pursuant to this subchapter. The phrase shall also mean the
18 restoration of the right to vote, to hold public office and to
19 serve on a jury.

20 § 6106. Firearms not to be carried without a license.

21 (a) Offense defined.--

22 (1) Except as provided in paragraph (2), any person who
23 carries a firearm in any vehicle or any person who carries a
24 firearm concealed on or about his person, except in his place
25 of abode or fixed place of business, without a valid and
26 lawfully issued license under this chapter commits a felony
27 of the third degree.

28 (2) A person who is otherwise eligible to possess a
29 valid license under this chapter but carries a firearm in any
30 vehicle or any person who carries a firearm concealed on or

1 about his person, except in his place of abode or fixed place
2 of business, without a valid and lawfully issued license and
3 has not committed any other criminal violation commits a
4 misdemeanor of the first degree.

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

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

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

13 (3) The regularly enrolled members of any organization
14 duly organized to purchase or receive such firearms from the
15 United States or from this Commonwealth.

16 (4) Any persons engaged in target shooting with a
17 firearm, if such persons are at or are going to or from their
18 places of assembly or target practice and if, while going to
19 or from their places of assembly or target practice, the
20 firearm is not loaded.

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

23 (6) Agents, messengers and other employees of common
24 carriers, banks, or business firms, whose duties require them
25 to protect moneys, valuables and other property in the
26 discharge of such duties.

27 (7) Any person engaged in the business of manufacturing,
28 repairing, or dealing in firearms, or the agent or
29 representative of any such person, having in his possession,
30 using or carrying a firearm in the usual or ordinary course

1 of such business.

2 (8) Any person while carrying a firearm which is not
3 loaded and is in a secure wrapper from the place of purchase
4 to his home or place of business, or to a place of repair,
5 sale or appraisal or back to his home or place of business,
6 or in moving from one place of abode or business to another
7 or from his home to a vacation or recreational home or
8 dwelling or back, or to recover stolen property under section
9 6111.1(b)(4) (relating to Pennsylvania State Police), or to a
10 place of instruction intended to teach the safe handling, use
11 or maintenance of firearms or back or to a location to which
12 the person has been directed to relinquish firearms under 23
13 Pa.C.S. § 6108 (relating to relief) or back upon return of
14 the relinquished firearm or to a licensed dealer's place of
15 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
16 (relating to relinquishment for consignment sale, lawful
17 transfer or safekeeping) or back upon return of the
18 relinquished firearm or to a location for safekeeping
19 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
20 to third party for safekeeping) or back upon return of the
21 relinquished firearm.

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

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

29 (11) Any person while carrying a firearm in any vehicle,
30 which person possesses a valid and lawfully issued license

1 for that firearm which has been issued under the laws of the
2 United States or any other state.

3 (12) A person who has a lawfully issued license to carry
4 a firearm pursuant to section 6109 (relating to licenses) and
5 that said license expired within six months prior to the date
6 of arrest and that the individual is otherwise eligible for
7 renewal of the license.

8 (13) Any person who is otherwise eligible to possess a
9 firearm under this chapter and who is operating a motor
10 vehicle which is registered in the person's name or the name
11 of a spouse or parent and which contains a firearm for which
12 a valid license has been issued pursuant to section 6109 to
13 the spouse or parent owning the firearm.

14 (14) A person lawfully engaged in the interstate
15 transportation of a firearm as defined under 18 U.S.C. §
16 921(a)(3) (relating to definitions) in compliance with 18
17 U.S.C. § 926A (relating to interstate transportation of
18 firearms).

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

24 (i) The state provides a reciprocal privilege for
25 individuals licensed to carry firearms under section
26 6109.

27 (ii) The Attorney General has determined that the
28 firearm laws of the state are similar to the firearm laws
29 of this Commonwealth.

30 (16) Any person holding a license in accordance with

1 section 6109(f)(3).

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

3 (1) Before any exception shall be granted under
4 paragraph (b)(9) or (10) of this section to any person 18
5 years of age or older licensed to hunt, trap or fish or who
6 has been issued a permit relating to hunting dogs, such
7 person shall, at the time of securing his hunting, furtaking
8 or fishing license or any time after such license has been
9 issued, secure a sportsman's firearm permit from the county
10 treasurer. The sportsman's firearm permit shall be issued
11 immediately and be valid throughout this Commonwealth for a
12 period of five years from the date of issue for any legal
13 firearm, when carried in conjunction with a valid hunting,
14 furtaking or fishing license or permit relating to hunting
15 dogs. The sportsman's firearm permit shall be in triplicate
16 on a form to be furnished by the Pennsylvania State Police.
17 The original permit shall be delivered to the person, and the
18 first copy thereof, within seven days, shall be forwarded to
19 the Commissioner of the Pennsylvania State Police by the
20 county treasurer. The second copy shall be retained by the
21 county treasurer for a period of two years from the date of
22 expiration. The county treasurer shall be entitled to collect
23 a fee of not more than \$6 for each such permit issued, which
24 shall include the cost of any official form. The Pennsylvania
25 State Police may recover from the county treasurer the cost
26 of any such form, but may not charge more than \$1 for each
27 official permit form furnished to the county treasurer.

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

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

5 (e) Definitions.--

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

11 (2) As used in this section, the phrase "place of
12 instruction" shall include any hunting club, rifle club,
13 rifle range, pistol range, shooting range, the premises of a
14 licensed firearms dealer or a lawful gun show or meet.

15 § 6106.1. Carrying loaded weapons other than firearms.

16 (a) General rule.--Except as provided in Title 34 (relating
17 to game), no person shall carry a loaded pistol, revolver,
18 shotgun or rifle, other than a firearm as defined in section
19 6102 (relating to definitions), in any vehicle. The provisions
20 of this section shall not apply to persons excepted from the
21 requirement of a license to carry firearms under section 6106(b)
22 (1), (2), (5) or (6) (relating to firearms not to be carried
23 without a license) nor shall the provisions of this section be
24 construed to permit persons to carry firearms in a vehicle where
25 such conduct is prohibited by section 6106.

26 (b) Penalty.--A person who violates the provisions of this
27 section commits a summary offense.

28 § 6107. Prohibited conduct during emergency.

29 (a) General rule.--No person shall carry a firearm upon the
30 public streets or upon any public property during an emergency

1 proclaimed by a State or municipal governmental executive unless
2 that person is:

3 (1) Actively engaged in a defense of that person's life
4 or property from peril or threat.

5 (2) Licensed to carry firearms under section 6109
6 (relating to licenses) or is exempt from licensing under
7 section 6106(b) (relating to firearms not to be carried
8 without a license).

9 (b) Seizure, taking and confiscation.--Except as otherwise
10 provided under subsection (a) and notwithstanding the provisions
11 of 35 Pa.C.S. Ch. 73 (relating to Commonwealth services) or any
12 other provision of law to the contrary, no firearm, accessory or
13 ammunition may be seized, taken or confiscated during an
14 emergency unless the seizure, taking or confiscation would be
15 authorized absent the emergency.

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

19 "Accessory." Any scope, sight, bipod, sling, light,
20 magazine, clip or other related item that is attached to or
21 necessary for the operation of a firearm.

22 "Firearm." The term includes any weapon that is designed to
23 or may readily be converted to expel any projectile by the
24 action of an explosive or the frame or receiver of any weapon.

25 § 6108. Carrying firearms on public streets or public property
26 in Philadelphia.

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

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

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

4 § 6109. Licenses.

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

8 (b) Place of application.--An individual who is 21 years of
9 age or older may apply to a sheriff for a license to carry a
10 firearm concealed on or about his person or in a vehicle within
11 this Commonwealth. If the applicant is a resident of this
12 Commonwealth, he shall make application with the sheriff of the
13 county in which he resides or, if a resident of a city of the
14 first class, with the chief of police of that city.

15 (c) Form of application and content.--The application for a
16 license to carry a firearm shall be uniform throughout this
17 Commonwealth and shall be on a form prescribed by the
18 Pennsylvania State Police. The form may contain provisions, not
19 exceeding one page, to assure compliance with this section.
20 Issuing authorities shall use only the application form
21 prescribed by the Pennsylvania State Police. One of the
22 following reasons for obtaining a firearm license shall be set
23 forth in the application: self-defense, employment, hunting and
24 fishing, target shooting, gun collecting or another proper
25 reason. The application form shall be dated and signed by the
26 applicant and shall contain the following statement:

27 I have never been convicted of a crime that prohibits me
28 from possessing or acquiring a firearm under Federal or
29 State law. I am of sound mind and have never been
30 committed to a mental institution. I hereby certify that

1 the statements contained herein are true and correct to
2 the best of my knowledge and belief. I understand that,
3 if I knowingly make any false statements herein, I am
4 subject to penalties prescribed by law. I authorize the
5 sheriff, or his designee, or, in the case of first class
6 cities, the chief or head of the police department, or
7 his designee, to inspect only those records or documents
8 relevant to information required for this application. If
9 I am issued a license and knowingly become ineligible to
10 legally possess or acquire firearms, I will promptly
11 notify the sheriff of the county in which I reside or, if
12 I reside in a city of the first class, the chief of
13 police of that city.

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

16 (1) investigate the applicant's record of criminal
17 conviction;

18 (2) investigate whether or not the applicant is under
19 indictment for or has ever been convicted of a crime
20 punishable by imprisonment exceeding one year;

21 (3) investigate whether the applicant's character and
22 reputation are such that the applicant will not be likely to
23 act in a manner dangerous to public safety;

24 (4) investigate whether the applicant would be precluded
25 from receiving a license under subsection (e)(1) or section
26 6105(h) (relating to persons not to possess, use,
27 manufacture, control, sell or transfer firearms); and

28 (5) conduct a criminal background, juvenile delinquency
29 and mental health check following the procedures set forth in
30 section 6111 (relating to sale or transfer of firearms),

1 receive a unique approval number for that inquiry and record
2 the date and number on the application.

3 (e) Issuance of license.--

4 (1) A license to carry a firearm shall be for the
5 purpose of carrying a firearm concealed on or about one's
6 person or in a vehicle and shall be issued if, after an
7 investigation not to exceed 45 days, it appears that the
8 applicant is an individual concerning whom no good cause
9 exists to deny the license. A license shall not be issued to
10 any of the following:

11 (i) An individual whose character and reputation is
12 such that the individual would be likely to act in a
13 manner dangerous to public safety.

14 (ii) An individual who has been convicted of an
15 offense under the act of April 14, 1972 (P.L.233, No.64),
16 known as The Controlled Substance, Drug, Device and
17 Cosmetic Act.

18 (iii) An individual convicted of a crime enumerated
19 in section 6105.

20 (iv) An individual who, within the past ten years,
21 has been adjudicated delinquent for a crime enumerated in
22 section 6105 or for an offense under The Controlled
23 Substance, Drug, Device and Cosmetic Act.

24 (v) An individual who is not of sound mind or who
25 has ever been committed to a mental institution.

26 (vi) An individual who is addicted to or is an
27 unlawful user of marijuana or a stimulant, depressant or
28 narcotic drug.

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

30 (viii) An individual who is charged with or has been

1 convicted of a crime punishable by imprisonment for a
2 term exceeding one year except as provided for in section
3 6123 (relating to waiver of disability or pardons).

4 (ix) A resident of another state who does not
5 possess a current license or permit or similar document
6 to carry a firearm issued by that state if a license is
7 provided for by the laws of that state, as published
8 annually in the Federal Register by the Bureau of
9 Alcohol, Tobacco and Firearms of the Department of the
10 Treasury under 18 U.S.C. § 921(a)(19) (relating to
11 definitions).

12 (x) An alien who is illegally in the United States.

13 (xi) An individual who has been discharged from the
14 armed forces of the United States under dishonorable
15 conditions.

16 (xii) An individual who is a fugitive from justice.
17 This subparagraph does not apply to an individual whose
18 fugitive status is based upon nonmoving or moving summary
19 offense under Title 75 (relating to vehicles).

20 (xiii) An individual who is otherwise prohibited
21 from possessing, using, manufacturing, controlling,
22 purchasing, selling or transferring a firearm as provided
23 by section 6105.

24 (xiv) An individual who is prohibited from
25 possessing or acquiring a firearm under the statutes of
26 the United States.

27 (3) The license to carry a firearm shall be designed to
28 be uniform throughout this Commonwealth and shall be in a
29 form prescribed by the Pennsylvania State Police. The license
30 shall bear the following:

1 (i) The name, address, date of birth, race, sex,
2 citizenship, height, weight, color of hair, color of eyes
3 and signature of the licensee.

4 (ii) The signature of the sheriff issuing the
5 license.

6 (iii) A license number of which the first two
7 numbers shall be a county location code followed by
8 numbers issued in numerical sequence.

9 (iv) The point-of-contact telephone number
10 designated by the Pennsylvania State Police under
11 subsection (l).

12 (v) The reason for issuance.

13 (vi) The period of validation.

14 (4) The sheriff shall require a photograph of the
15 licensee on the license. The photograph shall be in a form
16 compatible with the Commonwealth Photo Imaging Network.

17 (5) The original license shall be issued to the
18 applicant. The first copy of the license shall be forwarded
19 to the Pennsylvania State Police within seven days of the
20 date of issue. The second copy shall be retained by the
21 issuing authority for a period of seven years. Except
22 pursuant to court order, both copies and the application
23 shall, at the end of the seven-year period, be destroyed
24 unless the license has been renewed within the seven-year
25 period.

26 (f) Term of license.--

27 (1) A license to carry a firearm issued under subsection
28 (e) shall be valid throughout this Commonwealth for a period
29 of five years unless extended under paragraph (3) or sooner
30 revoked.

1 (2) At least 60 days prior to the expiration of each
2 license, the issuing sheriff shall send to the licensee an
3 application for renewal of license. Failure to receive a
4 renewal application shall not relieve a licensee from the
5 responsibility to renew the license.

6 (3) Notwithstanding paragraph (1) or any other provision
7 of law to the contrary, a license to carry a firearm that is
8 held by a member of the United States Armed Forces or the
9 Pennsylvania National Guard on Federal active duty and
10 deployed overseas that is scheduled to expire during the
11 period of deployment shall be extended until 90 days after
12 the end of the deployment.

13 (4) Possession of a license, together with a copy of the
14 person's military orders showing the dates of overseas
15 deployment, including the date that the overseas deployment
16 ends, shall constitute, during the extension period specified
17 in paragraph (3), a defense to any charge filed pursuant to
18 section 6106 (relating to firearms not to be carried without
19 a license) or 6108 (relating to carrying firearms on public
20 streets or public property in Philadelphia).

21 (g) Grant or denial of license.--Upon the receipt of an
22 application for a license to carry a firearm, the sheriff shall,
23 within 45 days, issue or refuse to issue a license on the basis
24 of the investigation under subsection (d) and the accuracy of
25 the information contained in the application. If the sheriff
26 refuses to issue a license, the sheriff shall notify the
27 applicant in writing of the refusal and the specific reasons.
28 The notice shall be sent by certified mail to the applicant at
29 the address set forth in the application.

30 (h) Fee.--

1 (1) In addition to fees described in paragraphs (2) (ii)
2 and (3), the fee for a license to carry a firearm is \$19.

3 This includes all of the following:

4 (i) A renewal notice processing fee of \$1.50.

5 (ii) An administrative fee of \$5 under section 14(2)
6 of the act of July 6, 1984 (P.L.614, No.127), known as
7 the Sheriff Fee Act.

8 (2) (Expired).

9 (3) An additional fee of \$1 shall be paid by the
10 applicant for a license to carry a firearm and shall be
11 remitted by the sheriff to the Firearms License Validation
12 System Account, which is hereby established as a special
13 restricted receipt account within the General Fund of the
14 State Treasury. The account shall be used for purposes under
15 subsection (1). Moneys credited to the account and any
16 investment income accrued are hereby appropriated on a
17 continuing basis to the Pennsylvania State Police.

18 (4) No fee other than that provided by this subsection
19 or the Sheriff Fee Act may be assessed by the sheriff for the
20 performance of any background check made pursuant to this
21 act.

22 (5) The fee is payable to the sheriff to whom the
23 application is submitted and is payable at the time of
24 application for the license.

25 (6) Except for the administrative fee of \$5 under
26 section 14(2) of the Sheriff Fee Act, all other fees shall be
27 refunded if the application is denied but shall not be
28 refunded if a license is issued and subsequently revoked.

29 (7) A person who sells or attempts to sell a license to
30 carry a firearm for a fee in excess of the amounts fixed

1 under this subsection commits a summary offense.

2 (i) Revocation.--A license to carry firearms may be revoked
3 by the issuing authority for good cause. A license to carry
4 firearms shall be revoked by the issuing authority for any
5 reason stated in subsection (e)(1) which occurs during the term
6 of the permit. Notice of revocation shall be in writing and
7 shall state the specific reason for revocation. Notice shall be
8 sent by certified mail to the individual whose license is
9 revoked, and, at that time, notice shall also be provided to the
10 Pennsylvania State Police by electronic means, including e-mail
11 or facsimile transmission, that the license is no longer valid.
12 An individual whose license is revoked shall surrender the
13 license to the issuing authority within five days of receipt of
14 the notice. An individual whose license is revoked may appeal to
15 the court of common pleas for the judicial district in which the
16 individual resides. An individual who violates this section
17 commits a summary offense.

18 (i.1) Notice to sheriff.--Notwithstanding any statute to the
19 contrary:

20 (1) Upon conviction of a person for a crime specified in
21 section 6105(a) or (b) or upon conviction of a person for a
22 crime punishable by imprisonment exceeding one year or upon a
23 determination that the conduct of a person meets the criteria
24 specified in section 6105(c)(1), (2), (3), (5), (6) or (9),
25 the court shall determine if the defendant has a license to
26 carry firearms issued pursuant to this section. If the
27 defendant has such a license, the court shall notify the
28 sheriff of the county in which that person resides, on a form
29 developed by the Pennsylvania State Police, of the identity
30 of the person and the nature of the crime or conduct which

1 resulted in the notification. The notification shall be
2 transmitted by the judge within seven days of the conviction
3 or determination.

4 (2) Upon adjudication that a person is incompetent or
5 upon the involuntary commitment of a person to a mental
6 institution for inpatient care and treatment under the act of
7 July 9, 1976 (P.L.817, No.143), known as the Mental Health
8 Procedures Act, or upon involuntary treatment of a person as
9 described under section 6105(c)(4), the judge of the court of
10 common pleas, mental health review officer or county mental
11 health and mental retardation administrator shall notify the
12 sheriff of the county in which that person resides, on a form
13 developed by the Pennsylvania State Police, of the identity
14 of the person who has been adjudicated, committed or treated
15 and the nature of the adjudication, commitment or treatment.
16 The notification shall be transmitted by the judge, mental
17 health review officer or county mental health and mental
18 retardation administrator within seven days of the
19 adjudication, commitment or treatment.

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

24 (k) Reciprocity.--

25 (1) The Attorney General shall have the power and duty
26 to enter into reciprocity agreements with other states
27 providing for the mutual recognition of a license to carry a
28 firearm issued by the Commonwealth and a license or permit to
29 carry a firearm issued by the other state. To carry out this
30 duty, the Attorney General is authorized to negotiate

1 reciprocity agreements and grant recognition of a license or
2 permit to carry a firearm issued by another state.

3 (2) The Attorney General shall report to the General
4 Assembly within 180 days of the effective date of this
5 paragraph and annually thereafter concerning the agreements
6 which have been consummated under this subsection.

7 (1) Firearms License Validation System.--

8 (1) The Pennsylvania State Police shall establish a
9 nationwide toll-free telephone number, known as the Firearms
10 License Validation System, which shall be operational seven
11 days a week, 24 hours per day, for the purpose of responding
12 to law enforcement inquiries regarding the validity of any
13 Pennsylvania license to carry a firearm.

14 (2) Notwithstanding any other law regarding the
15 confidentiality of information, inquiries to the Firearms
16 License Validation System regarding the validity of any
17 Pennsylvania license to carry a firearm may only be made by
18 law enforcement personnel acting within the scope of their
19 official duties.

20 (3) Law enforcement personnel outside this Commonwealth
21 shall provide their originating agency identifier number and
22 the license number of the license to carry a firearm which is
23 the subject of the inquiry.

24 (4) Responses to inquiries by law enforcement personnel
25 outside this Commonwealth shall be limited to the name of the
26 licensee, the validity of the license and any information
27 which may be provided to a criminal justice agency pursuant
28 to Chapter 91 (relating to criminal history record
29 information).

30 (m) Inquiries.--

1 (1) The Attorney General shall, not later than one year
2 after the effective date of this subsection and not less than
3 once annually, contact in writing the appropriate authorities
4 in any other state which does not have a current reciprocity
5 agreement with the Commonwealth to determine if:

6 (i) the state will negotiate a reciprocity
7 agreement;

8 (ii) a licensee may carry a concealed firearm in the
9 state; or

10 (iii) a licensee may apply for a license or permit
11 to carry a firearm issued by the state.

12 (2) The Attorney General shall maintain a current list
13 of those states which have a reciprocity agreement with the
14 Commonwealth, those states which allow licensees to carry a
15 concealed firearm and those states which allow licensees to
16 apply for a license or permit to carry a firearm. This list
17 shall be posted on the Internet, provided to the Pennsylvania
18 State Police and made available to the public upon request.

19 (m.1) Temporary emergency licenses.--

20 (1) A person seeking a temporary emergency license to
21 carry a concealed firearm shall submit to the sheriff of the
22 county in which the person resides all of the following:

23 (i) Evidence of imminent danger to the person or the
24 person's minor child. For purposes of this subparagraph,
25 the term "minor" shall have the same meaning as provided
26 in 1 Pa.C.S. § 1991 (relating to definitions).

27 (ii) A sworn affidavit that contains the information
28 required on an application for a license to carry a
29 firearm and attesting that the person is 21 years of age
30 or older, is not prohibited from owning firearms under

1 section 6105 (relating to persons not to possess, use,
2 manufacture, control, sell or transfer firearms) or any
3 other Federal or State law and is not currently subject
4 to a protection from abuse order or a protection order
5 issued by a court of another state.

6 (iii) In addition to the provisions of subsection
7 (h), a temporary emergency license fee established by the
8 Commissioner of the Pennsylvania State Police for an
9 amount that does not exceed the actual cost of conducting
10 the criminal background check or \$10, whichever is less.

11 (iv) An application for a license to carry a firearm
12 on the form prescribed pursuant to subsection (c).

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

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

30 (4) A temporary emergency license issued under this

1 subsection shall be valid for 45 days and may not be renewed.
2 A person who has been issued a temporary emergency license
3 under this subsection shall not be issued another temporary
4 emergency license unless at least five years have expired
5 since the issuance of the prior temporary emergency license.
6 During the 45 days the temporary emergency license is valid,
7 the sheriff shall conduct an additional investigation of the
8 person for the purposes of determining whether the person may
9 be issued a license pursuant to this section. If, during the
10 course of this investigation, the sheriff discovers any
11 information that would have prohibited the issuance of a
12 license pursuant to this section, the sheriff shall be
13 authorized to revoke the temporary emergency license as
14 provided in subsection (i).

15 (5) The temporary emergency license issued pursuant to
16 this section shall be consistent with the form prescribed in
17 subsection (e) (3), (4) and (5). In addition to the
18 information provided in those paragraphs, the temporary
19 emergency license shall be clearly marked "Temporary."

20 (6) A person who holds a temporary emergency license to
21 carry a firearm shall have the same rights to carry a firearm
22 as a person issued a license to carry a firearm under this
23 section. A licensee under this subsection shall be subject to
24 all other duties, restrictions and penalties under this
25 section, including revocation pursuant to subsection (i).

26 (7) A sheriff who issues a temporary emergency license
27 to carry a firearm shall retain, for the entire period during
28 which the temporary emergency license is in effect, the
29 evidence of imminent danger that the applicant submitted to
30 the sheriff that was the basis for the license, or a copy of

1 the evidence, as appropriate.

2 (8) A person applying for a temporary emergency license
3 shall complete the application required pursuant to
4 subsection (c) and shall provide at the time of application
5 the information required in paragraph (1).

6 (9) Prior to the expiration of a temporary emergency
7 license, if the sheriff has determined pursuant to
8 investigation that the person issued a temporary emergency
9 license is not disqualified and if the temporary emergency
10 license has not been revoked pursuant to subsection (i), the
11 sheriff shall issue a license pursuant to this section that
12 is effective for the balance of the five-year period from the
13 date of the issuance of the temporary emergency license.
14 Records and all other information, duties and obligations
15 regarding such licenses shall be applicable as otherwise
16 provided in this section.

17 (10) As used in this subsection, the term "evidence of
18 imminent danger" means:

19 (i) a written document prepared by the Attorney
20 General, a district attorney, a chief law enforcement
21 officer, judicial officer or their designees describing
22 the facts that give a person reasonable cause to fear a
23 criminal attack upon the person or the person's minor
24 child. For the purposes of this subparagraph, the term
25 "chief law enforcement officer" shall have the same
26 meaning as provided in 42 Pa.C.S. § 8951 (relating to
27 definitions) and "judicial officer" shall have the same
28 meaning as provided in 42 Pa.C.S. § 102 (relating to
29 definitions).

30 (ii) a police report.

1 (m.2) Inconsistent provisions.--Notwithstanding the
2 provisions of section 7506 (relating to violation of rules
3 regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727
4 (relating to additional limitations on operation) or the act of
5 June 28, 1995 (P.L.89, No.18), known as the Conservation and
6 Natural Resources Act, and regulations promulgated under that
7 act, a firearm may be carried as provided in subsection (a) by:

8 (1) a law enforcement officer whose current
9 identification as a law enforcement officer shall be
10 construed as a valid license to carry a firearm; or

11 (2) any licensee.

12 (m.3) Construction.--Nothing in this section shall be
13 construed to:

14 (1) Permit the hunting or harvesting of any wildlife
15 with a firearm or ammunition not otherwise permitted by 34
16 Pa.C.S. (relating to game).

17 (2) Authorize any Commonwealth agency to regulate the
18 possession of firearms in any manner inconsistent with the
19 provisions of this title.

20 (n) Definition.--As used in this section, the term
21 "licensee" means an individual who is licensed to carry a
22 firearm under this section.

23 § 6110.1. Possession of firearm by minor.

24 (a) Firearm.--Except as provided in subsection (b), a person
25 under 18 years of age shall not possess or transport a firearm
26 anywhere in this Commonwealth.

27 (b) Exception.--Subsection (a) shall not apply to a person
28 under 18 years of age:

29 (1) who is under the supervision of a parent,
30 grandparent, legal guardian or an adult acting with the

1 expressed consent of the minor's custodial parent or legal
2 guardian and the minor is engaged in lawful activity,
3 including safety training, lawful target shooting, engaging
4 in an organized competition involving the use of a firearm or
5 the firearm is unloaded and the minor is transporting it for
6 a lawful purpose; or

7 (2) who is lawfully hunting or trapping in accordance
8 with 34 Pa.C.S. (relating to game).

9 (c) Responsibility of adult.--Any person who knowingly and
10 intentionally delivers or provides to the minor a firearm in
11 violation of subsection (a) commits a felony of the third
12 degree.

13 (d) Forfeiture.--Any firearm in the possession of a person
14 under 18 years of age in violation of this section shall be
15 promptly seized by the arresting law enforcement officer and
16 upon conviction or adjudication of delinquency shall be
17 forfeited or, if stolen, returned to the lawful owner.

18 § 6110.2. Possession of firearm with altered manufacturer's
19 number.

20 (a) General rule.--No person shall possess a firearm which
21 has had the manufacturer's number integral to the frame or
22 receiver altered, changed, removed or obliterated.

23 (b) Penalty.--A person who violates this section commits a
24 felony of the second degree.

25 (c) Definition.--As used in this section, the term "firearm"
26 shall have the same meaning as that term is defined in section
27 6105(i) (relating to persons not to possess, use, manufacture,
28 control, sell or transfer firearms), except that the term shall
29 not include antique firearms as defined in section 6118
30 (relating to antique firearms).

1 § 6111. Sale or transfer of firearms.

2 (a) Time and manner of delivery.--

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

8 (2) Thirty days after publication in the Pennsylvania
9 Bulletin that the Instantaneous Criminal History Records
10 Check System has been established in accordance with the
11 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
12 U.S.C. § 921 et seq.), no seller shall deliver a firearm to
13 the purchaser thereof until the provisions of this section
14 have been satisfied, and, when delivered, the firearm shall
15 be securely wrapped and shall be unloaded.

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

22 (1) For purposes of a firearm as defined in section 6102
23 (relating to definitions), obtained a completed
24 application/record of sale from the potential buyer or
25 transferee to be filled out in triplicate, the original copy
26 to be sent to the Pennsylvania State Police, postmarked via
27 first class mail, within 14 days of the sale, one copy to be
28 retained by the licensed importer, licensed manufacturer or
29 licensed dealer for a period of 20 years and one copy to be
30 provided to the purchaser or transferee. The form of this

1 application/record of sale shall be no more than one page in
2 length and shall be promulgated by the Pennsylvania State
3 Police and provided by the licensed importer, licensed
4 manufacturer or licensed dealer. The application/record of
5 sale shall include the name, address, birthdate, gender,
6 race, physical description and Social Security number of the
7 purchaser or transferee, the date of the application and the
8 caliber, length of barrel, make, model and manufacturer's
9 number of the firearm to be purchased or transferred. The
10 application/record of sale shall also contain the following
11 question:

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

- 19 (1) spouse;
- 20 (2) parent;
- 21 (3) child;
- 22 (4) grandparent; or
- 23 (5) grandchild.

24 (1.1) On the date of publication in the Pennsylvania
25 Bulletin of a notice by the Pennsylvania State Police that
26 the instantaneous records check has been implemented, all of
27 the following shall apply:

- 28 (i) In the event of an electronic failure under
29 section 6111.1(b)(2) (relating to Pennsylvania State
30 Police) for purposes of a firearm which exceeds the

1 barrel and related lengths set forth in section 6102,
2 obtained a completed application/record of sale from the
3 potential buyer or transferee to be filled out in
4 triplicate, the original copy to be sent to the
5 Pennsylvania State Police, postmarked via first class
6 mail, within 14 days of sale, one copy to be retained by
7 the licensed importer, licensed manufacturer or licensed
8 dealer for a period of 20 years and one copy to be
9 provided to the purchaser or transferee.

10 (ii) The form of the application/record of sale
11 shall be no more than one page in length and shall be
12 promulgated by the Pennsylvania State Police and provided
13 by the licensed importer, licensed manufacturer or
14 licensed dealer.

15 (iii) For purposes of conducting the criminal
16 history, juvenile delinquency and mental health records
17 background check which shall be completed within ten days
18 of receipt of the information from the dealer, the
19 application/record of sale shall include the name,
20 address, birthdate, gender, race, physical description
21 and Social Security number of the purchaser or transferee
22 and the date of application.

23 (iv) No information regarding the type of firearm
24 need be included other than an indication that the
25 firearm exceeds the barrel lengths set forth in section
26 6102.

27 (v) Unless it has been discovered pursuant to a
28 criminal history, juvenile delinquency and mental health
29 records background check that the potential purchaser or
30 transferee is prohibited from possessing a firearm

1 pursuant to section 6105 (relating to persons not to
2 possess, use, manufacture, control, sell or transfer
3 firearms), no information on the application/record of
4 sale provided pursuant to this subsection shall be
5 retained as precluded by section 6111.4 (relating to
6 registration of firearms) by the Pennsylvania State
7 Police either through retention of the application/record
8 of sale or by entering the information onto a computer,
9 and, further, an application/record of sale received by
10 the Pennsylvania State Police pursuant to this subsection
11 shall be destroyed within 72 hours of the completion of
12 the criminal history, juvenile delinquency and mental
13 health records background check.

14 (1.2) Fees collected under paragraph (3) and section
15 6111.2 (relating to firearm sales surcharge) shall be
16 transmitted to the Pennsylvania State Police within 14 days
17 of collection.

18 (1.3) In addition to the criminal penalty under section
19 6119 (relating to violation penalty), any person who
20 knowingly and intentionally maintains or fails to destroy any
21 information submitted to the Pennsylvania State Police for
22 purposes of a background check pursuant to paragraphs (1.1)
23 and (1.4) or violates section 6111.4 shall be subject to a
24 civil penalty of \$250 per violation, entry or failure to
25 destroy.

26 (1.4) Following implementation of the instantaneous
27 records check by the Pennsylvania State Police on or before
28 December 1, 1998, no application/record of sale shall be
29 completed for the purchase or transfer of a firearm which
30 exceeds the barrel lengths set forth in section 6102. A

1 statement shall be submitted by the dealer to the
2 Pennsylvania State Police, postmarked via first class mail,
3 within 14 days of the sale, containing the number of firearms
4 sold which exceed the barrel and related lengths set forth in
5 section 6102, the amount of surcharge and other fees remitted
6 and a list of the unique approval numbers given pursuant to
7 paragraph (4), together with a statement that the background
8 checks have been performed on the firearms contained in the
9 statement. The form of the statement relating to performance
10 of background checks shall be promulgated by the Pennsylvania
11 State Police.

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

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

1 buyer or transferee.

2 (4) Received a unique approval number for that inquiry
3 from the Pennsylvania State Police and recorded the date and
4 the number on the application/record of sale form.

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

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

19 (7) For purposes of the enforcement of 18 U.S.C. §
20 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
21 the event the criminal history or juvenile delinquency
22 background check indicates a conviction for a misdemeanor
23 that the Pennsylvania State Police cannot determine is or is
24 not related to an act of domestic violence, the Pennsylvania
25 State Police shall issue a temporary delay of the approval of
26 the purchase or transfer. During the temporary delay, the
27 Pennsylvania State Police shall conduct a review or
28 investigation of the conviction with courts, local police
29 departments, district attorneys and other law enforcement or
30 related institutions as necessary to determine whether or not

1 the misdemeanor conviction involved an act of domestic
2 violence. The Pennsylvania State Police shall conduct the
3 review or investigation as expeditiously as possible. No
4 firearm may be transferred by the dealer to the purchaser who
5 is the subject of the investigation during the temporary
6 delay. The Pennsylvania State Police shall notify the dealer
7 of the termination of the temporary delay and either deny the
8 sale or provide the unique approval number under paragraph
9 (4).

10 (c) Duty of other persons.--Any person who is not a licensed
11 importer, manufacturer or dealer and who desires to sell or
12 transfer a firearm to another unlicensed person shall do so only
13 upon the place of business of a licensed importer, manufacturer,
14 dealer or county sheriff's office, the latter of whom shall
15 follow the procedure set forth in this section as if he were the
16 seller of the firearm. The provisions of this section shall not
17 apply to transfers between spouses or to transfers between a
18 parent and child or to transfers between grandparent and
19 grandchild.

20 (d) Defense.--Compliance with the provisions of this section
21 shall be a defense to any criminal complaint under the laws of
22 this Commonwealth or other claim or cause of action under this
23 chapter arising from the sale or transfer of any firearm.

24 (e) Nonapplicability of section.--This section shall not
25 apply to the following:

26 (1) Any firearm manufactured on or before 1898.

27 (2) Any firearm with a matchlock, flintlock or
28 percussion cap type of ignition system.

29 (3) Any replica of any firearm described in paragraph

30 (1) if the replica:

1 (i) is not designed or redesigned to use rimfire or
2 conventional center fire fixed ammunition; or

3 (ii) uses rimfire or conventional center fire fixed
4 ammunition which is no longer manufactured in the United
5 States and which is not readily available in the ordinary
6 channels of commercial trade.

7 (f) Application of section.--

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

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

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

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

1 that the transferee or purchaser requires access to a
2 firearm because of a threat to the life of the transferee
3 or purchaser or any member of the household of that
4 transferee or purchaser.

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

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

17 (g) Penalties.--

18 (1) Any person, licensed dealer, licensed manufacturer
19 or licensed importer who knowingly or intentionally sells,
20 delivers or transfers a firearm in violation of this section
21 commits a misdemeanor of the second degree.

22 (2) Any person, licensed dealer, licensed manufacturer
23 or licensed importer who knowingly or intentionally sells,
24 delivers or transfers a firearm under circumstances intended
25 to provide a firearm to any person, purchaser or transferee
26 who is unqualified or ineligible to control, possess or use a
27 firearm under this chapter commits a felony of the third
28 degree and shall in addition be subject to revocation of the
29 license to sell firearms for a period of three years.

30 (3) Any person, licensed dealer, licensed manufacturer

1 or licensed importer who knowingly and intentionally requests
2 a criminal history, juvenile delinquency or mental health
3 record check or other confidential information from the
4 Pennsylvania State Police under this chapter for any purpose
5 other than compliance with this chapter or knowingly and
6 intentionally disseminates any criminal history, juvenile
7 delinquency or mental health record or other confidential
8 information to any person other than the subject of the
9 information commits a felony of the third degree.

10 (3.1) Any person, licensed dealer, licensed manufacturer
11 or licensed importer who knowingly and intentionally obtains
12 or furnishes information collected or maintained pursuant to
13 section 6109 for any purpose other than compliance with this
14 chapter or who knowingly or intentionally disseminates,
15 publishes or otherwise makes available such information to
16 any person other than the subject of the information commits
17 a felony of the third degree.

18 (4) Any person, purchaser or transferee commits a felony
19 of the third degree if, in connection with the purchase,
20 delivery or transfer of a firearm under this chapter, he
21 knowingly and intentionally:

22 (i) makes any materially false oral statement;

23 (ii) makes any materially false written statement,
24 including a statement on any form promulgated by Federal
25 or State agencies; or

26 (iii) willfully furnishes or exhibits any false
27 identification intended or likely to deceive the seller,
28 licensed dealer or licensed manufacturer.

29 (5) Notwithstanding section 306 (relating to liability
30 for conduct of another; complicity) or any other statute to

1 the contrary, any person, licensed importer, licensed dealer
2 or licensed manufacturer who knowingly and intentionally
3 sells, delivers or transfers a firearm in violation of this
4 chapter who has reason to believe that the firearm is
5 intended to be used in the commission of a crime or attempt
6 to commit a crime shall be criminally liable for such crime
7 or attempted crime.

8 (6) Notwithstanding any act or statute to the contrary,
9 any person, licensed importer, licensed manufacturer or
10 licensed dealer who knowingly and intentionally sells or
11 delivers a firearm in violation of this chapter who has
12 reason to believe that the firearm is intended to be used in
13 the commission of a crime or attempt to commit a crime shall
14 be liable in the amount of the civil judgment for injuries
15 suffered by any person so injured by such crime or attempted
16 crime.

17 (h) Subsequent violation penalty.--

18 (1) A second or subsequent violation of this section
19 shall be a felony of the second degree. A person who at the
20 time of sentencing has been convicted of another offense
21 under this section shall be sentenced to a mandatory minimum
22 sentence of imprisonment of five years. A second or
23 subsequent offense shall also result in permanent revocation
24 of any license to sell, import or manufacture a firearm.

25 (2) Notice of the applicability of this subsection to
26 the defendant and reasonable notice of the Commonwealth's
27 intention to proceed under this section shall be provided
28 prior to trial. The applicability of this section shall be
29 determined at sentencing. The court shall consider evidence
30 presented at trial, shall afford the Commonwealth and the

1 defendant an opportunity to present necessary additional
2 evidence and shall determine by a preponderance of the
3 evidence if this section is applicable.

4 (3) There shall be no authority for a court to impose on
5 a defendant to which this subsection is applicable a lesser
6 sentence than provided for in paragraph (1), to place the
7 defendant on probation or to suspend sentence. Nothing in
8 this section shall prevent the sentencing court from imposing
9 a sentence greater than that provided in this section.
10 Sentencing guidelines promulgated by the Pennsylvania
11 Commission on Sentencing shall not supersede the mandatory
12 sentences provided in this section.

13 (4) If a sentencing court refuses to apply this
14 subsection where applicable, the Commonwealth shall have the
15 right to appellate review of the action of the sentencing
16 court. The appellate court shall vacate the sentence and
17 remand the case to the sentencing court for imposition of a
18 sentence in accordance with this section if it finds that the
19 sentence was imposed in violation of this subsection.

20 (5) For the purposes of this subsection, a person shall
21 be deemed to have been convicted of another offense under
22 this section whether or not judgment of sentence has been
23 imposed for that violation.

24 (i) Confidentiality.--All information provided by the
25 potential purchaser, transferee or applicant, including, but not
26 limited to, the potential purchaser, transferee or applicant's
27 name or identity, furnished by a potential purchaser or
28 transferee under this section or any applicant for a license to
29 carry a firearm as provided by section 6109 shall be
30 confidential and not subject to public disclosure. In addition

1 to any other sanction or penalty imposed by this chapter, any
2 person, licensed dealer, State or local governmental agency or
3 department that violates this subsection shall be liable in
4 civil damages in the amount of \$1,000 per occurrence or three
5 times the actual damages incurred as a result of the violation,
6 whichever is greater, as well as reasonable attorney fees.

7 (j) Exemption.--

8 (1) The provisions of subsections (a) and (b) shall not
9 apply to:

10 (i) sales between Federal firearms licensees; or

11 (ii) the purchase of firearms by a chief law
12 enforcement officer or his designee, for the official use
13 of law enforcement officers.

14 (2) For the purposes of this subsection, the term "chief
15 law enforcement officer" shall include the Commissioner of
16 the Pennsylvania State Police, the chief or head of a police
17 department, a county sheriff or any equivalent law
18 enforcement official.

19 § 6111.1. Pennsylvania State Police.

20 (a) Administration.--The Pennsylvania State Police shall
21 have the responsibility to administer the provisions of this
22 chapter.

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

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

29 (i) review the Pennsylvania State Police criminal
30 history and fingerprint records to determine if the

1 potential purchaser or transferee is prohibited from
2 receipt or possession of a firearm under Federal or State
3 law;

4 (ii) review the juvenile delinquency and mental
5 health records of the Pennsylvania State Police to
6 determine whether the potential purchaser or transferee
7 is prohibited from receipt or possession of a firearm
8 under Federal or State law; and

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

10 (A) that the potential purchase or transfer is
11 prohibited; or

12 (B) provide the licensee with a unique approval
13 number.

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

29 (3) The Pennsylvania State Police shall fully comply,
30 execute and enforce the directives of this section as

1 follows:

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

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

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

10 (B) December 31, 1998.

11 (4) The Pennsylvania State Police and any local law
12 enforcement agency shall make all reasonable efforts to
13 determine the lawful owner of any firearm confiscated or
14 recovered by the Pennsylvania State Police or any local law
15 enforcement agency and return said firearm to its lawful
16 owner if the owner is not otherwise prohibited from
17 possessing the firearm. When a court of law has determined
18 that the Pennsylvania State Police or any local law
19 enforcement agency have failed to exercise the duty under
20 this subsection, reasonable attorney fees shall be awarded to
21 any lawful owner of said firearm who has sought judicial
22 enforcement of this subsection.

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

1 (d) Distribution.--The Pennsylvania State Police shall
2 provide, without charge, summaries of uniform firearm laws and
3 firearm safety brochures pursuant to section 6125 (relating to
4 distribution of uniform firearm laws and firearm safety
5 brochures).

6 (e) Challenge to records.--

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

15 (2) The Pennsylvania State Police shall conduct a review
16 of the accuracy of the information forming the basis for the
17 denial and shall have the burden of proving the accuracy of
18 the record. Within 20 days after receiving a challenge, the
19 Pennsylvania State Police shall notify the challenger of the
20 basis for the denial, including, but not limited to, the
21 jurisdiction and docket number of any relevant court decision
22 and provide the challenger an opportunity to provide
23 additional information for the purposes of the review. The
24 Pennsylvania State Police shall communicate its final
25 decision to the challenger within 60 days of the receipt of
26 the challenge. The decision of the Pennsylvania State Police
27 shall include all information which formed a basis for the
28 decision.

29 (3) If the challenge is ruled invalid, the person shall
30 have the right to appeal the decision to the Attorney General

1 within 30 days of the decision. The Attorney General shall
2 conduct a hearing de novo in accordance with the
3 Administrative Agency Law. The burden of proof shall be upon
4 the Commonwealth.

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

7 (f) Notification of mental health adjudication, treatment,
8 commitment, drug use or addiction.--

9 (1) Notwithstanding any statute to the contrary, judges
10 of the courts of common pleas shall notify the Pennsylvania
11 State Police, on a form developed by the Pennsylvania State
12 Police, of:

13 (i) the identity of any individual who has been
14 adjudicated as an incompetent or as a mental defective or
15 who has been involuntarily committed to a mental
16 institution under the act of July 9, 1976 (P.L.817,
17 No.143), known as the Mental Health Procedures Act, or
18 who has been involuntarily treated as described in
19 section 6105(c)(4) (relating to persons not to possess,
20 use, manufacture, control, sell or transfer firearms) or
21 as described in 18 U.S.C. § 922(g)(4) (relating to
22 unlawful acts) and its implementing Federal regulations;
23 and

24 (ii) any finding of fact or court order related to
25 any person described in 18 U.S.C. § 922(g)(3).

26 (2) The notification shall be transmitted by the judge
27 to the Pennsylvania State Police within seven days of the
28 adjudication, commitment or treatment.

29 (3) Notwithstanding any law to the contrary, the
30 Pennsylvania State Police may disclose, electronically or

1 otherwise, to the United States Attorney General or a
2 designee, any record relevant to a determination of whether a
3 person is disqualified from possessing or receiving a firearm
4 under 18 U.S.C. § 922 (g) (3) or (4) or an applicable state
5 statute.

6 (g) Review by court.--

7 (1) Upon receipt of a copy of the order of a court of
8 competent jurisdiction which vacates a final order or an
9 involuntary certification issued by a mental health review
10 officer, the Pennsylvania State Police shall expunge all
11 records of the involuntary treatment received under
12 subsection (f).

13 (2) A person who is involuntarily committed pursuant to
14 section 302 of the Mental Health Procedures Act may petition
15 the court to review the sufficiency of the evidence upon
16 which the commitment was based. If the court determines that
17 the evidence upon which the involuntary commitment was based
18 was insufficient, the court shall order that the record of
19 the commitment submitted to the Pennsylvania State Police be
20 expunged. A petition filed under this subsection shall toll
21 the 60-day period set forth under section 6105(a) (2).

22 (3) The Pennsylvania State Police shall expunge all
23 records of an involuntary commitment of an individual who is
24 discharged from a mental health facility based upon the
25 initial review by the physician occurring within two hours of
26 arrival under section 302(b) of the Mental Health Procedures
27 Act and the physician's determination that no severe mental
28 disability existed pursuant to section 302(b) of the Mental
29 Health Procedures Act. The physician shall provide signed
30 confirmation of the determination of the lack of severe

1 mental disability following the initial examination under
2 section 302(b) of the Mental Health Procedures Act to the
3 Pennsylvania State Police.

4 (h) Juvenile registry.--

5 (1) The contents of law enforcement records and files
6 compiled under 42 Pa.C.S. § 6308 (relating to law enforcement
7 records) concerning a child shall not be disclosed to the
8 public except if the child is 14 years of age or older at the
9 time of the alleged conduct and if any of the following
10 apply:

11 (i) The child has been adjudicated delinquent by a
12 court as a result of an act or acts which constitute any
13 offense enumerated in section 6105.

14 (ii) A petition alleging delinquency has been filed
15 by a law enforcement agency alleging that the child has
16 committed an act or acts which constitute an offense
17 enumerated in section 6105 and the child previously has
18 been adjudicated delinquent by a court as a result of an
19 act or acts which included the elements of one of such
20 crimes.

21 (2) Notwithstanding any provision of this subsection,
22 the contents of law enforcement records and files concerning
23 any child adjudicated delinquent for the commission of any
24 criminal activity described in paragraph (1) shall be
25 recorded in the registry of the Pennsylvania State Police for
26 the limited purposes of this chapter.

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

30 (1) number of firearm sales, including the types of

1 firearms;

2 (2) number of applications for sale of firearms denied,
3 number of challenges of the denials and number of final
4 reversals of initial denials;

5 (3) summary of the Pennsylvania State Police's
6 activities, including the average time taken to complete a
7 criminal history, juvenile delinquency history or mental
8 health record check; and

9 (4) uniform crime reporting statistics compiled by the
10 Pennsylvania State Police based on the National Incident-
11 based Reporting System.

12 (j) Other criminal information.--The Pennsylvania State
13 Police shall be authorized to obtain any crime statistics
14 necessary for the purposes of this chapter from any local law
15 enforcement agency.

16 (j.1) Delinquency and mental health records.--The provisions
17 of this section which relate to juvenile delinquency and mental
18 health records checks shall be applicable when the data has been
19 made available to the Pennsylvania State Police but not later
20 than October 11, 1999.

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

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

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

4 "Firearm." The term shall have the same meaning as in
5 section 6111.2 (relating to firearm sales surcharge).

6 "Physician." Any licensed psychiatrist or clinical
7 psychologist as defined in the act of July 9, 1976 (P.L.817,
8 No.143), known as the Mental Health Procedures Act.

9 § 6111.2. Firearm sales surcharge.

10 (a) Surcharge imposed.--There is hereby imposed on each sale
11 of a firearm subject to tax under Article II of the act of March
12 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
13 additional surcharge of \$3. This shall be referred to as the
14 Firearm Sale Surcharge. All moneys received from this surcharge
15 shall be deposited in the Firearm Instant Records Check Fund.

16 (b) Increases or decreases.--Five years from the effective
17 date of this subsection, and every five years thereafter, the
18 Pennsylvania State Police shall provide such information as
19 necessary to the Legislative Budget and Finance Committee for
20 the purpose of reviewing the need to increase or decrease the
21 instant check fee. The committee shall issue a report of its
22 findings and recommendations to the General Assembly for a
23 statutory change in the fee.

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

29 (d) Definition.--As used in this section only, the term
30 "firearm" shall mean any weapon which is designed to or may

1 readily be converted to expel any projectile by the action of an
2 explosion or the frame or receiver of any such weapon.

3 § 6111.3. Firearm Records Check Fund.

4 (a) Establishment.--The Firearm Records Check Fund is hereby
5 established as a restricted account in the State Treasury,
6 separate and apart from all other public money or funds of the
7 Commonwealth, to be appropriated annually by the General
8 Assembly, for use in carrying out the provisions of section 6111
9 (relating to firearm ownership). The moneys in the fund on June
10 1, 1998, are hereby appropriated to the Pennsylvania State
11 Police.

12 (b) Source.--The source of the fund shall be moneys
13 collected and transferred under section 6111.2 (relating to
14 firearm sales surcharge) and moneys collected and transferred
15 under section 6111(b)(3).

16 § 6111.4. Registration of firearms.

17 Notwithstanding any section of this chapter to the contrary,
18 nothing in this chapter shall be construed to allow any
19 government or law enforcement agency or any agent thereof to
20 create, maintain or operate any registry of firearm ownership
21 within this Commonwealth. For the purposes of this section only,
22 the term "firearm" shall include any weapon that is designed to
23 or may readily be converted to expel any projectile by the
24 action of an explosive or the frame or receiver of any such
25 weapon.

26 § 6111.5. Rules and regulations.

27 The Pennsylvania State Police shall in the manner provided by
28 law promulgate the rules and regulations necessary to carry out
29 this chapter, including regulations to ensure the identity,
30 confidentiality and security of all records and data provided

1 pursuant hereto.

2 § 6112. Retail dealer required to be licensed.

3 No retail dealer shall sell, or otherwise transfer or expose
4 for sale or transfer, or have in his possession with intent to
5 sell or transfer, any firearm as defined in section 6113(d)
6 (relating to licensing of dealers) without being licensed as
7 provided in this chapter.

8 § 6113. Licensing of dealers.

9 (a) General rule.--The chief or head of any police force or
10 police department of a city, and, elsewhere, the sheriff of the
11 county, shall grant to reputable applicants licenses, in form
12 prescribed by the Pennsylvania State Police, effective for three
13 years from date of issue, permitting the licensee to sell
14 firearms direct to the consumer, subject to the following
15 conditions in addition to those specified in section 6111
16 (relating to sale or transfer of firearms), for breach of any of
17 which the license shall be forfeited and the licensee subject to
18 punishment as provided in this subchapter:

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

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

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

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

30 (5) A true record in triplicate shall be made of every

1 firearm sold, in a book kept for the purpose, the form of
2 which may be prescribed by the Pennsylvania State Police, and
3 shall be personally signed by the purchaser and by the person
4 effecting the sale, each in the presence of the other, and
5 shall contain the information required by section 6111. The
6 record shall be maintained by the licensee for a period of 20
7 years.

8 (6) No firearm as defined in section 6102 (relating to
9 definitions) shall be displayed in any part of any premises
10 where it can readily be seen from the outside. In the event
11 that the Commissioner of the Pennsylvania State Police shall
12 find a clear and present danger to public safety within this
13 Commonwealth or any area thereof, firearms shall be stored
14 and safeguarded pursuant to regulations to be established by
15 the Pennsylvania State Police by the licensee during the
16 hours when the licensee is closed for business.

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

19 (b) Fee.--The fee for issuing said license shall be \$30,
20 which fee shall be paid into the county treasury.

21 (c) Revocation.--Any license granted under subsection (a) of
22 this section may be revoked for cause by the person issuing the
23 same, upon written notice to the holder thereof.

24 (d) Definitions.--For the purposes of this section and
25 section 6112 (relating to retail dealer required to be licensed)
26 only unless otherwise specifically provided, the term "firearm"
27 shall include any weapon that is designed to or may readily be
28 converted to expel any projectile by the action of an explosive
29 or the frame or receiver of any such weapon.

30 § 6114. Judicial review.

1 The action of the chief of police, sheriff, county treasurer
2 or other officer under this subchapter shall be subject to
3 judicial review in the manner and within the time provided by 2
4 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local
5 agency action). A judgment sustaining a refusal to grant a
6 license shall not bar, after one year, a new application; nor
7 shall a judgment in favor of the petitioner prevent the
8 defendant from thereafter revoking or refusing to renew such
9 license for any proper cause which may thereafter occur. The
10 court shall have full power to dispose of all costs.

11 § 6115. Loans on, or lending or giving firearms prohibited.

12 (a) Offense defined.--No person shall make any loan secured
13 by mortgage, deposit or pledge of a firearm, nor, except as
14 provided in subsection (b), shall any person lend or give a
15 firearm to another or otherwise deliver a firearm contrary to
16 the provisions of this subchapter.

17 (b) Exception.--

18 (1) Subsection (a) shall not apply if any of the
19 following apply:

20 (i) The person who receives the firearm is licensed
21 to carry a firearm under section 6109 (relating to
22 licenses).

23 (ii) The person who receives the firearm is exempt
24 from licensing.

25 (iii) The person who receives the firearm is engaged
26 in a hunter safety program certified by the Pennsylvania
27 Game Commission or a firearm training program or
28 competition sanctioned or approved by the National Rifle
29 Association.

30 (iv) The person who receives the firearm meets all

1 of the following:

2 (A) Is under 18 years of age.

3 (B) Pursuant to section 6110.1 (relating to
4 possession of firearm by minor) is under the
5 supervision, guidance and instruction of a
6 responsible individual who:

7 (I) is 21 years of age or older; and

8 (II) is not prohibited from owning or
9 possessing a firearm under section 6105 (relating
10 to persons not to possess, use, manufacture,
11 control, sell or transfer firearms).

12 (v) The person who receives the firearm is lawfully
13 hunting or trapping and is in compliance with the
14 provisions of Title 34 (relating to game).

15 (vi) A bank or other chartered lending institution
16 is able to adequately secure firearms in its possession.

17 (2) Nothing in this section shall be construed to
18 prohibit the transfer of a firearm under 20 Pa.C.S. Ch. 21
19 (relating to intestate succession) or by bequest if the
20 individual receiving the firearm is not precluded from owning
21 or possessing a firearm under section 6105.

22 (3) Nothing in this section shall be construed to
23 prohibit the loaning or giving of a firearm to another in
24 one's dwelling or place of business if the firearm is
25 retained within the dwelling or place of business.

26 (4) Nothing in this section shall prohibit the
27 relinquishment of firearms to a third party in accordance
28 with 23 Pa.C.S. § 6108.3 (relating to relinquishment to third
29 party for safekeeping).

30 § 6116. False evidence of identity.

1 In addition to any other penalty provided in this chapter,
2 the furnishing of false information or offering false evidence
3 of identity is a violation of section 4904 (relating to unsworn
4 falsification to authorities).

5 § 6117. Altering or obliterating marks of identification.

6 (a) Offense defined.--No person shall change, alter, remove,
7 or obliterate the manufacturer's number integral to the frame or
8 receiver of any firearm which shall have the same meaning as
9 provided in section 6105 (relating to persons not to possess,
10 use, manufacture, control, sell or transfer firearms).

11 (c) Penalty.--A violation of this section constitutes a
12 felony of the second degree.

13 § 6118. Antique firearms.

14 (a) General rule.--This subchapter shall not apply to
15 antique firearms.

16 (b) Exception.--Subsection (a) shall not apply to the extent
17 that such antique firearms, reproductions or replicas of
18 firearms are concealed weapons as provided in section 6106
19 (relating to firearms not be carried without a license), nor
20 shall it apply to the provisions of section 6105 (relating to
21 persons not to possess, use, manufacture, control, sell or
22 transfer firearms) if such antique firearms, reproductions or
23 replicas of firearms are suitable for use.

24 (c) Definition.--As used in this section, the term "antique
25 firearm" means:

26 (1) Any firearm with a matchlock, flintlock or
27 percussion cap type of ignition system.

28 (2) Any firearm manufactured on or before 1898.

29 (3) Any replica of any firearm described in paragraph

30 (2) if such replica:

1 (i) is not designed or redesigned for using rimfire
2 or conventional center fire fixed ammunition; or
3 (ii) uses rimfire or conventional center fire fixed
4 ammunition which is no longer manufactured in the United
5 States and which is not readily available in the ordinary
6 channels of commercial trade.

7 § 6119. Violation penalty.

8 Except as otherwise specifically provided, an offense under
9 this subchapter constitutes a misdemeanor of the first degree.

10 § 6120. Limitation on the regulation of firearms and
11 ammunition.

12 (a) General rule.--No county, municipality or township may
13 in any manner regulate the lawful ownership, possession,
14 transfer or transportation of firearms, ammunition or ammunition
15 components when carried or transported for purposes not
16 prohibited by the laws of this Commonwealth.

17 (a.1) No right of action.--

18 (1) No political subdivision may bring or maintain an
19 action at law or in equity against any firearms or ammunition
20 manufacturer, trade association or dealer for damages,
21 abatement, injunctive relief or any other relief or remedy
22 resulting from or relating to either the lawful design or
23 manufacture of firearms or ammunition or the lawful marketing
24 or sale of firearms or ammunition to the public.

25 (2) Nothing in this subsection shall be construed to
26 prohibit a political subdivision from bringing or maintaining
27 an action against a firearms or ammunition manufacturer or
28 dealer for breach of contract or warranty as to firearms or
29 ammunition purchased by the political subdivision.

30 (b) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

3 "Dealer." The term shall include any person engaged in the
4 business of selling at wholesale or retail a firearm or
5 ammunition.

6 "Firearms." This term shall have the meaning given to it in
7 section 5515 (relating to prohibiting of paramilitary training)
8 but shall not include air rifles as that term is defined in
9 section 6304 (relating to sale and use of air rifles).

10 "Political subdivision." The term shall include any home
11 rule charter municipality, county, city, borough, incorporated
12 town, township or school district.

13 § 6121. Certain bullets prohibited.

14 (a) Offense defined.--It is unlawful for any person to
15 possess, use or attempt to use a KTW teflon-coated bullet or
16 other armor-piercing ammunition while committing or attempting
17 to commit a crime of violence as defined in section 6102
18 (relating to definitions).

19 (b) Grading.--An offense under this section constitutes a
20 felony of the third degree.

21 (c) Sentencing.--Any person who is convicted in any court of
22 this Commonwealth of a crime of violence and who uses or
23 carries, in the commission of that crime, a firearm loaded with
24 KTW ammunition or any person who violates this section shall, in
25 addition to the punishment provided for the commission of the
26 crime, be sentenced to a term of imprisonment for not less than
27 five years. Notwithstanding any other provision of law, the
28 court shall not suspend the sentence of any person convicted of
29 a crime subject to this subsection nor place him on probation
30 nor shall the term of imprisonment run concurrently with any

1 other term of imprisonment including that imposed for the crime
2 in which the KTW ammunition was being used or carried. No person
3 sentenced under this subsection shall be eligible for parole.

4 (d) Definition.--As used in this section the term "armor-
5 piercing ammunition" means ammunition which, when or if fired
6 from any firearm as defined in section 6102 that is used or
7 attempted to be used in violation of subsection (a) under the
8 test procedure of the National Institute of Law Enforcement and
9 Criminal Justice Standard for the Ballistics Resistance of
10 Police Body Armor promulgated December 1978, is determined to be
11 capable of penetrating bullet-resistant apparel or body armor
12 meeting the requirements of Type IIA of Standard NILECJ-STD-
13 0101.01 as formulated by the United States Department of Justice
14 and published in December of 1978.

15 § 6122. Proof of license and exception.

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

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

28 § 6123. Waiver of disability or pardons.

29 A waiver of disability from Federal authorities as provided
30 for in 18 U.S.C. § 925 (relating to exceptions; relief from

1 disabilities), a full pardon from the Governor or an overturning
2 of a conviction shall remove any corresponding disability under
3 this subchapter except the disability under section 6105
4 (relating to persons not to possess, use, manufacture, control,
5 sell or transfer firearms).

6 § 6124. Administrative regulations.

7 The commissioner may establish form specifications and
8 regulations, consistent with section 6109(c) (relating to
9 licenses), with respect to uniform forms control, including the
10 following:

- 11 (1) License to carry firearms.
- 12 (2) Firearm registration.
- 13 (3) Dealer's license.
- 14 (4) Application for purchase of a firearm.
- 15 (5) Record of sale of firearms.

16 § 6125. Distribution of uniform firearm laws and firearm safety
17 brochures.

18 It shall be the duty of the Pennsylvania State Police
19 beginning January 1, 1996, to distribute to every licensed
20 firearm dealer in this Commonwealth firearms safety brochures at
21 no cost to the dealer. The brochures shall be written by the
22 Pennsylvania State Police, with the cooperation of the
23 Pennsylvania Game Commission, and shall include a summary of the
24 major provisions of this subchapter, including, but not limited
25 to, the duties of the sellers and purchasers and the transferees
26 of firearms. The brochure or a copy thereof shall be provided
27 without charge to each purchaser.

28 § 6127. Firearm tracing.

29 (a) Illegal possession.--Upon confiscating or recovering a
30 firearm from the possession of anyone who is not permitted by

1 Federal or State law to possess a firearm, a local law
2 enforcement agency shall use the best available information,
3 including a firearms trace where necessary, to determine how and
4 from where the person gained possession of the firearm.

5 (b) Tracing.--Local law enforcement shall use the National
6 Tracing Center of the Federal Bureau of Alcohol, Tobacco,
7 Firearms and Explosives in complying with subsection (a).

8 (c) Notification.--Local law enforcement agencies shall
9 advise the Pennsylvania State Police of all firearms that are
10 recovered in accordance with this section.

11 SUBCHAPTER B

12 FIREARMS GENERALLY

13 Sec.

14 6141.1. Purchase of rifles and shotguns outside this
15 Commonwealth.

16 6142. Locking device for firearms.

17 § 6141.1. Purchase of rifles and shotguns outside this
18 Commonwealth.

19 Nothing in this chapter shall be construed to prohibit a
20 person in this Commonwealth who may lawfully purchase, possess,
21 use, control, sell, transfer or manufacture a firearm which
22 exceeds the barrel and related lengths set forth in section 6102
23 (relating to definitions) from lawfully purchasing or otherwise
24 obtaining such a firearm in a jurisdiction outside this
25 Commonwealth.

26 § 6142. Locking device for firearms.

27 (a) Offense defined.--It shall be unlawful for any licensee
28 to sell, deliver or transfer any firearm as defined in section
29 6102 (relating to definitions), other than an antique firearm as
30 defined in section 6118 (relating to antique firearms), to any

1 other person, other than another licensee, unless the transferee
2 is provided with or purchases a locking device for that firearm
3 or the design of the firearm incorporates a locking device.

4 (b) Exceptions.--Firearms for transfer to or possession by
5 any law enforcement officer employed by any Federal, State or
6 local government entity or rail police employed and certified by
7 a rail carrier as a police officer are not subject to the
8 provisions of this section.

9 (c) Penalties.--A violation of the provisions of this
10 section shall be a summary offense.

11 (d) Good faith compliance.--A licensee who in good faith
12 complies with this section shall not be civilly liable as a
13 result of such compliance with this section, except for any acts
14 or omissions intentionally designed to harm or for grossly
15 negligent acts or omissions which result in harm.

16 (e) Admissibility of evidence.--A transferee's purchase or
17 receipt of a locking device in conjunction with the purchase of
18 a firearm pursuant to this section shall not be admissible as
19 evidence in any civil action brought against the transferee.

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

23 "Licensee." Any licensed manufacturer, importer or dealer of
24 firearms.

25 "Locking device." Either of the following:

26 (1) a device that, when installed on a firearm, is
27 designed to prevent the firearm from being operated without
28 first deactivating the device; or

29 (2) a device that is incorporated into the design of a
30 firearm and that is designed to prevent the operation of the

1 firearm by anyone not having access to the device.

2 SUBCHAPTER C

3 OTHER DANGEROUS ARTICLES

4 Sec.

5 6161. Carrying explosives on conveyances.

6 6162. Shipping explosives.

7 § 6161. Carrying explosives on conveyances.

8 (a) Offense defined.--A person is guilty of a misdemeanor of
9 the second degree if he enters into or upon any railroad train,
10 locomotive, tender or car thereof, or into or upon any
11 automobile or other conveyance used for the carrying of freight
12 or passengers, having in his custody or about his person any
13 nitroglycerine or other explosive, other than as freight
14 regularly shipped as such.

15 (b) Powers of crew.--The conductor or person having charge
16 and control of any railroad train, coach, or other conveyance
17 for the carriage of freight or passengers, may arrest any person
18 found violating the provisions of this section and detain such
19 person until reaching some place, where such person may be
20 delivered to a constable or other police authority.

21 (c) Venue.--It shall be lawful to prosecute such offenders
22 in any county through which said public conveyance passes,
23 without reference to the place where such offenders were
24 arrested.

25 § 6162. Shipping explosives.

26 (a) Offense defined.--A person is guilty of a misdemeanor of
27 the third degree if he knowingly delivers, or causes to be
28 delivered to any transportation company, or to any person
29 engaged in the business of transportation, any explosive
30 material adapted for blasting, or for any other purpose for

1 which such articles may be used, under any false or deceptive
2 invoice or description, or without informing the carrier at or
3 before the time when such delivery is made, of the true nature
4 of the same, and without having the keg, barrel, can or package
5 containing the same plainly marked with the name of the
6 explosive material therein contained, together with the word
7 "dangerous."

8 (b) Damages.--Any person convicted of an offense under this
9 section shall, in addition to any other penalty, be responsible
10 for all damages to persons or property directly or indirectly
11 resulting from the explosion of any such article.

12 (c) Opening of suspected containers.--Any person engaged in
13 the business of transportation, upon affidavit made of the fact
14 that any container tendered for transportation, not in
15 compliance with the provisions of this section is believed to
16 contain explosive material, may require such container to be
17 opened, and refuse to receive any such container unless such
18 requirement is complied with.

19 (d) Disposition of explosives.--If such container is opened
20 and found to contain any explosive material, the container and
21 its contents shall be forthwith removed to any lawful place for
22 the storing of explosives. After conviction of the offender, or
23 after three months from such removal, the container, with its
24 contents, shall be sold at public sale, after the expiration of
25 ten days from notice of the time and place of such sale,
26 published in one newspaper in the county where such seizure
27 shall have been made. The proceeds of such sale, after deducting
28 therefrom the expenses of removal, storage, advertisement and
29 sale, shall be paid into the treasury of the county.

30

SUBCHAPTER D

1 STRAW PURCHASE PREVENTION

2 EDUCATION PROGRAM

3 Sec.

4 § 6181. Scope of subchapter.

5 § 6182. Legislative findings and declarations.

6 § 6183. Definitions.

7 § 6184. Straw Purchase Prevention Education Program.

8 § 6185. Powers and duties of Attorney General.

9 § 6186. Straw Purchase Prevention Education Fund.

10 § 6187. Transfer for initial funding.

11 § 6181. Scope of subchapter.

12 This subchapter provides for the establishment of the Straw
13 Purchase Prevention Education Program within the Office of
14 Attorney General.

15 § 6182. Legislative findings and declarations.

16 The General Assembly finds and declares that:

17 (1) The illegal purchase of firearms throughout this
18 Commonwealth is a threat to public safety and security.

19 (2) Urban areas are experiencing increased violence as a
20 result of criminal misuse of firearms. Stemming the flow of
21 these illegal firearms through straw purchases will help to
22 curb the crime rate throughout this Commonwealth and increase
23 public safety.

24 (3) Educating the public that illegally purchasing a
25 firearm for someone otherwise prohibited from possessing one
26 is a serious crime and punishable under Federal law by ten
27 years' imprisonment advances public safety.

28 (4) Committed to educating firearms dealers and the
29 general public, the National Shooting Sports Foundation, in
30 partnership with the Bureau of Alcohol, Tobacco, Firearms and

1 Explosives, in July 2000 created the "Don't Lie for the Other
2 Guy Program."

3 (5) The "Don't Lie for the Other Guy Program" was
4 developed to raise public awareness that it is a serious
5 crime to purchase a firearm for someone who cannot legally do
6 so and to educate firearms dealers on how to better detect
7 and deter potential straw purchases. The campaign delivers
8 the message that anyone attempting an illegal firearm
9 purchase faces a stiff Federal penalty.

10 (6) The "Don't Lie for the Other Guy Program" is vital
11 to educating federally licensed firearms dealers and their
12 employees on how to recognize and deter the illegal purchase
13 of firearms through straw purchases. This program is an
14 important tool for the Bureau of Alcohol, Tobacco, Firearms
15 and Explosives to pursue its mission of preventing terrorism,
16 reducing violent crime and protecting the public.

17 (7) The nationally recognized "Don't Lie for the Other
18 Guy Program" has been endorsed by United States attorneys
19 throughout the nation, various law enforcement agencies, the
20 Bureau of Alcohol, Tobacco, Firearms and Explosives and the
21 Department of Justice.

22 (8) It is in the best interest of this Commonwealth to
23 establish a straw purchase prevention education program
24 within the Office of Attorney General to provide resources
25 and direct grant money to the "Don't Lie for the Other Guy
26 Program" and similar programs that offer straw purchase
27 prevention education.

28 § 6183. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Fund." The Straw Purchase Prevention Education Fund
3 established in section 6186 (relating to Straw Purchase
4 Prevention Education Fund).

5 "Program." The Straw Purchase Prevention Education Program
6 established in section 6184 (relating to Straw Purchase
7 Prevention Education Program).

8 § 6184. Straw Purchase Prevention Education Program.

9 (a) Establishment.--The Straw Purchase Prevention Education
10 Program is established and shall provide resources and direct
11 grant money to underwrite the cost of implementing an
12 educational and public service outreach program in the
13 community.

14 (b) Outreach.--The educational and public service outreach
15 program shall inform individuals of the illegal nature of
16 purchasing a firearm for an individual prohibited from owning
17 firearms. The outreach program shall be developed by a not-for-
18 profit organization which:

19 (1) Is a national trade association representing the
20 shooting, hunting and firearm industry.

21 (2) Has a membership consisting of firearm
22 manufacturers, firearm distributors, firearm retailers,
23 publishers and sportsmen's organizations.

24 (3) Has been in existence for at least 45 years prior to
25 the effective date of this section.

26 (c) Priority of grants.--Grants shall be prioritized based
27 on the highest incidence of firearm violence in a county of this
28 Commonwealth.

29 § 6185. Powers and duties of Attorney General.

30 In addition to any other powers and duties, the Attorney

1 General of the Commonwealth shall:

2 (1) Establish a grant program to provide moneys from the
3 fund pursuant to section 6184 (relating to Straw Purchase
4 Prevention Education Program).

5 (2) Promulgate rules and regulations to carry out the
6 provisions of this subchapter.

7 § 6186. Straw Purchase Prevention Education Fund.

8 (a) Establishment.--The Straw Purchase Prevention Education
9 Fund is hereby established in the State Treasury as a restricted
10 account. The fund shall consist of funds appropriated by the
11 General Assembly.

12 (b) Continuing appropriation.--All moneys in the fund and
13 the interest accruing thereon are hereby appropriated to the
14 Office of Attorney General on a continuing basis to carry out
15 the provisions of this subchapter.

16 § 6187. Transfer for initial funding.

17 The sum of \$100,000 is hereby transferred from the General
18 Fund to the Straw Purchase Prevention Education Fund for
19 expenditure during the fiscal year July 1, 2009, to June 30,
20 2010, to carry out the provisions of this subchapter.]

21 Section 2. Title 18 is amended by adding a chapter to read:

22 CHAPTER 62

23 FIREARMS AND OTHER DANGEROUS ARTICLES

24 Subchapter

25 A. General Provisions

26 B. Disqualifications

27 C. Sales and Background Checks

28 D. Licensure

29 E. Safety and Responsibility

30 F. Straw Purchase Prevention Education Program

1 G. Violations

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 Sec.

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12 § 6201. Short title.

13 This chapter shall be known and may be cited as the
14 Pennsylvania Firearms Act.

15 § 6202. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Antique firearm."

20 (1) Subject to paragraph (2), any of the following:

21 (i) A firearm with a matchlock, flintlock or
22 percussion cap type of ignition system.

23 (ii) A firearm manufactured during or before 1898.

24 (iii) A replica of any firearm described under
25 paragraph (2) if the replica:

26 (A) is not designed or redesigned for using
27 rimfire or conventional center fire fixed ammunition;

28 or

29 (B) uses rimfire or conventional center fire
30 fixed ammunition that is no longer manufactured in

1 the United States and that is not readily available
2 in the ordinary channels of commercial trade.

3 (2) A firearm that would otherwise meet the definition
4 under paragraph (1) shall not be considered an antique
5 firearm for purposes of the following:

6 (i) Section 6211 (relating to disqualification from
7 possession or ownership).

8 (ii) Section 6212 (relating to disqualification
9 based on protection from abuse order).

10 (iii) Section 6232 (relating to license to carry) if
11 the antique firearm is suitable for use.

12 "Armor-piercing ammunition." As defined in 18 U.S.C. §
13 921(a)(17) (relating to definitions).

14 "Barrel length." The measurement of a firearm determined by
15 measuring from the muzzle of the barrel to the face of the
16 closed action, bolt or cylinder, whichever is applicable.

17 "Commissioner." The Commissioner of Pennsylvania State
18 Police.

19 "Commonwealth Photo Imaging Network." The computer network
20 administered by the Commonwealth and used to record and store
21 digital photographs of an individual's face and any scars,
22 marks, tattoos or other unique features of the individual.

23 "Conviction." A conviction, a finding of guilty or the
24 entering of a plea of guilty or nolo contendere, whether or not
25 judgment of sentence has been imposed, as determined by the law
26 of the jurisdiction in which the prosecution was held. The term
27 excludes a conviction that has been expunged or overturned or
28 for which an individual has been pardoned unless the pardon
29 expressly provides that the individual may not possess or
30 transport a firearm.

1 "County treasurer." The county treasurer or, in a home rule
2 or optional plan county, the individual whose duties encompass
3 those of a county treasurer.

4 "Crime punishable by imprisonment exceeding one year." The
5 term excludes Federal or State offenses pertaining to antitrust,
6 unfair trade practices, restraints on trade or regulation of
7 business.

8 "Dealer" or "licensed dealer." Any of the following:

9 (1) A person licensed under this chapter.

10 (2) A person engaged in the business of selling firearms
11 at wholesale or retail. For purposes of this paragraph, the
12 phrase "engaged in the business" means devoting time,
13 attention and labor to:

14 (i) manufacturing firearms or ammunition as a
15 regular course of trade or business with the principal
16 objective of livelihood and profit through the sale or
17 distribution of the firearms or ammunition manufactured;

18 (ii) dealing in firearms through the repetitive
19 purchase and resale of firearms, but not regarding
20 occasional sales, exchanges or purchases of firearms for
21 the enhancement of a personal collection or for a hobby
22 or regarding the sale of all or part of the person's
23 personal collection of firearms; or

24 (iii) importing firearms or ammunition as a regular
25 course of trade or business with the principal objective
26 of livelihood and profit through the sale or distribution
27 of the firearms or ammunition imported.

28 (3) A person engaged in the business of repairing
29 firearms or of making or fitting special barrels, stocks or
30 trigger mechanisms to firearms. For purposes of this

1 paragraph, the phrase "engaged in the business" means
2 devoting time, attention and labor to engaging in the
3 activity as a regular course of trade or business with the
4 principal objective of livelihood and profit, but not
5 regarding the occasional repair of firearms or the occasional
6 fitting of special barrels, stocks or trigger mechanisms to
7 firearms.

8 (4) A pawnbroker. For purposes of this paragraph, the
9 term "pawnbroker" means a person whose business or occupation
10 includes the taking or receiving, by way of pledge or pawn,
11 of a firearm as security for the payment or repayment of
12 money.

13 (5) Except as otherwise provided in paragraph (2)(ii), a
14 person who sells or trades firearms at a gun show or event.
15 For purposes of this paragraph, the term "gun show" shall be
16 as defined in 27 CFR § 178.100(b) (relating to conduct of
17 business away from licensed premises).

18 For purposes of this definition, the phrase "with the principal
19 objective of livelihood and profit" shall mean that the intent
20 underlying the sale or disposition is predominantly one of
21 pecuniary gain, as opposed to other intents, such as improving
22 or liquidating a personal firearms collection.

23 "Disability." An individual's disqualification from the
24 ownership, possession or control of a firearm.

25 "Firearm." Either of the following:

26 (1) A weapon that is designed to or may readily be
27 converted to expel a projectile by the action of an
28 explosive.

29 (2) The frame or receiver of a weapon under paragraph
30 (1).

1 "Firearm background check." A review of the criminal
2 history, juvenile delinquency history and mental health records
3 of an individual applying to obtain ownership of a firearm.

4 "Handgun." Any of the following firearms:

5 (1) A pistol or revolver with a barrel length less than
6 15 inches.

7 (2) A shotgun with a barrel length less than 18 inches.

8 (3) A rifle with a barrel length less than 16 inches.

9 (4) A pistol, revolver, rifle or shotgun with an overall
10 length of less than 26 inches.

11 "Law enforcement officer." Any of the following:

12 (1) An individual who is:

13 (i) employed by a police department or organization
14 of the Commonwealth or political subdivision thereof;

15 (ii) empowered to effect an arrest with or without
16 warrant; and

17 (iii) authorized to carry a firearm in the
18 performance of that individual's duties.

19 (2) A sheriff or deputy sheriff.

20 (3) A constable or deputy constable who is:

21 (i) empowered to effect an arrest with or without
22 warrant; and

23 (ii) certified or qualified pursuant to 44 Pa.C.S. §
24 7148 (relating to use of firearms) to carry or use a
25 firearm in the performance of that individual's duties.

26 "License to carry." Authorization under section 6232
27 (relating to license to carry) to carry a handgun concealed on
28 or about the individual or in a vehicle within this
29 Commonwealth.

30 "Loaded." A firearm is loaded if the firing chamber, the

1 nondetachable magazine or, in the case of a revolver, any of the
2 chambers of the cylinder contain ammunition capable of being
3 fired. In the case of a firearm that uses a detachable magazine,
4 the term means a magazine suitable for use in the firearm that
5 contains ammunition and has been inserted in the firearm or is
6 in the same container or, where the container has multiple
7 compartments, the same compartment as the firearm. The pouch,
8 holder, holster or other protective device shall be deemed to be
9 a separate compartment if the magazine is inserted into a pouch,
10 holder, holster or other protective device that provides for a
11 complete and secure enclosure of the ammunition.

12 "Locking device." Either of the following:

13 (1) A device that when installed on a handgun is
14 designed to prevent the handgun from being operated without
15 first deactivating the device.

16 (2) A device that is incorporated into the design of a
17 handgun and that is designed to prevent the operation of the
18 handgun by anyone not having access to the device.

19 "Long gun." A firearm that is not a handgun.

20 "Private sale." A sale or transfer between two nonlicensed
21 individuals.

22 "Purchaser." An individual acquiring a firearm by purchase
23 or other transfer of ownership.

24 "Safekeeping permit." As defined in 23 Pa.C.S. § 6102(a)
25 (relating to definitions).

26 "Seller." An individual licensed as an importer,
27 manufacturer or dealer of firearms.

28 "Sheriff."

29 (1) Except as provided in paragraph (2), the sheriff of
30 the county.

1 (2) In a city of the first class, the chief or head of
2 the police department.

3 "State." When used in reference to different parts of the
4 United States, includes the District of Columbia, the
5 Commonwealth of Puerto Rico and territories and possessions of
6 the United States.

7 § 6203. Administration.

8 (a) Duty of State Police.--The Pennsylvania State Police
9 shall have the responsibility to administer the provisions of
10 this chapter.

11 (b) Rules and regulations.--The Pennsylvania State Police
12 shall promulgate rules and regulations necessary to carry out
13 this chapter, including regulations to ensure the identity,
14 confidentiality and security of all records and data provided
15 under this chapter.

16 (c) Immunity.--The Pennsylvania State Police and its
17 employees are immune from actions for damages for the use of a
18 firearm by a purchaser or for the unlawful transfer of a firearm
19 by a seller unless the act of the Pennsylvania State Police or
20 its employees constitutes a crime, actual fraud, actual malice
21 or willful misconduct.

22 § 6204. Judicial review.

23 (a) Procedure.--An action of a chief of police, sheriff,
24 county treasurer or other officer under this chapter shall be
25 subject to judicial review in the manner and within the time
26 provided by 2 Pa.C.S. Ch. 7 Subch. B (relating to judicial
27 review of local agency action).

28 (b) Judgment.--The following shall apply:

29 (1) A judgment sustaining a refusal to grant a license
30 may not bar, after one year, a new application for a license.

1 (2) A judgment in favor of the petitioner may not
2 prevent the defendant from thereafter revoking or refusing to
3 renew the license for any proper cause that may later occur.

4 (c) Costs.--The court may dispose of all costs regarding
5 judicial review under this section.

6 § 6205. Forms.

7 Consistent with section 6232(c) (relating to license to
8 carry), the commissioner may establish form specifications and
9 regulations, with respect to uniform forms control, including
10 the following:

11 (1) License to carry a handgun.

12 (2) Firearm registration.

13 (3) Dealer's license.

14 (4) Application for purchase of a firearm.

15 (5) Record of sale of firearms.

16 § 6206. Annual report.

17 On or before December 31, the Pennsylvania State Police shall
18 annually compile and report to the General Assembly the
19 following information for the previous year:

20 (1) The number of firearm sales, including the types of
21 firearms.

22 (2) The number of applications for sale of firearms
23 denied.

24 (3) The number of challenges to denials of applications
25 for sale of firearms.

26 (4) The number of final reversals of initial denials of
27 applications for sale of firearms.

28 (5) A summary of the activities of the Pennsylvania
29 State Police, including the average time taken to complete a
30 firearm background check.

1 (6) Uniform crime reporting statistics compiled by the
2 Pennsylvania State Police based on the National Incident-
3 Based Reporting System enforcement agency.

4 § 6207. Preservation of constitutional rights.

5 (a) Registry of firearms ownership prohibited.--The
6 following shall apply:

7 (1) Subject to paragraph (2) and notwithstanding any
8 provision of this chapter to the contrary, nothing in this
9 chapter may be construed to allow a government or law
10 enforcement agency or any agent thereof to create, maintain
11 or operate any registry of firearm ownership within this
12 Commonwealth.

13 (2) Maintenance of records specified under this chapter
14 for the specific purposes authorized by this chapter is
15 permissible.

16 (b) Limitation on regulation of firearms and ammunition.--No
17 political subdivision may:

18 (1) regulate in any manner the lawful ownership,
19 possession, transfer or transportation of firearms,
20 ammunition or ammunition components when carried or
21 transported for purposes not prohibited by the laws of this
22 Commonwealth; or

23 (2) bring or maintain an action at law or in equity
24 against any firearms or ammunition manufacturer, trade
25 association or dealer for damages, abatement, injunctive
26 relief or any other relief or remedy resulting from or
27 relating to either the lawful design or manufacture of
28 firearms or ammunition or the lawful marketing or sale of
29 firearms or ammunition to the public. Nothing in this
30 paragraph may be construed to prohibit a political

1 subdivision from bringing or maintaining an action against a
2 firearms or ammunition manufacturer or dealer for breach of
3 contract or warranty as to firearms or ammunition purchased
4 by the political subdivision.

5 (c) Seizure, taking and confiscation.--Except as provided in
6 section 6241(b) (relating to other firearms restrictions) and
7 notwithstanding the provisions of 35 Pa.C.S. Ch. 73 (relating to
8 Commonwealth services) or any other provision of law to the
9 contrary, no firearm, accessory or ammunition may be seized,
10 taken or confiscated during an emergency proclaimed by a State
11 or municipal governmental executive unless the seizure, taking
12 or confiscation would otherwise be authorized in the absence of
13 an emergency.

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

17 "Accessory." A scope, sight, bipod, sling, light, magazine,
18 clip or other related item that is attached to or necessary for
19 the operation of a firearm.

20 "Firearm." As defined in section 6202 (relating to
21 definitions), except that the term shall not include an air
22 rifle as defined in section 6304(g) (relating to sale and use of
23 air rifles).

24 "Political subdivision." The term shall include any home
25 rule charter municipality, county, city, borough, incorporated
26 town, township or school district.

27 SUBCHAPTER B

28 DISQUALIFICATIONS

29 Sec.

30 6211. Disqualification from possession or ownership.

1 6212. Disqualification based on protection from abuse order.

2 6213. Relinquishment of firearms upon disqualification.

3 6214. Notice of disqualifying event to sheriff.

4 6215. Disposition of firearms in law enforcement custody.

5 6216. Relief from disability.

6 6217. Effect of Federal waiver or pardon.

7 6218. Restoration of firearms rights for offenses under prior
8 laws.

9 § 6211. Disqualification from possession or ownership.

10 (a) Offense defined.--No individual may possess, use,
11 control, sell, transfer or manufacture or obtain a license to
12 possess, use, control, sell, transfer or manufacture a firearm
13 in this Commonwealth if either of the following has occurred:

14 (1) The individual has been convicted of an offense
15 under subsection (b), within or outside this Commonwealth,
16 regardless of the length of sentence.

17 (2) The conduct of the individual meets the criteria
18 established in subsection (c).

19 (b) Disqualifying offenses.--The following offenses shall
20 apply to subsection (a) (1):

21 (1) Section 908 (relating to prohibited offensive
22 weapons).

23 (2) Section 911 (relating to corrupt organizations).

24 (3) Section 912 (relating to possession of weapon on
25 school property).

26 (4) Section 2502 (relating to murder).

27 (5) Section 2503 (relating to voluntary manslaughter).

28 (6) Section 2504 (relating to involuntary manslaughter),
29 if the offense is based on the reckless use of a firearm.

30 (7) Section 2702 (relating to aggravated assault).

1 (8) Section 2703 (relating to assault by prisoner).

2 (9) Section 2704 (relating to assault by life prisoner).

3 (10) Section 2709.1 (relating to stalking).

4 (11) Section 2716 (relating to weapons of mass
5 destruction).

6 (12) Section 2901 (relating to kidnapping).

7 (13) Section 2902 (relating to unlawful restraint).

8 (14) Section 2910 (relating to luring a child into a
9 motor vehicle or structure).

10 (15) Section 3121 (relating to rape).

11 (16) Section 3123 (relating to involuntary deviate
12 sexual intercourse).

13 (17) Section 3125 (relating to aggravated indecent
14 assault).

15 (18) Section 3301 (relating to arson and related
16 offenses).

17 (19) Section 3302 (relating to causing or risking
18 catastrophe).

19 (20) Section 3502 (relating to burglary).

20 (21) Section 3503 (relating to criminal trespass), if
21 the offense is graded a felony of the second degree or
22 higher.

23 (22) Section 3701 (relating to robbery).

24 (23) Section 3702 (relating to robbery of motor
25 vehicle).

26 (24) Section 3921 (relating to theft by unlawful taking
27 or disposition), upon conviction of the second felony
28 offense.

29 (25) Section 3923 (relating to theft by extortion), when
30 the offense is accompanied by threats of violence.

1 (26) Section 3925 (relating to receiving stolen
2 property), upon conviction of the second felony offense.

3 (27) Section 4906 (relating to false reports to law
4 enforcement authorities), if the fictitious report involved
5 the theft of a firearm as provided in section 4906(c)(2).

6 (28) Section 4912 (relating to impersonating a public
7 servant), if the individual is impersonating a law
8 enforcement officer.

9 (29) Section 4952 (relating to intimidation of witnesses
10 or victims).

11 (30) Section 4953 (relating to retaliation against
12 witness, victim or party).

13 (31) Section 5121 (relating to escape).

14 (32) Section 5122 (relating to weapons or implements for
15 escape).

16 (33) Section 5501(3) (relating to riot).

17 (34) Section 5515 (relating to prohibiting of
18 paramilitary training).

19 (35) Section 5516 (relating to facsimile weapons of mass
20 destruction).

21 (36) Section 6110.1 (relating to possession of firearm
22 by minor).

23 (37) Section 6301 (relating to corruption of minors).

24 (38) Section 6302 (relating to sale or lease of weapons
25 and explosives).

26 (39) An offense equivalent to any of the offenses set
27 forth in paragraphs (1) through (38) under:

28 (i) the prior laws of this Commonwealth; or

29 (ii) Federal law or the statutes of any other state.

30 (c) Disqualifying conduct.--In addition to any individual

1 who has been convicted of an offense under subsection (b), the
2 following individuals are subject to the prohibition under
3 subsection (a):

4 (1) An individual who is a fugitive from justice. This
5 paragraph does not apply to an individual whose fugitive
6 status is based upon a nonmoving or moving summary offense
7 under 75 Pa.C.S. (relating to vehicles).

8 (2) An individual who has been convicted of an offense
9 under the act of April 14, 1972 (P.L.233, No.64), known as
10 The Controlled Substance, Drug, Device and Cosmetic Act, or
11 any equivalent Federal statute or equivalent statute of any
12 other state, that may be punishable by a term of imprisonment
13 exceeding two years.

14 (3) An individual who has been convicted of driving
15 under the influence of alcohol or controlled substance as
16 provided under 75 Pa.C.S. § 3802 (relating to driving under
17 influence of alcohol or controlled substance) or former 75
18 Pa.C.S. § 3731 (relating to driving under influence of
19 alcohol or controlled substance), on three or more separate
20 occasions within a five-year period. For the purposes of this
21 paragraph only, the prohibition of subsection (a) shall apply
22 only to transfers or purchases of firearms after the third
23 conviction.

24 (4) An individual who has been adjudicated as
25 incapacitated under 20 Pa.C.S. Ch. 55 (relating to
26 incapacitated persons) to possess a firearm.

27 (5) An individual who has been involuntarily committed
28 to a mental institution for inpatient care and treatment
29 under section 302, 303 or 304 of the act of July 9, 1976
30 (P.L.817, No.143), known as the Mental Health Procedures

1 Act. This paragraph shall not apply to any proceeding under
2 section 302 of the Mental Health Procedures Act unless the
3 examining physician has issued a certification that inpatient
4 care was necessary or that the individual was committable.

5 (6) An individual who, being an alien, is illegally or
6 unlawfully in the United States.

7 (7) An individual who is the subject of an active
8 protection from abuse order issued under 23 Pa.C.S. § 6108
9 (relating to relief), which order provided for the
10 relinquishment of firearms during the period of time the
11 order is in effect. This prohibition shall terminate upon the
12 expiration or vacation of an active protection from abuse
13 order or portion thereof relating to the relinquishment of
14 firearms.

15 (8) An individual who was adjudicated delinquent by a
16 court under 42 Pa.C.S. § 6341 (relating to adjudication) or
17 under any equivalent Federal statute or statute of any other
18 state as a result of conduct, which, if committed by an
19 adult, would constitute an offense under any of the
20 following:

21 (i) Section 2502, 2503, 2702, 2703, 2704, 2901,
22 3121, 3123, 3301, 3502, 3701 or 3923.

23 (ii) Subsection (b), except for those crimes under
24 subparagraph (i). The prohibition under this subparagraph
25 shall terminate 15 years after the last applicable
26 delinquent adjudication or upon the individual reaching
27 30 years of age, whichever date occurs earlier.

28 (iii) Section 13(a)(30) of The Controlled Substance,
29 Drug, Device and Cosmetic Act. The prohibition under this
30 subparagraph shall terminate 15 years after the last

1 applicable delinquent adjudication or upon the individual
2 reaching 30 years of age, whichever date occurs earlier.

3 (9) An individual who is prohibited from possessing or
4 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to
5 unlawful acts). If the offense that resulted in the
6 prohibition under 18 U.S.C. § 922(g)(9) was committed, as
7 provided under 18 U.S.C. § 921(a)(33)(A)(ii) (relating to
8 definitions), by an individual in any of the following
9 relationships, then the relationship does not need to be an
10 element of the offense to meet the requirements of this
11 paragraph:

12 (i) The current or former spouse, parent or guardian
13 of the victim.

14 (ii) An individual with whom the victim shares a
15 child in common.

16 (iii) An individual who cohabits with or has
17 cohabited with the victim as a spouse, parent or
18 guardian.

19 (iv) An individual similarly situated to a spouse,
20 parent or guardian of the victim.

21 (d) License prohibition.--An individual who is prohibited
22 from possessing, using, controlling, selling, purchasing,
23 transferring or manufacturing a firearm under this section may
24 not be eligible for or permitted to obtain a license to carry
25 under section 6232 (relating to license to carry).

26 § 6212. Disqualification based on protection from abuse order.

27 (a) Transfer period.--Section 6213 (relating to
28 relinquishment of firearms upon disqualification) shall not
29 apply to an individual whose disability is the result of the
30 individual becoming the subject of an active protection from

1 abuse order as provided under section 6211(c)(7) (relating to
2 disqualification from possession or ownership).

3 (b) Relinquishment to sheriff.--An individual who is the
4 subject of an active protection from abuse order issued under 23
5 Pa.C.S. § 6108 (relating to relief), which order provided for
6 the relinquishment of firearms, other weapons or ammunition
7 during the period of time the order is in effect, commits a
8 misdemeanor of the first degree if the individual intentionally
9 or knowingly fails to relinquish the firearms, other weapons or
10 ammunition to the sheriff as required by the order unless, in
11 lieu of relinquishment, the individual provides an affidavit
12 that lists the firearms, other weapons or ammunition to the
13 sheriff in accordance with 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
14 (relating to relinquishment for consignment sale, lawful
15 transfer or safekeeping) or 6108.3 (relating to relinquishment
16 to third party for safekeeping).

17 (c) Acceptance of weapons from disqualified individual.--An
18 individual who intentionally or knowingly accepts possession of
19 a firearm, other weapon or ammunition from another individual
20 who the individual knows is the subject of an active protection
21 from abuse order issued under 23 Pa.C.S. § 6108, which order
22 provided for the relinquishment of the firearm, other weapon or
23 ammunition during the period of time the order is in effect, is
24 guilty of a misdemeanor of the third degree. This prohibition
25 does not apply to:

26 (1) A third party accepting possession of the firearm,
27 other weapon or ammunition relinquished under 23 Pa.C.S. §
28 6108.3.

29 (2) A dealer licensed under section 6231 (relating to
30 licensure of firearms dealers) or subsequent purchaser from a

1 dealer licensed pursuant to section 6231, who accepts
2 possession of the firearm, other weapon or ammunition
3 relinquished under 23 Pa.C.S. § 6108.2.

4 (d) Affirmative defense.--It is an affirmative defense to
5 any prosecution under subsection (b) that the individual
6 accepting possession of a firearm, other weapon or ammunition in
7 violation of that subsection:

8 (1) notified the sheriff as soon as practical that the
9 individual has taken possession; and

10 (2) relinquished possession of the firearm, other weapon
11 or ammunition possessed in violation of subsection (b) as
12 directed by the sheriff.

13 (e) Access to weapons.--An individual who has accepted
14 possession of a firearm, other weapon or ammunition under 23
15 Pa.C.S. § 6108.3 commits a misdemeanor of the first degree if
16 the individual intentionally or knowingly returns the firearm,
17 other weapon or ammunition to the defendant or intentionally or
18 knowingly allows the defendant to have access to the firearm,
19 other weapon or ammunition prior to the sheriff accepting return
20 of the safekeeping permit issued to the party under 23 Pa.C.S. §
21 6108.3(d)(1)(i), under section 6216(e) (relating to relief from
22 disability) or 23 Pa.C.S. § 6108.1(b) (relating to return of
23 relinquished firearms, other weapons and ammunition and
24 additional relief) which modifies a valid protection from abuse
25 order issued under 23 Pa.C.S. § 6108, which order provided for
26 the relinquishment of the firearm, other weapon or ammunition by
27 allowing the defendant to take possession of the firearm, other
28 weapon or ammunition that had previously been ordered
29 relinquished.

30 § 6213. Relinquishment of firearms upon disqualification.

1 (a) Time frame for relinquishment.--Except as otherwise
2 provided under section 6212 (relating to disqualification based
3 on protection from abuse order), an individual who is prohibited
4 from possessing, using, controlling, selling, transferring or
5 manufacturing a firearm under section 6211 (relating to
6 disqualification from possession or ownership) shall have a
7 reasonable period of time, not to exceed 60 days from the date
8 of the imposition of the disability under section 6211, in which
9 to sell or transfer that individual's firearms to another
10 eligible individual who is not a member of the prohibited
11 individual's household.

12 (b) Firearms included.--All firearms owned by a person
13 living in the household of the prohibited individual shall be
14 transferred under subsection (a).

15 (c) Enforcement.--An arrest for a violation of this section
16 may be without warrant upon probable cause by a police officer
17 or sheriff.

18 (d) Seizure of firearms, other weapons and ammunition.--
19 Subsequent to an arrest under subsection (c), the police officer
20 or sheriff shall seize all firearms, other weapons and
21 ammunition in the defendant's possession. As soon as it is
22 reasonably possible, the arresting officer shall deliver the
23 confiscated firearms, other weapons and ammunition to the office
24 of the sheriff. The sheriff shall maintain possession of the
25 firearms, other weapons and ammunition until the court
26 determines that the defendant is no longer disqualified from
27 firearms ownership under section 6216 (relating to relief from
28 disability), at which time the firearms, other weapons and
29 ammunition shall be promptly returned to the defendant.

30 (e) Receipt for relinquished firearm.--The owner of a seized

1 or confiscated firearm or of a firearm ordered relinquished
2 under 23 Pa.C.S. § 6108 shall be provided with a signed and
3 dated written receipt by the appropriate law enforcement
4 agency. This receipt shall include a detailed identifying
5 description indicating the serial number and condition of the
6 firearm.

7 § 6214. Notice of disqualifying event to sheriff.

8 (a) Disqualifying offense or conduct.--The following shall
9 apply:

10 (1) Subject to the provisions of section 6212 (relating
11 to disqualification based on protection from abuse order),
12 this subsection shall apply upon:

13 (i) conviction of an individual for a crime
14 specified in section 6211(a) or (b) (relating to
15 disqualification from possession or ownership);

16 (ii) conviction of an individual for a crime
17 punishable by imprisonment exceeding one year; or

18 (iii) a determination that the conduct of an
19 individual meets the criteria specified under section
20 6211(c) (1), (2), (3), (6), (7) or (9).

21 (2) Subject to paragraph (1), the court shall determine
22 whether the defendant has a license to carry a handgun issued
23 under section 6232 (relating to license to carry). If the
24 defendant has a license, the court shall notify the sheriff
25 of the county in which that individual resides, on a form
26 developed by the Pennsylvania State Police, of the identity
27 of the individual and the nature of the crime or conduct that
28 resulted in the notification.

29 (b) Disqualification for mental health reasons.--The
30 following shall apply:

1 (1) This subsection shall apply upon:

2 (i) adjudication that an individual is incapacitated
3 under 20 Pa.C.S. Ch. 55 (relating to incapacitated
4 persons) to possess a firearm;

5 (ii) the involuntary commitment of an individual to
6 a mental institution for inpatient care and treatment
7 under the act of July 9, 1976 (P.L.817, No.143), known as
8 the Mental Health Procedures Act; or

9 (iii) the involuntary treatment of an individual as
10 described under section 6211(c)(5).

11 (2) Subject to paragraph (1), the judge of the court of
12 common pleas, mental health review officer or county mental
13 health and intellectual disability administrator shall notify
14 the sheriff of the county in which that individual resides,
15 on a form developed by the Pennsylvania State Police, of the
16 identity of the individual who has been adjudicated,
17 committed or treated and the nature of the adjudication,
18 commitment or treatment.

19 (c) Timing of notice.--The notification required under this
20 section shall be transmitted to the sheriff within seven days of
21 the disqualifying event.

22 § 6215. Disposition of firearms in law enforcement custody.

23 (a) Liability for loss or damage.--The appropriate law
24 enforcement agency shall be liable to the lawful owner of a
25 confiscated, seized or relinquished firearm for any loss, damage
26 or substantial decrease in value of the firearm that is a direct
27 result of a lack of reasonable care by the appropriate law
28 enforcement agency.

29 (b) Permanent markings and test firing.--The following shall
30 apply:

1 (1) A firearm may not be engraved or permanently marked
2 in any manner, including engraving of evidence or other
3 identification numbers.

4 (2) Unless reasonable suspicion exists to believe that a
5 particular firearm has been used in the commission of a
6 crime, no firearm may be test fired.

7 (3) Any reduction in the value of a firearm due to test
8 firing, engraving or permanently marking in violation of this
9 subsection shall be considered damage, and the law
10 enforcement agency shall be liable to the lawful owner of the
11 firearm for the reduction in value caused by the test firing,
12 engraving or permanent marking.

13 (4) For purposes of this subsection, a firearm includes
14 any scope, sight, bipod, sling, light, magazine, clip,
15 ammunition or other firearm accessory attached to or seized,
16 confiscated or relinquished with the firearm.

17 (c) Confiscated or recovered firearms.--Subject to
18 subsection (d), the Pennsylvania State Police and a local law
19 enforcement agency shall make all reasonable efforts to
20 determine the lawful owner of a firearm confiscated or recovered
21 by the Pennsylvania State Police or a local law enforcement
22 agency and return the firearm to its lawful owner if the owner
23 is not otherwise prohibited from possessing the firearm. When a
24 court determines that the Pennsylvania State Police or a local
25 law enforcement agency failed to exercise the duty under this
26 subsection, reasonable attorney fees shall be awarded to the
27 lawful owner of a firearm who sought judicial enforcement of
28 this subsection.

29 (d) Firearm tracing.--Upon confiscating or recovering a
30 firearm from the possession of an individual who is not

1 permitted by Federal or State law to possess a firearm, a local
2 law enforcement agency shall use the best available information,
3 including a firearms trace where necessary, to determine how and
4 from where the individual gained possession of the firearm. In
5 conducting a firearms trace in compliance with this subsection,
6 a local law enforcement agency shall:

7 (1) use the National Tracing Center of the Federal
8 Bureau of Alcohol, Tobacco, Firearms and Explosives; and

9 (2) advise the Pennsylvania State Police of all firearms
10 that are recovered in accordance with this subsection.

11 § 6216. Relief from disability.

12 (a) Who may apply for relief.--An individual who is
13 disqualified under section 6211 (relating to disqualification
14 from possession or ownership) may apply for relief from the
15 disability imposed by this subchapter.

16 (b) Application and hearing regarding certain offenses.--The
17 following shall apply:

18 (1) This subsection shall apply in the case of an
19 individual whose disqualification is based on section
20 6211(a), (b) or (c) (1), (2), (3), (6), (8) or (9).

21 (2) Application for relief from disability under this
22 chapter shall be made to the court of common pleas of the
23 county where the principal residence of the applicant is
24 situated.

25 (3) A hearing under this subsection shall be held in
26 open court to determine whether the requirements of this
27 section have been met.

28 (4) The commissioner and the district attorney of the
29 county where the application is filed and any victim or
30 survivor of a victim of the offense upon which the disability

1 is based shall have standing to participate in the proceeding
2 under this section.

3 (5) The court shall grant relief if it determines that
4 any of the following apply:

5 (i) The conviction has been vacated under
6 circumstances where all appeals have been exhausted or
7 where the right to appeal has expired.

8 (ii) The conviction has been the subject of a full
9 pardon by the Governor.

10 (iii) Each of the following conditions is met:

11 (A) The Secretary of the Treasury of the United
12 States has relieved the applicant of an applicable
13 disability imposed by Federal law upon the
14 possession, ownership or control of a firearm as a
15 result of the applicant's prior conviction, except
16 that the court may waive this condition if the court
17 determines that the Congress of the United States has
18 not appropriated sufficient funds to enable the
19 Secretary of the Treasury to grant relief to
20 applicants eligible for the relief.

21 (B) Excluding any time spent in incarceration, a
22 period of ten years has elapsed since the most recent
23 conviction of the applicant of any of the following:

24 (I) An offense under section 6211(b) or (c)
25 (3) or (9).

26 (II) A felony violation of the act of April
27 14, 1972 (P.L.233, No.64), known as The
28 Controlled Substance, Drug, Device and Cosmetic
29 Act.

30 (c) Application and hearing regarding incapacity or

1 commitment.--The following shall apply:

2 (1) This subsection shall:

3 (i) apply in the case of an individual whose
4 disqualification is based on section 6211(c)(4) or (5);
5 and

6 (ii) be subject to the certification provision under
7 section 6211(c)(5).

8 (2) Application for relief from disability under this
9 chapter shall be made to the court of common pleas of the
10 county in which the order under 20 Pa.C.S. Ch. 55 (relating
11 to incapacitated persons) or the act of July 9, 1976
12 (P.L.817, No.143), known as the Mental Health Procedures Act,
13 was issued.

14 (3) A hearing under this subsection shall be closed
15 unless otherwise requested to be open by the applicant.

16 (4) The court may grant any relief it deems appropriate
17 if:

18 (i) the court determines that the applicant may
19 possess a firearm without risk to the applicant or any
20 other individual; or

21 (ii) the treating licensed physician or licensed
22 clinical psychologist of the disqualified individual
23 provides testimony or a sworn statement that the
24 disqualification is no longer necessary to protect the
25 health or safety of the individual or any other
26 individual.

27 (d) Application and hearing regarding protection from abuse
28 orders.--Application for relief from disability under this
29 chapter for an individual whose disqualification is based on
30 section 6211(c)(7) shall be governed by 23 Pa.C.S. Ch. 61

1 (relating to protection from abuse).

2 (e) Relief not granted.--Nothing in this section exempts an
3 individual from a disability in relation to the possession or
4 control of a firearm that is imposed:

5 (1) as a condition of probation or parole; or

6 (2) under any other provision of law.

7 (f) Order granting relief from disability.--If the court
8 grants relief from the disability under this section, a copy of
9 the order shall be sent by the prothonotary within ten days of
10 the entry of the order to the Pennsylvania State Police and
11 shall include the name, date of birth and Social Security number
12 of the individual.

13 § 6217. Effect of Federal waiver or pardon.

14 (a) General rule.--Subject to subsection (b), any of the
15 following events shall remove a corresponding disability under
16 this subchapter:

17 (1) A waiver of disability from Federal authorities as
18 provided for under 18 U.S.C. § 925 (relating to exceptions;
19 relief from disabilities).

20 (2) A full pardon from the Governor.

21 (3) An overturning of a conviction.

22 (b) Disability not automatically removed.--A disability
23 imposed under section 6211 (relating to disqualification from
24 possession or ownership) or 6212 (relating to disqualification
25 based on protection from abuse order) may not be automatically
26 relieved as provided under subsection (a), but shall be subject
27 to the procedures set forth under section 6216 (relating to
28 relief from disability).

29 § 6218. Restoration of firearms rights for offenses under prior
30 laws.

1 (a) Restoration available.--An individual convicted of a
2 disabling offense may apply to the court of common pleas in the
3 county where the principal residence of the applicant is
4 situated for restoration of firearms rights unless any of the
5 following apply:

6 (1) The applicant has been convicted of any other
7 offense specified under section 6211(a) or (b) (relating to
8 disqualification from possession or ownership) or the
9 applicant's conduct meets the criteria under section 6211(c)
10 (1), (2), (3), (4), (5), (6), (7) or (8)(i).

11 (2) The applicant has been convicted of any other crime
12 punishable by imprisonment exceeding one year.

13 (3) The applicant's character and reputation is such
14 that the applicant would be likely to act in a manner
15 dangerous to public safety.

16 (b) Notice.--Notice of an application for restoration of
17 firearms rights shall be provided to the following, who may
18 choose to be a party to the proceeding:

19 (1) The Pennsylvania State Police.

20 (2) The district attorney of the county where the
21 disabling offense occurred.

22 (3) The district attorney of the county where the
23 application is filed.

24 (c) Procedure.--The court shall hold a hearing in open court
25 regarding the application under this section, subject to the
26 following:

27 (1) The court shall grant restoration of firearms rights
28 to an applicant if it determines that the requirements of
29 this section have been met.

30 (2) The role of the Pennsylvania State Police as a party

1 to a proceeding under this section shall be limited to a
2 determination of whether:

3 (i) the applicant's offense meets the definition of
4 a disabling offense under this section; or

5 (ii) the applicant is ineligible for restoration of
6 firearms rights under subsection (a)(1) or (2).

7 (3) If the court grants restoration of firearms rights
8 to an applicant, a copy of the order shall be sent by the
9 prothonotary within ten days of the entry of the order to the
10 persons listed under subsection (b) and include the name,
11 date of birth and Social Security number of the applicant.

12 (d) Limited effect of restoration.--A restoration of
13 firearms rights under this section may not:

14 (1) result in the expungement of criminal history record
15 information; or

16 (2) constitute a gubernatorial pardon.

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

20 "Disabling offense." A conviction for any offense that meets
21 all of the following criteria:

22 (1) Is a violation of any of the following former laws:

23 (i) The act of May 1, 1929 (P.L.905, No.403), known
24 as The Vehicle Code.

25 (ii) The act of June 24, 1939 (P.L.872, No.375),
26 known as the Penal Code.

27 (iii) The act of April 29, 1959 (P.L.58, No.32),
28 known as The Vehicle Code.

29 (2) Resulted in a Federal firearms disability and is
30 substantially similar to either an offense currently graded

1 as a crime punishable by a term of imprisonment for not more
2 than two years or conduct that no longer constitutes a
3 violation of law.

4 (3) Is not an offense that, if committed under
5 contemporary standards, would constitute a misdemeanor of the
6 second degree or greater under section 2701 (relating to
7 simple assault) and was committed by any of the following:

8 (i) A current or former spouse, parent or guardian
9 of the victim.

10 (ii) An individual with whom the victim shares a
11 child in common.

12 (iii) An individual who is cohabiting with or has
13 cohabited with the victim as a spouse, parent or
14 guardian.

15 (iv) An individual similarly situated to a spouse,
16 parent or guardian of the victim.

17 "Restoration of firearms rights." Relieving each disability
18 with respect to an individual's right to own, possess, use,
19 control, sell, purchase, transfer, manufacture, receive, ship or
20 transport a firearm, including a disability imposed by this
21 subchapter.

22 SUBCHAPTER C

23 SALES AND BACKGROUND CHECKS

24 Sec.

25 6221. Sale or transfer of firearms.

26 6222. Sale or transfer of handguns.

27 6223. Sale or transfer of long guns.

28 6224. Firearm sale surcharge.

29 6225. Firearm background checks.

30 6226. Access to mental health records for firearm background

1 check purposes.

2 6227. Access to juvenile registry for firearm background check
3 purposes.

4 6228. Challenge to firearm background checks.

5 § 6221. Sale or transfer of firearms.

6 (a) Applicability.--The following shall apply:

7 (1) No seller may sell or deliver a firearm to another
8 individual until the conditions of this section have been
9 met.

10 (2) The provisions of this section are in addition to
11 any requirements imposed under sections 6222 (relating to
12 sale or transfer of handguns) and 6223 (relating to sale or
13 transfer of long guns).

14 (3) This section does not apply to transfers to another
15 seller or to a licensed collector.

16 (4) This section does not apply to transactions
17 involving antique firearms.

18 (5) The provisions of this section and sections 6222 and
19 6223 do not apply to:

20 (i) Sales between Federal firearms licensees.

21 (ii) The purchase of firearms by the commissioner,
22 the chief or head of a police department, a county
23 sheriff or any equivalent law enforcement official, or a
24 designee of any of the foregoing, for the official use of
25 law enforcement officers.

26 (6) Compliance with the provisions of this section and
27 sections 6222 and 6223 is a defense to any criminal complaint
28 under the laws of this Commonwealth or other claim or cause
29 of action under this subchapter arising from the sale or
30 transfer of any firearm.

1 (b) Presentation of photoidentification.--The following
2 shall apply:

3 (1) A seller of a firearm shall inspect
4 photoidentification of a potential purchaser or transferee,
5 which may include a driver's license, official Pennsylvania
6 photoidentification card or official government
7 photoidentification card.

8 (2) In the case of a potential purchaser or transferee
9 of a firearm who is a member of a recognized religious sect
10 or community whose tenets forbid or discourage the taking of
11 photographs of members of that sect or community, a seller of
12 firearms shall accept a valid-without-photo driver's license
13 or a combination of documents, as prescribed by the
14 Pennsylvania State Police, containing the applicant's name,
15 address, date of birth and the signature of the applicant.

16 (c) Background check.--The following shall apply:

17 (1) A seller of a firearm shall request by means of a
18 telephone call that the Pennsylvania State Police conduct a
19 criminal history, juvenile delinquency history and mental
20 health records background check of a potential purchaser or
21 transferee.

22 (2) The purchaser or transferee and the seller shall
23 provide the necessary information to accurately identify the
24 purchaser or transferee.

25 (3) The person requesting the check under this
26 subsection shall be charged a fee equivalent to the cost of
27 providing the service but not to exceed \$2 per purchaser or
28 transferee.

29 (d) Approval number.--A transfer of a firearm may not occur
30 until the seller has received a unique approval number for a

1 background check from the Pennsylvania State Police and recorded
2 the date and the number on the application/record of sale form.

3 (e) Receipt.--A seller of a firearm shall issue a receipt
4 containing the information from subsection (d), including the
5 unique approval number of the purchaser. This receipt is prima
6 facie evidence of the purchaser's or transferee's compliance
7 with the provisions of this section.

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

16 (g) Temporary delay in approval of purchase or transfer.--
17 For purposes of the enforcement of 18 U.S.C. § 922(d)(9), (g)(1)
18 and (s)(1) (relating to unlawful acts), in the event the
19 criminal history or juvenile delinquency background check
20 indicates a conviction for a misdemeanor that the Pennsylvania
21 State Police cannot determine is or is not related to an act of
22 domestic violence, the Pennsylvania State Police shall issue a
23 temporary delay of the approval of the purchase or transfer,
24 subject to the following:

25 (1) During the temporary delay, the Pennsylvania State
26 Police shall conduct a review or investigation of the
27 conviction with courts, local police departments, district
28 attorneys and other law enforcement or related institutions
29 as necessary to determine whether or not the misdemeanor
30 conviction involved an act of domestic violence.

1 (2) The Pennsylvania State Police shall conduct the
2 review or investigation as expeditiously as possible.

3 (3) No firearm may be transferred by the seller to the
4 purchaser who is the subject of the investigation during the
5 temporary delay.

6 (4) The Pennsylvania State Police shall notify the
7 seller of the termination of the temporary delay and either
8 deny the sale or provide the unique approval number under
9 subsection (d).

10 (h) Disposition of fees collected.--Fees collected under
11 paragraph (c)(3) and section 6224 (relating to firearm sale
12 surcharge) shall be transmitted to the Pennsylvania State Police
13 within 14 days of collection.

14 § 6222. Sale or transfer of handguns.

15 (a) Applicability.--The following shall apply:

16 (1) This section applies to the sale or transfer of a
17 handgun, in addition to the requirements of section 6221
18 (relating to sale or transfer of firearms).

19 (2) Subsection (b) does not apply to any law enforcement
20 officer whose current identification as a law enforcement
21 officer is construed as a valid license to carry a handgun or
22 any individual who possesses a valid license to carry a
23 handgun under section 6232 (relating to license to carry).

24 (3) Subsection (b) does not apply to an applicant who
25 presents to the seller a written statement stating that the
26 applicant requires access to a firearm because of a threat to
27 the life of the applicant or a member of the household of
28 that applicant. The written statement shall conform to the
29 following:

30 (i) The statement shall be issued by:

1 (A) the chief of police in the municipality in
2 which the purchaser resides; or

3 (B) if the applicant resides in a municipality
4 where there is no chief of police, the district
5 attorney, or the designee of the district attorney,
6 of the county of residence of the applicant.

7 (ii) The statement shall be issued during the ten-
8 day period ending on the date of the most recent proposal
9 of the transfer or sale by the purchaser.

10 (iii) The issuing official shall notify the
11 applicant's local police authority that the statement has
12 been issued. In a county of the first class, the chief of
13 police shall notify the police station or substation
14 closest to the applicant's residence.

15 (b) Time and manner of delivery.--Subject to subsection (a)

16 (3):

17 (1) No seller may deliver a handgun to a purchaser until
18 48 hours have elapsed from the time of the application for
19 the purchase of the handgun.

20 (2) When delivered, the handgun shall be securely
21 wrapped and unloaded.

22 (c) Application form.--A seller of a handgun shall obtain an
23 application/record of sale from the potential purchaser filled
24 out in triplicate. The form of this application/record of sale
25 shall be no more than one page in length and shall be
26 promulgated by the Pennsylvania State Police and provided by the
27 seller. The application/record of sale shall include the
28 following information:

29 (1) Date of application.

30 (2) Name, address, date of birth, gender, race, physical

1 description and Social Security number of the purchaser.

2 (3) Caliber, length of barrel, make, model and
3 manufacturer's number of the handgun to be purchased.

4 (4) The following question:

5 Are you the actual buyer of the handgun(s) listed on
6 this application/record of sale? Warning: You are not
7 the actual buyer if you are acquiring the handgun(s)
8 on behalf of another individual, unless you are
9 legitimately acquiring the firearm as a gift for any
10 of the following individuals who are legally eligible
11 to own a handgun:

12 (1) Spouse.

13 (2) Parent.

14 (3) Child.

15 (4) Grandparent.

16 (5) Grandchild.

17 (5) A statement, next to a check-off box, that the
18 purchaser has received a firearms safety brochure as set
19 forth in section 6243(c) (relating to firearms safety). The
20 purchaser shall indicate the receipt of the brochure by
21 checking the box.

22 (d) Disposition of application.--An application under this
23 section shall be distributed as follows:

24 (1) The original shall be sent to the Pennsylvania State
25 Police, postmarked via first class mail, within 14 days of
26 the sale.

27 (2) One copy shall be retained by the seller for a
28 period of 20 years.

29 (3) One copy shall be provided to the purchaser.

30 (e) Locking device.--No seller shall sell, deliver or

1 transfer a handgun to any purchaser unless the purchaser is
2 provided with or purchases a locking device for that handgun or
3 the design of the handgun incorporates a locking device, except
4 for the following situations:

5 (1) The purchaser is another seller.

6 (2) The handgun meets the definition of an antique
7 firearm.

8 (3) The handgun is for transfer to or possession by a
9 law enforcement officer or by rail police employed and
10 certified by a rail carrier as a police officer.

11 (f) Loans on and lending or giving handguns.--Except as
12 provided under subsections (g) and (h), no individual may:

13 (1) Make a loan secured by mortgage, deposit or pledge
14 of a handgun.

15 (2) Lend or give a handgun to another individual.

16 (3) Otherwise deliver a handgun contrary to the
17 provisions of this subchapter.

18 (g) Exceptions to lending or giving prohibition.--Subsection

19 (f) shall not apply if any of the following apply:

20 (1) The person who receives the handgun is licensed to
21 carry a firearm under section 6232.

22 (2) The person who receives the handgun is exempt from
23 licensing.

24 (3) The person who receives the handgun is engaged in a
25 hunter safety program certified by the Pennsylvania Game
26 Commission or a firearm training program or competition
27 sanctioned or approved by the National Rifle Association.

28 (4) The person who receives the handgun meets all of the
29 following requirements:

30 (i) Is under 18 years of age.

1 (ii) Pursuant to section 6241(d) (relating to other
2 firearms restrictions) is under the supervision, guidance
3 and instruction of a responsible individual who:

4 (A) is 21 years of age or older; and

5 (B) is not prohibited from owning or possessing
6 a firearm under section 6211 (relating to
7 disqualification from possession or ownership) or
8 6212 (relating to disqualification based on
9 protection from abuse order).

10 (5) The person who receives the handgun is lawfully
11 hunting or trapping and is in compliance with the provisions
12 of 34 Pa.C.S. (relating to game).

13 (6) A bank or other chartered lending institution
14 receiving the handgun is able to adequately secure firearms
15 in its possession.

16 (h) Impact of prohibition on lending.--Nothing in this
17 section shall be construed to prohibit any of the following:

18 (1) The transfer of a firearm under 20 Pa.C.S. Ch. 21
19 (relating to intestate succession) or by bequest if the
20 individual receiving the handgun is not precluded from owning
21 or possessing a firearm under section 6211 or 6212.

22 (2) The lending or giving of a handgun to another in
23 one's dwelling or place of business if the handgun is
24 retained within the dwelling or place of business.

25 (3) The relinquishment of a firearm to a third party in
26 accordance with 23 Pa.C.S. § 6108.3 (relating to
27 relinquishment to third party for safekeeping).

28 (i) Private sales of handguns.--An individual who is not a
29 seller as defined in section 6202 (relating to definitions) and
30 who desires to sell or transfer a handgun to another unlicensed

1 individual may do so only upon the place of business of a seller
2 or the county sheriff's office. If the transaction occurs at the
3 county sheriff's office, the sheriff shall follow the procedure
4 set forth in this section and section 6221 as if the sheriff
5 were the seller of the handgun. This subsection does not apply
6 to a transfer between spouses, a parent and child, or a
7 grandparent and grandchild.

8 § 6223. Sale or transfer of long guns.

9 (a) Applicability.--This section applies to the sale or
10 transfer of a long gun, in addition to the requirements of
11 section 6221 (relating to sale or transfer of firearms).

12 (b) No application required.--Following implementation of
13 the instantaneous records check by the Pennsylvania State Police
14 on or before December 1, 1998, no application/record of sale
15 shall be completed for the purchase or transfer of a long gun.

16 (c) Cumulative statement of transfers.--A statement shall be
17 submitted by the seller to the Pennsylvania State Police,
18 postmarked via first class mail, within 14 days of the transfer,
19 containing:

20 (1) The number of long guns transferred.

21 (2) The amount of surcharge and other fees remitted
22 under section 6224(a) (relating to firearm sale surcharge).

23 (3) A list of the unique approval numbers given under
24 section 6221(d).

25 (4) A statement that background checks as provided in
26 section 6221(c) have been performed on the purchasers of the
27 long guns contained in the statement. The form of the
28 statement relating to performance of background checks shall
29 be promulgated by the Pennsylvania State Police.

30 (d) Failure of Pennsylvania Instant Check System.--In the

1 event of an electronic failure under section 6225 (relating to
2 firearm background checks), the following apply:

3 (1) A seller of a long gun shall obtain an
4 application/record of sale from the potential purchaser
5 filled out in triplicate.

6 (2) The form of the application/record of sale shall be
7 no more than one page in length and shall be promulgated by
8 the Pennsylvania State Police and provided by the seller.

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

16 (4) No information regarding the type of firearm need be
17 included other than an indication that the firearm is a long
18 gun.

19 (5) The application shall be distributed as follows:

20 (i) The original shall be sent to the Pennsylvania
21 State Police, postmarked via first class mail, within 14
22 days of the sale.

23 (ii) One copy shall be retained by the seller for a
24 period of 20 years.

25 (iii) One copy shall be provided to the purchaser.

26 (6) Unless it has been discovered pursuant to a criminal
27 history, juvenile delinquency and mental health records
28 background check that the potential purchaser is prohibited
29 from possessing a firearm under this subchapter, no
30 information on the application/record of sale provided under

1 this subsection may be retained, as precluded by section
2 6207(a) (relating to preservation of constitutional rights),
3 by the Pennsylvania State Police either through retention of
4 the application/record of sale or by entering the information
5 onto a computer.

6 (7) An application/record of sale received by the
7 Pennsylvania State Police under this subsection shall be
8 destroyed within 72 hours of the completion of the firearm
9 background check.

10 § 6224. Firearm sale surcharge.

11 (a) Imposition of surcharge.--There is imposed on each sale
12 of a firearm subject to tax under Article II of the act of March
13 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
14 additional surcharge of \$3, which shall be referred to as the
15 firearm sale surcharge.

16 (b) Increase or decrease in surcharge.--Five years from
17 October 11, 1995, and every five years thereafter, the
18 Pennsylvania State Police shall provide the necessary
19 information to the Legislative Budget and Finance Committee for
20 the purpose of reviewing the need to increase or decrease the
21 instant check fee. The committee shall issue a report of its
22 findings and recommendations to the General Assembly for a
23 statutory change in the fee.

24 (c) Use of surcharge.--The Pennsylvania State Police shall
25 use the firearm sale surcharge to carry out the provisions of
26 sections 6221 (relating to sale or transfer of firearms), 6222
27 (relating to sale or transfer of handguns) and 6223 (relating to
28 sale or transfer of long guns).

29 § 6225. Firearm background checks.

30 (a) Duties upon receipt of request.--Upon receipt of a

1 request for a firearm background check of a potential purchaser
2 or transferee, the Pennsylvania State Police shall immediately,
3 during the seller's call or by return call, forthwith complete
4 the following:

5 (1) Review the Pennsylvania State Police criminal
6 history and fingerprint records to determine whether the
7 potential purchaser or transferee is prohibited from receipt
8 or possession of a firearm under Federal or State law.

9 (2) Review the juvenile delinquency and mental health
10 records of the Pennsylvania State Police to determine whether
11 the potential purchaser or transferee is prohibited from
12 receipt or possession of a firearm under Federal or State
13 law.

14 (3) Make one of the following responses to the inquiry:

15 (i) Inform the seller that the potential purchaser
16 or transferee is prohibited from receipt or possession of
17 a firearm.

18 (ii) Provide the seller with a unique approval
19 number.

20 (b) Effect of unavailability of instantaneous records check
21 system.--In the event of electronic failure, scheduled computer
22 downtime or similar event beyond the control of the Pennsylvania
23 State Police, the following shall apply:

24 (1) The Pennsylvania State Police shall immediately
25 notify the requesting seller of the reason for and estimated
26 length of the delay.

27 (2) If the failure or event lasts for a period exceeding
28 48 hours, the seller shall not be subject to any penalty for
29 completing a transaction absent the completion of an
30 instantaneous records check for the remainder of the failure

1 or similar event.

2 (3) The seller shall obtain a completed
3 application/record of sale following the provisions of
4 sections 6221 (relating to sale or transfer of firearms),
5 6222 (relating to sale or transfer of handguns) and 6223
6 (relating to sale or transfer of long guns) as if an
7 instantaneous records check system has not been established
8 for any sale or transfer of a firearm for the purpose of a
9 subsequent background check.

10 (c) Establishment of telephone number.--The Pennsylvania
11 State Police shall establish a telephone number that shall be
12 operational seven days a week between the hours of 8 a.m. and 10
13 p.m. local time for purposes of responding to inquiries as
14 described in this section from sellers. The Pennsylvania State
15 Police shall employ and train such individuals as are necessary
16 to expeditiously administer the provisions of this section.

17 (d) Criminal information.--In addition to the information to
18 be reviewed by the Pennsylvania State Police under subsection
19 (a)(1), the Pennsylvania State Police may obtain criminal
20 statistics necessary for the purposes of this subchapter from a
21 local law enforcement agency.

22 (e) Confidentiality.--Information provided by a potential
23 purchaser, transferee or applicant shall be confidential and not
24 subject to public disclosure. This information includes, but is
25 not limited to, the following:

26 (1) The name or identity of the potential purchaser,
27 transferee or applicant.

28 (2) Information furnished by the potential purchaser or
29 transferee under this section or an applicant for a license
30 to carry under section 6232 (relating to license to carry).

1 § 6226. Access to mental health records for firearm background
2 check purposes.

3 (a) Notification of mental health adjudication, treatment or
4 commitment.--Notwithstanding any statute to the contrary, a
5 judge of the court of common pleas shall notify the Pennsylvania
6 State Police, on a form developed by the Pennsylvania State
7 Police, of the identity of any of the following individuals:

8 (1) An individual who has been adjudicated as
9 incapacitated under 20 Pa.C.S. Ch. 55 (relating to
10 incapacitated persons) to possess a firearm.

11 (2) An individual who has been involuntarily committed
12 to a mental institution under the act of July 9, 1976
13 (P.L.817, No.143), known as the Mental Health Procedures Act.

14 (3) An individual who has been involuntarily treated as
15 described in section 6211(c)(5) (relating to disqualification
16 from possession or ownership).

17 (4) An individual as described in 18 U.S.C. § 922(g)(4)
18 (relating to unlawful acts) and its implementing Federal
19 regulations.

20 (b) Notification of drug use or addiction.--Notwithstanding
21 any statute to the contrary, a judge of the court of common
22 pleas shall notify the Pennsylvania State Police, on a form
23 developed by the Pennsylvania State Police, of any finding of
24 fact or court order related to any individual described in 18
25 U.S.C. § 922(g)(3).

26 (c) Timing of notification.--The notification under this
27 section shall be transmitted by the judge to the Pennsylvania
28 State Police within seven days of the adjudication, commitment
29 or treatment.

30 (d) Sharing of information with Federal authorities.--

1 Notwithstanding any law to the contrary, the Pennsylvania State
2 Police may disclose, electronically or otherwise, to the United
3 States Attorney General or a designee, any record relevant to a
4 determination of whether an individual is disqualified from
5 possessing or receiving a firearm under 18 U.S.C. § 922 (g) (3)
6 or (4) or an applicable State statute.

7 (e) Court review.--An individual who is involuntarily
8 committed under section 302 of the Mental Health Procedures Act
9 may petition the court to review the sufficiency of the evidence
10 upon which the commitment was based, subject to the following:

11 (1) If the court determines that the evidence upon which
12 the involuntary commitment was based was insufficient, the
13 court shall order that the record of the commitment submitted
14 to the Pennsylvania State Police be expunged. A petition
15 filed under this subsection shall toll the 60-day period
16 under section 6213(a) (relating to relinquishment of firearms
17 upon disqualification).

18 (2) Upon receipt of a copy of the order of a court of
19 competent jurisdiction that vacates a final order or an
20 involuntary certification issued by a mental health review
21 officer, the Pennsylvania State Police shall expunge all
22 records of the involuntary treatment received under
23 subsection (a).

24 (f) Expungement on physician certification.--The
25 Pennsylvania State Police shall expunge all records of an
26 involuntary commitment if all of the following conditions are
27 met:

28 (1) The individual is discharged from a mental health
29 facility based upon the initial review by the physician
30 occurring within two hours of arrival under section 302(b) of

1 the Mental Health Procedures Act.

2 (2) The physician determines that no severe mental
3 disability existed under section 302(b) of the Mental Health
4 Procedures Act.

5 (3) The physician shall provide signed confirmation of
6 the determination of the lack of severe mental disability
7 following the initial examination under section 302(b) of the
8 Mental Health Procedures Act to the Pennsylvania State
9 Police.

10 (g) Definition--As used in this section, the term
11 "physician" means a physician who may authorize an involuntary
12 commitment under the Mental Health Procedures Act.

13 § 6227. Access to juvenile registry for firearm background
14 check purposes.

15 (a) Disclosure.--The contents of law enforcement records and
16 files compiled under 42 Pa.C.S. § 6308 (relating to law
17 enforcement records) concerning a child shall not be disclosed
18 to the public except if the child is 14 years of age or older at
19 the time of the alleged conduct and if any of the following
20 apply:

21 (1) The child has been adjudicated delinquent by a court
22 as a result of an act that constitutes an offense enumerated
23 in section 6211 (relating to disqualification from possession
24 or ownership).

25 (2) A petition alleging delinquency has been filed by a
26 law enforcement agency alleging that the child has committed
27 an act that constitutes an offense enumerated in section 6211
28 and the child previously had been adjudicated delinquent by a
29 court as a result of an act that included the elements of one
30 of the offenses.

1 (b) Limited use.--Notwithstanding any provision of this
2 section, the contents of law enforcement records and files
3 concerning any child adjudicated delinquent for the commission
4 of any criminal activity described in subsection (a) shall be
5 recorded in the registry of the Pennsylvania State Police for
6 the limited purposes of this subchapter.

7 § 6228. Challenge to firearm background checks.

8 (a) Right to challenge.--An individual who is denied the
9 right to receive, sell, transfer, possess, carry, manufacture or
10 purchase a firearm as a result of the procedures in section 6225
11 (relating to firearm background checks) may challenge the
12 accuracy of that individual's criminal history, juvenile
13 delinquency history or mental health records reviewed during the
14 check by submitting a challenge to the Pennsylvania State Police
15 within 30 days from the date of the denial.

16 (b) Review of accuracy of records.--The Pennsylvania State
17 Police shall conduct a review of the accuracy of the information
18 forming the basis for the denial and shall have the burden of
19 proving the accuracy of the record.

20 (c) Notice of findings.--Within 20 days after receiving a
21 challenge, the Pennsylvania State Police shall notify the
22 challenger of the basis for the denial, including, but not
23 limited to, the jurisdiction and docket number of any relevant
24 court decision and shall provide the challenger an opportunity
25 to provide additional information for the purposes of the
26 review. The Pennsylvania State Police shall communicate its
27 final decision to the challenger within 60 days of the receipt
28 of the challenge. The decision of the Pennsylvania State Police
29 shall include all information that formed a basis for the
30 decision.

1 (d) Appeal to Attorney General.--If the challenge is ruled
2 invalid, the individual shall have the right to appeal the
3 decision to the Attorney General within 30 days of the
4 decision. The Attorney General shall conduct a hearing de novo
5 in accordance with the Administrative Agency Law. The burden of
6 proof shall be upon the Commonwealth.

7 (e) Appeal to Commonwealth Court.--An aggrieved party may
8 appeal the decision of the Attorney General to Commonwealth
9 Court.

10 SUBCHAPTER D

11 LICENSURE

12 Sec.

13 6231. Licensure of firearms dealers.

14 6232. License to carry.

15 6233. Firearms License Validation System.

16 6234. Revocation of license to carry.

17 6235. Disqualification from license to carry.

18 6236. Exemption from license to carry.

19 6237. Sportsman's firearm permit.

20 § 6231. Licensure of firearms dealers.

21 (a) Retail dealer required to be licensed.--No retail dealer
22 shall sell, or otherwise transfer or expose for sale or
23 transfer, or have in his possession with intent to sell or
24 transfer, any firearm without being licensed as provided in this
25 section.

26 (b) Issuance of license.--A license to sell firearms
27 directly to the consumer shall be issued in accordance with the
28 following:

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

1 county, shall grant a license to a reputable applicant.

2 (2) The license shall be in the form prescribed by the
3 Pennsylvania State Police.

4 (3) The license shall be effective for three years from
5 date of issue.

6 (4) A fee of \$30 shall be charged for the issuance of
7 the license and paid into the county treasury.

8 (c) Conditions of license.--A license issued under this
9 section shall be subject to the following and any breach of any
10 condition shall cause the license to be forfeited and the
11 licensee to be subject to punishment as provided in this
12 subchapter:

13 (1) The conditions specified in sections 6221 (relating
14 to sale or transfer of firearms), 6222 (relating to sale or
15 transfer of handguns) and 6223 (relating to sale or transfer
16 of long guns) shall apply.

17 (2) The business may be carried on only:

18 (i) the premises designated in the license; or

19 (ii) at a lawful gun show or meet.

20 (3) The license, or a copy certified by the issuing
21 authority, shall be displayed on the premises where it can
22 easily be read.

23 (4) No firearm may be sold in violation of any provision
24 of this subchapter.

25 (5) No firearm may be sold under any circumstances
26 unless the purchaser is individually known to the transferor
27 or presents clear evidence of the purchaser's identity.

28 (6) A record of each handgun transaction shall be kept
29 in accordance with the provisions of section 6222.

30 (7) No handgun shall be displayed in any part of any

1 premises where it can readily be seen from the outside.

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

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

10 (d) Revocation.--A license granted under this section may be
11 revoked for cause by the issuing authority upon written notice
12 to the licensee.

13 § 6232. License to carry.

14 (a) License required.--No individual may carry a handgun
15 concealed on or about the individual, or in any vehicle within
16 this Commonwealth, other than the individual's place of abode or
17 fixed place of business, without first obtaining a license under
18 this section.

19 (b) Who may apply and place of application.--

20 (1) Subject to paragraph (2), an individual who is 21
21 years of age or older may apply to a sheriff for a license to
22 carry.

23 (2) If an applicant is a resident of this Commonwealth,
24 the application for a license to carry shall be made to
25 either of the following:

26 (i) If the applicant is a resident of a city of the
27 first class, the chief of police of that city.

28 (ii) Except as provided in subparagraph (i), the
29 sheriff of the county in which the applicant resides.

30 (c) Form of application and content.--An application for a

1 license to carry shall conform to the following requirements:

2 (1) The application shall be uniform throughout this
3 Commonwealth and on a form prescribed by the Pennsylvania
4 State Police. The form may contain provisions, not exceeding
5 one page, to assure compliance with this section. An issuing
6 authority shall use only the application form prescribed by
7 the Pennsylvania State Police.

8 (2) One of the following reasons for obtaining a license
9 to carry shall be set forth in the application:

- 10 (i) Self-defense.
11 (ii) Employment.
12 (iii) Hunting and fishing.
13 (iv) Target shooting.
14 (v) Gun collecting.
15 (vi) Another proper reason.

16 (3) An application form shall be dated and signed by the
17 applicant and shall contain the following statement:

18 I am of sound mind. I have never been convicted of a
19 crime that prohibits me from possessing or acquiring
20 a firearm under Federal or State law, or if I have
21 previously been disqualified from possessing or
22 acquiring a firearm for this reason, the disability
23 has been removed according to 18 Pa.C.S. § 6216(b)
24 (relating to relief from disability). I have never
25 been involuntarily committed to a mental institution,
26 or if I have previously been disqualified from
27 possessing or acquiring a firearm for this reason,
28 the disability has been removed according to 18
29 Pa.C.S. § 6216(c). I hereby certify that the
30 statements contained herein are true and correct to

1 the best of my knowledge and belief. I understand
2 that, if I knowingly make any false statements
3 herein, I am subject to penalties prescribed by
4 law. I authorize the sheriff, or the designee of the
5 sheriff, or, in the case of first class cities, the
6 chief or head of the police department, or the
7 designee of the chief or head of the police
8 department, to inspect only those records or
9 documents relevant to information required for this
10 application. If I am issued a license and knowingly
11 become ineligible to legally possess or acquire
12 firearms, I will promptly notify the sheriff of the
13 county in which I reside or, if I reside in a city of
14 the first class, the chief of police of that city.

15 (d) Sheriff to conduct investigation.--The sheriff to whom
16 the application is made shall perform all of the following:

17 (1) Investigate the applicant's record of criminal
18 conviction.

19 (2) Investigate whether or not the applicant is under
20 indictment for or has ever been convicted of a crime
21 punishable by imprisonment exceeding one year.

22 (3) Investigate whether the applicant's character and
23 reputation are such that the applicant will not be likely to
24 act in a manner dangerous to public safety.

25 (4) Investigate whether the applicant would be precluded
26 from receiving a license under this chapter.

27 (5) Conduct a firearm background check following the
28 procedures set forth in sections 6221 (relating to sale or
29 transfer of firearms) and 6222 (relating to sale or transfer
30 of handguns), receive a unique approval number for that

1 inquiry and record the date and number on the application.

2 (e) Grant or denial of license.--

3 (1) After an investigation not to exceed 45 days, the
4 sheriff shall issue a license to carry to an applicant if it
5 appears that there exists no good cause for the applicant to
6 be denied the license.

7 (2) The sheriff may refuse to issue a license on the
8 basis of the investigation under subsection (d) and the
9 accuracy of the information contained in the application.

10 (3) If the sheriff refuses to issue a license, the
11 sheriff shall notify the applicant in writing of the refusal
12 and the specific reasons for the refusal. The notice shall be
13 sent by certified mail to the applicant at the address set
14 forth in the application.

15 (f) License form and content.--A license to carry shall be
16 uniform throughout this Commonwealth and in a form prescribed by
17 the Pennsylvania State Police. The license shall bear the
18 following:

19 (1) The name, address, date of birth, race, sex,
20 citizenship, height, weight, color of hair, color of eyes and
21 signature of the licensee.

22 (2) The signature of the sheriff issuing the license.

23 (3) A license number of which the first two numbers
24 shall be a county location code followed by numbers issued in
25 numerical sequence.

26 (4) The point-of-contact telephone number designated by
27 the Pennsylvania State Police under section 6233 (relating to
28 Firearms License Validation System).

29 (5) The reason for issuance.

30 (6) The period of validation.

1 (7) A photograph of the licensee in a form compatible
2 with the Commonwealth Photo Imaging Network.

3 (g) Disposition of license.--The original license shall be
4 issued to the applicant. The first copy of the license shall be
5 forwarded to the Pennsylvania State Police within seven days of
6 the date of issue. The second copy shall be retained by the
7 issuing authority for a period of seven years. Except pursuant
8 to court order, both copies and the application shall, at the
9 end of the seven-year period, be destroyed unless the license
10 has been renewed within the seven-year period.

11 (h) Term of license.--

12 (1) A license to carry issued under this section is
13 valid throughout this Commonwealth for a period of five years
14 unless extended under paragraph (3) or sooner revoked.

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

20 (3) Notwithstanding paragraph (1) or any other provision
21 of law to the contrary, a license to carry a firearm that is
22 held by a member of the armed forces of the United States or
23 the Pennsylvania National Guard on Federal active duty and
24 deployed overseas that is scheduled to expire during the
25 period of deployment shall be extended until 90 days after
26 the end of the deployment.

27 (4) Possession of a license, together with a copy of the
28 individual's military orders showing the dates of overseas
29 deployment, including the date that the overseas deployment
30 ends, shall constitute, during the extension period specified

1 in paragraph (3), a defense to any charge filed pursuant to
2 this section or section 6241(c) (relating to other firearms
3 restrictions).

4 (i) Proof of license.--

5 (1) Upon the lawful demand of a law enforcement officer,
6 an individual carrying a firearm concealed on or about the
7 individual or in a vehicle shall:

8 (i) produce the license to carry for inspection by
9 the law enforcement officer; or

10 (ii) if the individual claims an exception under
11 section 6236 (relating to exemption from license to
12 carry), produce satisfactory evidence of qualification
13 for exception to the law enforcement officer.

14 (2) Failure to produce a license to carry either at the
15 time of arrest or at the preliminary hearing shall create a
16 rebuttable presumption of nonlicensure.

17 (j) Emergency circumstances.--

18 (1) If an individual provides evidence of imminent
19 danger to the individual or a child of the individual, the
20 person receiving the individual's application for a license
21 to carry under this section shall provide expedited
22 procedures regarding the application, investigation and
23 decision-making processes under subsections (c), (d) and (e),
24 taking into consideration the nature of the emergency
25 circumstances that warrant the expedited procedures.

26 (2) The commissioner may establish an additional fee for
27 an initial license to carry granted as a result of an
28 expedited process under this subsection, which additional fee
29 may not exceed the actual cost of conducting a criminal
30 background check on the individual or \$10, whichever is less.

1 (3) As used in this subsection, the term "evidence of
2 imminent danger" shall mean a written document that:

3 (i) is prepared by the Attorney General, a district
4 attorney, a chief law enforcement officer as defined in
5 42 Pa.C.S. § 8951 (relating to definitions), a judicial
6 officer as defined in 42 Pa.C.S. § 102 (relating to
7 definitions) or a designee of any one of them; and

8 (ii) describes the facts that give an individual
9 reasonable cause to fear a criminal attack upon the
10 individual or a child of the individual, where the child
11 is under 21 years of age.

12 (k) Fees.--Fees may be collected for a license to carry,
13 subject to the following conditions:

14 (1) In addition to the fee described in paragraph (2),
15 the fee for a license to carry shall be \$19, which includes
16 both of the following:

17 (i) A renewal notice processing fee of \$1.50.

18 (ii) An administrative fee of \$5 under section 14(2)
19 of the act of July 6, 1984 (P.L.614, No.127), known as
20 the Sheriff Fee Act.

21 (2) An additional fee of \$1 shall be paid by the
22 applicant for a license to carry and shall be remitted by the
23 sheriff to the Firearms License Validation System Account,
24 which is established as a special restricted receipt account
25 within the General Fund of the State Treasury. The account
26 shall be used for purposes set forth in section 6233
27 (relating to Firearms License Validation System). Money
28 credited to the account and any investment income accrued are
29 appropriated on a continuing basis to the Pennsylvania State
30 Police.

1 (3) No fee other than that provided by this subsection
2 or the Sheriff Fee Act may be assessed by the sheriff for the
3 performance of any background check made under this chapter.

4 (4) A fee under this subsection is payable to the
5 sheriff to whom the application is submitted and is payable
6 at the time of application for the license.

7 (5) Except for the administrative fee of \$5 under
8 section 14(2) of the Sheriff Fee Act, fees regarding an
9 application for a license to carry shall be refunded if the
10 license is denied.

11 (6) No fee under this subsection may be refunded if a
12 license to carry had been issued and is subsequently revoked.

13 (l) Immunity.--A sheriff who complies in good faith with
14 this section is immune from liability resulting or arising from
15 the action or misconduct with a firearm committed by any
16 individual to whom a license to carry has been issued.

17 (m) Construction.--Nothing in this section shall be
18 construed to:

19 (1) Permit the hunting or harvesting of any wildlife
20 with a firearm or ammunition not otherwise permitted by 34
21 Pa.C.S. (relating to game).

22 (2) Authorize a Commonwealth agency to regulate the
23 possession of firearms in any manner inconsistent with the
24 provisions of this title.

25 § 6233. Firearms License Validation System.

26 (a) Establishment.--The Pennsylvania State Police shall
27 establish a nationwide toll-free telephone number, known as the
28 Firearms License Validation System, which shall be operational
29 seven days a week, 24 hours per day, to respond to law
30 enforcement inquiries regarding the validity of a Pennsylvania

1 license to carry.

2 (b) Limited access.--Notwithstanding any other law regarding
3 the confidentiality of information, inquiries to the Firearms
4 License Validation System regarding the validity of a
5 Pennsylvania license to carry may only be made by law
6 enforcement individuals acting within the scope of their
7 official duties.

8 (c) Out-of-state inquiries.--Inquiries from law enforcement
9 individuals from outside this Commonwealth shall be subject to
10 the following:

11 (1) The inquiring individuals shall provide their
12 originating agency identifier number and the license number
13 of the license to carry that is the subject of the inquiry.

14 (2) Responses shall be limited to the name of the
15 license holder, the validity of the license and any
16 information that may be provided to a criminal justice agency
17 under Chapter 91 (relating to criminal history record
18 information).

19 § 6234. Revocation of license to carry.

20 (a) Revocation for good cause.--A license to carry may be
21 revoked by the issuing authority for good cause.

22 (b) Disqualified holders.--A license to carry shall be
23 revoked by the issuing authority for any reason stated in
24 section 6235 (relating to disqualification from license to
25 carry) that occurs during the term of the permit.

26 (c) Notice.--Notice of revocation shall be:

27 (1) In writing and state the specific reason for
28 revocation.

29 (2) Sent by certified mail to the individual whose
30 license is revoked. At the same time, notice shall also be

1 provided to the Pennsylvania State Police by electronic
2 means, including e-mail or facsimile transmission, that the
3 license is no longer valid.

4 (d) Surrender of license.--An individual whose license is
5 revoked must surrender the license to the issuing authority
6 within five days of receipt of the notice.

7 (e) Appeal of revocation.--An individual whose license is
8 revoked may appeal to the court of common pleas for the judicial
9 district in which the individual resides.

10 § 6235. Disqualification from license to carry.

11 A license may not be issued to any of the following:

12 (1) An individual whose character and reputation is such
13 that the individual would be likely to act in a manner
14 dangerous to public safety.

15 (2) An individual who has been convicted of an offense
16 under the act of April 14, 1972 (P.L.233, No.64), known as
17 The Controlled Substance, Drug, Device and Cosmetic Act.

18 (3) An individual convicted of a crime enumerated in
19 section 6211 (relating to disqualification from possession or
20 ownership).

21 (4) An individual who, within the past ten years, has
22 been adjudicated delinquent for a crime enumerated in section
23 6211 or for an offense under The Controlled Substance, Drug,
24 Device and Cosmetic Act.

25 (5) An individual who has been adjudicated as
26 incapacitated under 20 Pa.C.S. Ch. 55 (relating to
27 incapacitated persons) to possess a firearm or who has ever
28 been involuntarily committed to a mental institution for
29 inpatient care and treatment.

30 (6) An individual who is addicted to or is an unlawful

1 user of marijuana or a stimulant, depressant or narcotic
2 drug.

3 (7) An individual who is a habitual drunkard.

4 (8) An individual who is charged with or has been
5 convicted of a crime punishable by imprisonment for a term
6 exceeding one year except as provided for in section 6217
7 (relating to effect of Federal waiver or pardon).

8 (9) A resident of another state who does not possess a
9 current license or permit or similar document to carry a
10 firearm issued by that state if a license is provided for by
11 the laws of that state, as published annually in the Federal
12 Register by the Bureau of Alcohol, Tobacco and Firearms of
13 the Department of the Treasury under 18 U.S.C. § 921(a)(19)
14 (relating to definitions).

15 (10) An alien who is illegally in the United States.

16 (11) An individual who has been discharged from the
17 armed forces of the United States under dishonorable
18 conditions.

19 (12) An individual who is a fugitive from justice. This
20 paragraph does not apply to an individual whose fugitive
21 status is based upon nonmoving or moving summary offense
22 under 75 Pa.C.S. (relating to vehicles).

23 (13) An individual who is otherwise prohibited from
24 possessing, using, manufacturing, controlling, purchasing,
25 selling or transferring a firearm as provided by section
26 6211.

27 (14) An individual who is prohibited from possessing or
28 acquiring a firearm under the statutes of the United States.

29 § 6236. Exemption from license to carry.

30 (a) General rule.--The following individuals may not be

1 required to obtain a license to carry in order to carry a
2 handgun concealed on or about the person or in a vehicle within
3 this Commonwealth:

4 (1) Any of the following:

5 (i) A constable, sheriff or prison or jail warden.

6 (ii) A deputy of a person under subparagraph (i).

7 (iii) A police officer of this Commonwealth or any
8 of its political subdivisions.

9 (iv) Another law enforcement officer not otherwise
10 described in this paragraph.

11 (2) A member of the Army, Navy, Marine Corps, Air Force
12 or Coast Guard of the United States or of the National Guard
13 or organized reserves when on duty.

14 (3) A regularly enrolled member of an organization duly
15 organized to purchase or receive firearms from the United
16 States or this Commonwealth.

17 (4) An individual engaged in target shooting with a
18 firearm, if the individual is at or is going to or from a
19 place of assembly or target practice and if, while so going,
20 the firearm is not loaded.

21 (5) An officer or employee of the United States duly
22 authorized to carry a concealed firearm.

23 (6) An agent, messenger or other employee of a common
24 carrier, bank or business firm, whose duties require the
25 individual to protect moneys, valuables and other property in
26 the discharge of the individual's duties.

27 (7) An individual engaged in the business of
28 manufacturing, repairing or dealing in firearms, or the agent
29 or representative of the individual, who possesses, uses or
30 carries a firearm in the usual or ordinary course of the

1 business.

2 (8) An individual who carries a firearm, which is not
3 loaded and is in a secure wrapper:

4 (i) from the place of purchase to the individual's
5 home or place of business;

6 (ii) to a place of repair, sale or appraisal and
7 back to the individual's home or place of business;

8 (iii) while moving from one place of abode or
9 business to another;

10 (iv) from the individual's home to a vacation or
11 recreational home or dwelling and back to the
12 individual's home;

13 (v) to recover stolen property under section 6215(c)
14 (relating disposition of firearms in law enforcement
15 custody);

16 (vi) to a place of instruction intended to teach the
17 safe handling, use or maintenance of firearms and back to
18 the individual's home or place of business;

19 (vii) to a location to which the individual has been
20 directed to relinquish firearms under 23 Pa.C.S. § 6108
21 (relating to relief) and back upon return of the
22 relinquished firearm;

23 (viii) to a licensed dealer's place of business for
24 relinquishment under 23 Pa.C.S. § 6108.2 (relating to
25 relinquishment for consignment sale, lawful transfer or
26 safekeeping) and back upon return of the relinquished
27 firearm; or

28 (ix) to a location for safekeeping under 23 Pa.C.S.
29 § 6108.3 (relating to relinquishment to third party for
30 safekeeping) and back upon return of the relinquished

1 firearm.

2 (9) An individual licensed to hunt, take furbearers or
3 fish in this Commonwealth, if the individual is:

4 (i) actually hunting, taking furbearers or fishing
5 as permitted by the license; or

6 (ii) going to or from the place where the individual
7 desires to hunt, take furbearers or fish.

8 (10) An individual training dogs, if the individual is
9 actually training dogs during the regular training season.

10 (11) An individual who is carrying a handgun in a
11 vehicle, if the individual possesses a valid and lawfully
12 issued license for that handgun, which license has been
13 issued under the laws of the United States or another state.

14 (12) An individual who has a lawfully issued license to
15 carry pursuant to section 6232 (relating to license to carry)
16 and:

17 (i) the license expired within six months prior to
18 the date of arrest; and

19 (ii) the individual is otherwise eligible for
20 renewal of the license to carry.

21 (13) An individual who is:

22 (i) otherwise eligible to possess a handgun under
23 this chapter; and

24 (ii) operating a motor vehicle that is registered in
25 the individual's name or the name of the individual's
26 spouse or parent, where the motor vehicle contains a
27 handgun for which a valid license to carry has been
28 issued pursuant to section 6232 to the individual's
29 spouse or parent owning the firearm.

30 (14) An individual lawfully engaged in the interstate

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

5 (15) An individual who possesses a valid and lawfully
6 issued license or permit to carry that has been issued under
7 the laws of another state, regardless of whether a
8 reciprocity agreement exists between the Commonwealth and the
9 state under section 6244 (relating to relationship to other
10 states' firearms laws) if:

11 (i) the state provides a reciprocal privilege for
12 individuals licensed to carry under section 6232; and

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

16 (16) An individual holding a license in accordance with
17 section 6232(h) (3).

18 (b) Effect of other inconsistent law.--Notwithstanding the
19 provisions of section 7506 (relating to violation of rules
20 regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727
21 (relating to additional limitations on operation) or the act of
22 June 28, 1995 (P.L.89, No.18), known as the Conservation and
23 Natural Resources Act, and regulations promulgated under that
24 act, a handgun may be carried concealed on or about the person
25 or in a vehicle within this Commonwealth by:

26 (1) A law enforcement officer whose current
27 identification as a law enforcement officer shall be
28 construed as a valid license to carry.

29 (2) An individual licensed to carry.

30 (c) Definition.--As used in this section, the phrase "place

1 of instruction" shall include a hunting club, rifle club, rifle
2 range, pistol range, shooting range, the premises of a licensed
3 dealer or a lawful gun show or meet.

4 § 6237. Sportsman's firearm permit.

5 (a) Requirement.--Before any exception may be granted under
6 section 6236(a) (9) or (10) (relating to exemption from license
7 to carry) to an individual who is 18 years of age or older and
8 who is licensed to hunt, trap or fish or who has been issued a
9 permit relating to hunting dogs, that individual shall secure a
10 sportsman's firearm permit from the county treasurer.

11 (b) Application.--An application for a permit under this
12 section shall be subject to the following:

13 (1) An application may be made at the time of securing a
14 hunting, furtaking or fishing license or any time after that
15 license is issued.

16 (2) A permit under this section shall be issued
17 immediately and be valid throughout this Commonwealth for a
18 period of five years from the date of issue for a legal
19 handgun when carried in conjunction with a valid hunting,
20 furtaking or fishing license or permit relating to hunting
21 dogs.

22 (3) A permit under this section shall be in triplicate
23 on a form to be furnished by the Pennsylvania State Police.

24 (4) The original permit shall be delivered to the
25 applicant. Within seven days, the first copy of the permit
26 shall be forwarded to the commissioner by the county
27 treasurer. The second copy of the permit shall be retained by
28 the county treasurer for a period of two years from the date
29 of expiration.

30 (c) Fee.--The county treasurer may collect a fee of not more

1 than \$6 for each permit issued, which shall include the cost of
2 any official form. The Pennsylvania State Police may recover
3 from the county treasurer the cost of the form but may not
4 charge more than \$1 for each official permit form furnished to
5 the county treasurer.

6 (d) Revocation of permit.--Upon written notice to the holder
7 of the revocation, a permit issued under this section may be
8 revoked by the county treasurer who issued it.

9 SUBCHAPTER E

10 SAFETY AND RESPONSIBILITY

11 Sec.

12 6241. Other firearms restrictions.

13 6242. (Reserved).

14 6243. Firearms safety.

15 6244. Relationship to other states' firearms laws.

16 6245. Carrying explosives on conveyances.

17 6246. Shipping explosives.

18 § 6241. Other firearms restrictions.

19 (a) Carrying loaded weapons other than handguns.--

20 (1) No individual may carry a loaded pistol, revolver,
21 shotgun or rifle in any vehicle, except as follows:

22 (i) As provided in 34 Pa.C.S. (relating to game).

23 (ii) With respect to an individual exempt from the
24 requirement of a license to carry under section 6236(a)
25 (1), (2), (5) or (6) (relating to exemption from license
26 to carry).

27 (2) Paragraph (1) shall not be construed to permit an
28 individual to carry a handgun in a vehicle if that conduct is
29 prohibited by section 6232 (relating to license to carry).

30 (b) Carrying firearms during an emergency.--No individual

1 may carry a firearm upon the public streets or public property
2 during an emergency proclaimed by a State or municipal
3 governmental executive unless the individual is:

4 (1) actively engaged in a defense of that individual's
5 life or property from peril or threat; and

6 (2) licensed to carry under section 6232 or exempt from
7 licensing under section 6236.

8 (c) Carrying firearms on public streets or public property
9 in city of the first class.--No individual may carry a handgun,
10 rifle or shotgun at any time upon the public streets or public
11 property in a city of the first class unless the individual is
12 licensed to carry under section 6232 or exempt from licensing
13 under section 6236.

14 (d) Possession of a handgun by minor.--No individual under
15 18 years of age may possess or transport a handgun anywhere in
16 this Commonwealth except as follows:

17 (1) The individual is under the supervision of a parent,
18 grandparent, legal guardian or an adult acting with the
19 expressed consent of the minor's custodial parent or legal
20 guardian and either:

21 (i) The individual is engaged in lawful activity,
22 including safety training, lawful target shooting or
23 engaging in an organized competition involving the use of
24 a handgun.

25 (ii) The handgun is unloaded and the individual is
26 transporting it for a lawful purpose.

27 (2) The individual is lawfully hunting or trapping in
28 accordance with 34 Pa.C.S. (relating to game).

29 § 6242. (Reserved).

30 § 6243. Firearms safety.

1 (a) Parental responsibility for firearm safety.--An
2 individual living in the same residence with a child under 13
3 years of age shall make reasonable efforts to safely store and
4 secure all firearms in the residence.

5 (b) Notice.--Firearms safety brochures provided under
6 subsection (c) shall contain:

7 (1) information regarding the obligation and potential
8 criminal consequences for failure to comply under subsection
9 (a); and

10 (2) guidance on appropriate methods of securing
11 firearms.

12 (c) Firearms safety brochures.--The Pennsylvania State
13 Police shall distribute to every licensed dealer in this
14 Commonwealth firearms safety brochures at no cost to the
15 dealer. The brochure or a copy of the brochure shall be provided
16 without charge to each purchaser. The brochures shall be written
17 by the Pennsylvania State Police with the cooperation of the
18 Pennsylvania Game Commission and shall include a summary of the
19 major provisions of this chapter, including the duties of the
20 sellers and purchasers of firearms.

21 § 6244. Relationship to other states' firearms laws.

22 (a) Purchase of long guns outside Commonwealth.--Nothing in
23 this chapter shall be construed to prohibit an individual in
24 this Commonwealth who may lawfully purchase, possess, use,
25 control, sell, transfer or manufacture a long gun from lawfully
26 purchasing or otherwise obtaining a long gun in a jurisdiction
27 outside this Commonwealth.

28 (b) Authorization to enter reciprocity agreements.--The
29 Attorney General may enter into reciprocity agreements with
30 other states providing for the mutual recognition of a license

1 to carry issued by this Commonwealth and a license or permit to
2 carry a handgun issued by the other state. In the performance of
3 this duty, the Attorney General has the following powers and
4 duties:

5 (1) Negotiate reciprocity agreements and grant
6 recognition of a license or permit to carry a handgun issued
7 by another state.

8 (2) Annually report to the General Assembly concerning
9 the agreements that have been consummated under this
10 subsection.

11 (3) Not less than once annually, contact in writing the
12 appropriate authorities in another state that do not have a
13 current reciprocity agreement with the Commonwealth to
14 determine whether:

15 (i) the other state will negotiate a reciprocity
16 agreement;

17 (ii) an individual licensed to carry in this
18 Commonwealth may carry a concealed handgun in the other
19 state; or

20 (iii) an individual licensed to carry in this
21 Commonwealth may apply for a license or permit to carry a
22 concealed handgun issued by the other state.

23 (4) Maintain a current list of those states that:

24 (i) have a reciprocity agreement with the
25 Commonwealth;

26 (ii) allow individuals licensed to carry in this
27 Commonwealth to carry a concealed handgun; or

28 (iii) allow individuals licensed to carry in this
29 Commonwealth to apply for a license or permit to carry a
30 handgun.

1 (e) Public access to list.--The list under subsection (b) (4)
2 shall be posted on the Internet, provided to the Pennsylvania
3 State Police and made available to the public upon request.

4 § 6245. Carrying explosives on conveyances.

5 (a) Offense defined.--A person who has in his custody or
6 about his person any nitroglycerine or other explosive, other
7 than as freight regularly shipped as such, commits a misdemeanor
8 of the second degree if the person enters into or upon:

9 (1) A railroad train, locomotive, tender or car thereof.

10 (2) An automobile or other conveyance used for the
11 carrying of freight or passengers.

12 (b) Powers of crew.--The conductor or person having charge
13 and control of a railroad train, coach or other conveyance for
14 the carriage of freight or passengers, may arrest an individual
15 found violating this section and detain the individual until
16 reaching some place, where the individual may be delivered to a
17 constable or other police authority.

18 (c) Venue.--An individual committing an offense under this
19 section may be prosecuted in a county through which the public
20 conveyance passes, without reference to the place where the
21 individual was arrested.

22 § 6246. Shipping explosives.

23 (a) Offense defined.--A person commits a misdemeanor of the
24 third degree if the person knowingly delivers, or causes to be
25 delivered, to a transportation company or a person engaged in
26 the business of transportation, explosive material adapted for
27 blasting or another purpose for which the material may be used
28 in either of the following circumstances:

29 (1) Under a false or deceptive invoice or description.

30 (2) Without:

1 STRAW PURCHASE PREVENTION EDUCATION PROGRAM

2 Sec.

3 6251. Scope of subchapter.

4 6252. Legislative findings and declarations.

5 6253. Definitions.

6 6254. Straw Purchase Prevention Education Program.

7 6255. Powers and duties of Attorney General.

8 6256. Straw Purchase Prevention Education Fund.

9 § 6251. Scope of subchapter.

10 This subchapter provides for the establishment of the Straw
11 Purchase Prevention Education Program within the Office of
12 Attorney General.

13 § 6252. Legislative findings and declarations.

14 The General Assembly finds and declares that:

15 (1) The illegal purchase of firearms throughout this
16 Commonwealth is a threat to public safety and security.

17 (2) Urban areas are experiencing increased violence as a
18 result of criminal misuse of firearms. Stemming the flow of
19 these illegal firearms through straw purchases will help to
20 curb the crime rate throughout this Commonwealth and increase
21 public safety.

22 (3) Advancing public safety can be accomplished by
23 educating the public that illegally purchasing a firearm for
24 someone otherwise prohibited from possessing a firearm is a
25 serious crime punishable under Federal law by ten years of
26 imprisonment.

27 (4) Committed to educating firearms dealers and the
28 general public, the National Shooting Sports Foundation, in
29 partnership with the Bureau of Alcohol, Tobacco, Firearms and
30 Explosives, in July 2000 created the "Don't Lie for the Other

1 Guy" program.

2 (5) The "Don't Lie for the Other Guy" program was
3 developed to raise public awareness that it is a serious
4 crime to purchase a firearm for someone who cannot legally do
5 so and to educate firearms dealers on how to better detect
6 and deter potential straw purchases. The campaign delivers
7 the message that anyone attempting an illegal firearm
8 purchase faces a stiff Federal penalty.

9 (6) The "Don't Lie for the Other Guy" program is vital
10 to educating federally licensed firearms dealers and their
11 employees on how to recognize and deter the illegal purchase
12 of firearms through straw purchases. This program is an
13 important tool for the Bureau of Alcohol, Tobacco, Firearms
14 and Explosives to pursue its mission of preventing terrorism,
15 reducing violent crime and protecting the public.

16 (7) The nationally recognized "Don't Lie for the Other
17 Guy" program has been endorsed by United States attorneys
18 throughout the nation, various law enforcement agencies, the
19 Bureau of Alcohol, Tobacco, Firearms and Explosives and the
20 Department of Justice.

21 (8) It is in the best interest of this Commonwealth to
22 establish a Straw Purchase Prevention Education Program
23 within the Office of Attorney General to provide resources
24 and direct grant money to the "Don't Lie for the Other Guy"
25 program and similar programs that offer straw purchase
26 prevention education.

27 § 6253. Definitions.

28 The following words and phrases when used in this subchapter
29 shall have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Fund." The Straw Purchase Prevention Education Fund
2 established in section 6256 (relating to Straw Purchase
3 Prevention Education Fund).

4 "Program." The Straw Purchase Prevention Education Program
5 established in section 6254 (relating to Straw Purchase
6 Prevention Education Program).

7 § 6254. Straw Purchase Prevention Education Program.

8 (a) Establishment.--The Straw Purchase Prevention Education
9 Program is established and shall provide resources and direct
10 grant money to underwrite the cost of implementing an
11 educational and public service outreach program in the
12 community.

13 (b) Outreach.--The educational and public service outreach
14 program shall inform individuals of the illegal nature of
15 purchasing a firearm for an individual prohibited from owning
16 firearms. The outreach program shall be developed by a not-for-
17 profit organization that:

18 (1) Is a national trade association representing the
19 shooting, hunting and firearm industry.

20 (2) Has a membership consisting of firearm
21 manufacturers, firearm distributors, firearm retailers,
22 publishers and sportsmen's organizations.

23 (3) Has been in existence for at least 50 years prior to
24 the effective date of this section.

25 (c) Priority of grants.--Grants shall be prioritized based
26 on the highest incidence of firearm violence in a county of this
27 Commonwealth.

28 § 6255. Powers and duties of Attorney General.

29 In addition to any other powers and duties, the Attorney
30 General of the Commonwealth shall:

1 that individual may, in addition to the punishment provided for
2 the crime, also be punished as provided by this subchapter.

3 (b) Evidence of intent.--In the trial of an individual for
4 committing or attempting to commit a crime enumerated in section
5 6211, the fact that the individual was armed with a handgun,
6 used or attempted to use, and had no license to carry the
7 handgun, is evidence of that individual's intention to commit
8 the offense.

9 (c) Imputed criminal liability.--Notwithstanding section 306
10 (relating to liability for conduct of another; complicity) or
11 any other statute to the contrary, any individual or seller who
12 knowingly and intentionally sells, delivers or transfers a
13 firearm in violation of this chapter who has reason to believe
14 that the firearm is intended to be used in the commission of a
15 crime or attempt to commit a crime shall be criminally liable
16 for the crime or attempted crime.

17 (d) Default violation.--Except as otherwise specifically
18 provided, an offense under this subchapter constitutes a
19 misdemeanor of the first degree.

20 § 6262. Felony violations.

21 (a) Felony of the second degree.--The following offenses are
22 felonies of the second degree:

23 (1) A violation of section 6211(a) (relating to
24 disqualification from possession or ownership) or 6212
25 (relating to disqualification based on protection from abuse
26 order) by an individual convicted of an offense under section
27 6211(b) or a felony under the act of April 14, 1972 (P.L.233,
28 No.64), known as The Controlled Substance, Drug, Device and
29 Cosmetic Act, or any equivalent Federal statute or equivalent
30 statute of another state.

1 (2) Possessing a firearm that has had the manufacturer's
2 number integral to the frame or receiver altered, changed,
3 removed or obliterated.

4 (3) Changing, altering, removing or obliterating the
5 manufacturer's number integral to the frame or receiver of
6 any firearm.

7 (b) Felony of the third degree.--The following offenses are
8 felonies of the third degree:

9 (1) Except as provided in section 6263 (relating to
10 misdemeanor violations) and except in an individual's place
11 of residence or fixed place of business, carrying a handgun
12 in a vehicle or concealed on or about the individual without
13 a valid and lawfully issued license to carry issued under
14 this chapter.

15 (2) Except as provided in section 6222(g) (relating to
16 sale or transfer of handguns), knowingly and intentionally
17 delivering to or providing a handgun to an individual under
18 18 years of age.

19 (3) Any of the following knowing and intentional acts by
20 a person or seller:

21 (i) Selling, delivering or transferring a firearm
22 under circumstances intended to provide a firearm to any
23 person, purchaser or transferee who is unqualified or
24 ineligible to control, possess or use a firearm under
25 this chapter.

26 (ii) Requesting a criminal history, juvenile
27 delinquency or mental health record check or other
28 confidential information from the Pennsylvania State
29 Police under this chapter for any purpose other than
30 compliance with this chapter.

1 (iii) Disseminating a criminal history, juvenile
2 delinquency or mental health record or other confidential
3 information to any person other than the subject of the
4 information.

5 (iv) Obtaining or furnishing information collected
6 or maintained under section 6232 (relating to license to
7 carry) for a purpose other than compliance with this
8 chapter.

9 (v) Disseminating, publishing or otherwise making
10 available information described in subparagraph (ii) to a
11 person other than the subject of the information.

12 (4) Any of the following knowing and intentional acts by
13 person, purchaser or transferee, in connection with the
14 purchase, delivery or transfer of a firearm under this
15 chapter:

16 (i) Making a materially false oral statement.

17 (ii) Making a materially false written statement,
18 including a statement on a form promulgated by a Federal
19 or State agency.

20 (iii) Willfully furnishing or exhibiting false
21 identification intended or likely to deceive the seller,
22 licensed dealer or licensed manufacturer.

23 (5) Possessing, using or attempting to use armor-
24 piercing ammunition while committing or attempting to commit
25 a crime enumerated under section 6211(b).

26 § 6263. Misdemeanor violations.

27 (a) Misdemeanor of first degree.--An individual who carries
28 a handgun in a vehicle or concealed on or about the individual
29 and who does not have a license to carry issued under section
30 6232 (relating to license to carry) commits a misdemeanor of the

1 first degree, if both of the following apply:

2 (1) The individual is otherwise eligible to apply for a
3 license to carry.

4 (2) The individual has not committed any other criminal
5 violation.

6 (b) Misdemeanor of second degree.--A person or seller who
7 knowingly and intentionally sells, delivers or transfers a
8 firearm in violation of section 6221 (relating to sale or
9 transfer of firearms), 6222 (relating to sale or transfer of
10 handguns) or 6223 (relating to sale or transfer of long guns)
11 commits a misdemeanor of the second degree.

12 § 6264. Summary offenses.

13 The following offenses are summary offenses:

14 (1) Selling or attempting to sell a sportsman's firearm
15 permit for a fee in excess of the amount fixed in section
16 6237 (relating to sportsman's firearm permit).

17 (2) Selling or attempting to sell a license to carry for
18 a fee in excess of the amount fixed in section 6232 (relating
19 to license to carry).

20 (3) Violating section 6234 (relating to revocation of
21 license to carry).

22 (4) Carrying a loaded weapon other than a handgun in
23 violation of section 6241(a) (relating to other firearms
24 restrictions).

25 (5) Violating the requirements related to locking
26 devices set forth in section 6222(e) (relating to sale or
27 transfer of handguns).

28 § 6265. Other legal consequences.

29 (a) Forfeiture of handgun.--A handgun in the possession of
30 an individual under 18 years of age in violation of section

1 6241(d) (relating to other firearms restrictions) shall be
2 promptly seized by the arresting law enforcement officer. Upon
3 conviction or adjudication of delinquency, the handgun shall be
4 forfeited or, if the handgun had been stolen, returned to the
5 lawful owner.

6 (b) License to sell firearms revoked.--A person or seller
7 convicted under section 6262(b)(3)(i) (relating to felony
8 violations) is subject to revocation of the license to sell
9 firearms for a period of three years.

10 (c) Confidentiality violations.--A person, licensed dealer,
11 State or local governmental agency or department that violates
12 section 6225(e) (relating to firearm background checks) shall be
13 liable in civil damages in the amount of \$1,000 per occurrence
14 or three times the actual damages incurred as a result of the
15 violation, whichever is greater, as well as reasonable attorney
16 fees.

17 (d) Retention of records.--A person who knowingly and
18 intentionally maintains or fails to destroy any information
19 submitted to the Pennsylvania State Police for a firearm
20 background check related to the purchase of a long gun in
21 violation of section 6223(d)(6) or (7) (relating to sale or
22 transfer of long guns) or maintains a firearms registry in
23 violation of section 6207(a) (relating to preservation of
24 constitutional rights) is subject to a civil penalty of \$250 per
25 violation, entry or failure to destroy.

26 (e) False information.--The furnishing of false information
27 or offering false evidence of identity is a violation of section
28 4904 (relating to unsworn falsification to authorities).

29 (f) Sentencing for offenses involving armor-piercing
30 ammunition.--

1 (1) Subject to paragraph (2), in addition to punishment
2 provided for an offense under section 6211(b) (relating to
3 disqualification from possession or ownership), the following
4 shall be sentenced to a term of imprisonment for not less
5 than five years:

6 (i) A person who is convicted in any court of this
7 Commonwealth of the crime and who uses or carries, in the
8 commission of the crime, a firearm loaded with armor-
9 piercing ammunition.

10 (ii) A person who violates section 6262(b) (5).

11 (2) Notwithstanding any other provision of law:

12 (i) The court may not suspend the sentence of a
13 person subject to this subsection nor place the person on
14 probation.

15 (ii) The term of imprisonment of a person subject to
16 this subsection may not run concurrently with another
17 term of imprisonment, including that imposed for the
18 crime in which the KTW armor-piercing ammunition was
19 being used or carried.

20 (iii) A person sentenced under this subsection is
21 ineligible for parole.

22 § 6266. Civil liability.

23 (a) Sale of firearm used in commission of crime.--A person
24 or seller who knowingly and intentionally sells or delivers a
25 firearm in violation of this chapter who has reason to believe
26 that the firearm is intended to be used in the commission of a
27 crime or attempt to commit a crime shall be liable in the amount
28 of the civil judgment for injuries suffered by a person so
29 injured by the crime or attempted crime.

30 (b) Sale of locking devices.--

1 (1) A seller who in good faith complies with the
2 provisions of subsection 6222(e) (relating to sale or
3 transfer of handguns) is not civilly liable as a result of
4 compliance with that subsection, except for an act or
5 omission intentionally designed to harm or for a grossly
6 negligent act or omission that results in harm.

7 (2) An individual's purchase of a locking device in
8 conjunction with the purchase of a handgun under subsection
9 6222(e) is inadmissible as evidence in a civil action brought
10 against the purchaser.

11 § 6267. Second and subsequent violations of sale or transfer of
12 firearms provisions.

13 (a) Ramifications.--A second or subsequent violation of
14 section 6221 (relating to sale or transfer of firearms), 6222
15 (relating to sale or transfer of handguns) or 6223 (relating to
16 sale or transfer of long guns) is subject to the following:

17 (1) The violation shall be a felony of the second
18 degree.

19 (2) An individual who at the time of sentencing has been
20 convicted of another offense under sections 6221, 6222 or
21 6223 shall be sentenced to a mandatory minimum sentence of
22 imprisonment of five years.

23 (3) A second or subsequent offense shall also result in
24 permanent revocation of a license to sell, import or
25 manufacture a firearm.

26 (b) Notice.--Notice of the applicability of this section to
27 the defendant and reasonable notice of the Commonwealth's
28 intention to proceed under this section shall be provided prior
29 to trial.

30 (c) Applicability.--The applicability of this section shall

1 be determined at sentencing.

2 (d) Evidence.--The court shall consider evidence presented
3 at trial, afford the Commonwealth and the defendant an
4 opportunity to present necessary additional evidence and
5 determine by a preponderance of the evidence if this section is
6 applicable.

7 (e) Restrictions on sentencing.--A court may not impose on a
8 defendant to which this section is applicable a lesser sentence
9 than provided for in subsection (a), place the defendant on
10 probation or suspend the defendant's sentence. Nothing in this
11 section prevents the sentencing court from imposing a sentence
12 greater than that provided in this section. Sentencing
13 guidelines promulgated by the Pennsylvania Commission on
14 Sentencing do not supersede the mandatory sentences provided in
15 this section.

16 (f) Appeals.--If a sentencing court refuses to apply this
17 section where applicable, the Commonwealth has the right to
18 appellate review of the action of the sentencing court. The
19 appellate court shall vacate the sentence and remand the case to
20 the sentencing court for imposition of a sentence in accordance
21 with this section if it finds that the sentence was imposed in
22 violation of this section.

23 (g) Determination of multiple offenses.--For the purposes of
24 this section, a person shall be deemed to have been convicted of
25 another offense under this section whether or not judgment of
26 sentence has been imposed for that violation.

27 Section 3. The definition of "firearm" in section 6102(a) of
28 Title 23 is amended to read:

29 § 6102. Definitions.

30 (a) General rule.--The following words and phrases when used

1 in this chapter shall have the meanings given to them in this
2 section unless the context clearly indicates otherwise:

3 * * *

4 "Firearm." Any weapon which is designed to or may readily be
5 converted to expel any projectile by the action of an explosive
6 or the frame or receiver of any such weapon as defined by 18
7 Pa.C.S. § [6105(i) (relating to persons not to possess, use,
8 manufacture, control, sell or transfer firearms)] 6202 (relating
9 to definitions).

10 * * *

11 Section 4. Sections 6105(e) (4), 6108(a) (7) introductory
12 paragraph and (ii), 6108.2(a), (b) and (g), 6108.3(b) (3), (c) (1)
13 (iii), (d) (2) and (e) and 6119(b) of Title 23 are amended to
14 read:

15 § 6105. Responsibilities of law enforcement agencies.

16 * * *

17 (e) Statewide registry.--

18 * * *

19 (4) When an order granting relief under section 6108(a)
20 (7) has been entered by a court, such information shall be
21 available to the Pennsylvania State Police for the purpose of
22 conducting a criminal history records check in compliance
23 with the applicable provisions of 18 Pa.C.S. [Ch. 61 Subch. A
24 (relating to Uniform Firearms Act)] Ch. 62 (relating to
25 firearms and other dangerous articles).

26 * * *

27 § 6108. Relief.

28 (a) General rule.--The court may grant any protection order
29 or approve any consent agreement to bring about a cessation of
30 abuse of the plaintiff or minor children. The order or agreement

1 may include:

2 * * *

3 (7) Ordering the defendant to temporarily relinquish to
4 the sheriff the defendant's other weapons and ammunition
5 which have been used or been threatened to be used in an
6 incident of abuse against the plaintiff or the minor children
7 and the defendant's firearms and prohibiting the defendant
8 from acquiring or possessing any firearm for the duration of
9 the order and requiring the defendant to relinquish to the
10 sheriff any firearm license issued under section 6108.3
11 (relating to relinquishment to third party for safekeeping)
12 or 18 Pa.C.S. § [6106 (relating to firearms not to be carried
13 without a license) or 6109 (relating to licenses)] 6232
14 (relating to license to carry) the defendant may possess. A
15 copy of the court's order shall be transmitted to the chief
16 or head of the police force or police department of the
17 municipality and to the sheriff of the county of which the
18 defendant is a resident. When relinquishment is ordered, the
19 following shall apply:

20 * * *

21 (ii) The court's order shall contain a list of any
22 firearm, other weapon or ammunition ordered relinquished.
23 Upon the entry of a final order, the defendant shall
24 inform the court in what manner the defendant is going to
25 relinquish any firearm, other weapon or ammunition
26 ordered relinquished. Relinquishment may occur pursuant
27 to section 6108.2 (relating to relinquishment for
28 consignment sale, lawful transfer or safekeeping) or
29 6108.3 or to the sheriff pursuant to this paragraph.
30 Where the sheriff is designated, the sheriff shall secure

1 custody of the defendant's firearms, other weapons or
2 ammunition and any firearm license listed in the court's
3 order for the duration of the order or until otherwise
4 directed by court order. In securing custody of the
5 defendant's relinquished firearms, the sheriff shall
6 comply with 18 Pa.C.S. [§ 6105(f)(4) (relating to persons
7 not to possess, use, manufacture, control, sell or
8 transfer firearms)] §§ 6213(e) (relating to
9 relinquishment of firearms upon disqualification) and
10 6215 (relating to disposition of firearms in law
11 enforcement custody). In securing custody of the
12 defendant's other weapons and ammunition, the sheriff
13 shall provide the defendant with a signed and dated
14 written receipt which shall include a detailed
15 description of the other weapon or ammunition and its
16 condition.

17 * * *

18 § 6108.2. Relinquishment for consignment sale, lawful transfer
19 or safekeeping.

20 (a) General rule.--Notwithstanding any other provision of
21 law, a defendant who is the subject of a final protection from
22 abuse order, which order provides for the relinquishment of
23 firearms, other weapons or ammunition during the period of time
24 the order is in effect, may, within the time frame specified in
25 the order and in lieu of relinquishment to the sheriff,
26 relinquish to a dealer licensed pursuant to 18 Pa.C.S. § [6113
27 (relating to licensing of dealers)] 6231 (relating to licensure
28 of firearms dealers) any firearms, other weapons or ammunition
29 for consignment sale, lawful transfer or safekeeping.

30 (b) Affidavit.--A defendant relinquishing firearms, other

1 weapons or ammunition to a dealer pursuant to subsection (a)
2 shall obtain an affidavit from the dealer on a form prescribed
3 by the Pennsylvania State Police which shall include, at a
4 minimum, the following:

5 (1) The caption of the case in which the protection from
6 abuse order was issued.

7 (2) The name, address, date of birth and Social Security
8 number of the defendant.

9 (3) A list of the firearms, other weapons or ammunition,
10 including, if applicable, the manufacturer, model and serial
11 number.

12 (4) The name and license number of the dealer licensed
13 pursuant to 18 Pa.C.S. § [6113] 6231 and the address of the
14 licensed premises.

15 (5) An acknowledgment that the firearms, other weapons
16 or ammunition will not be returned to the defendant or sold
17 or transferred to a person the dealer knows is a member of
18 the defendant's household, while the defendant is the subject
19 of an active protection from abuse order pursuant to section
20 6108, which order provides for the relinquishment of the
21 firearm, other weapon or ammunition being returned, sold or
22 transferred.

23 (6) An acknowledgment that the firearms, other weapons
24 or ammunition, if sold or transferred, will be sold or
25 lawfully transferred in compliance with 18 Pa.C.S. [Ch. 61
26 (relating to firearms and other dangerous articles)] Ch. 62
27 (relating to firearms and other dangerous articles).

28 * * *

29 (g) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Safekeeping." The secure custody of firearms, other weapons
3 or ammunition ordered relinquished by an active protection from
4 abuse order.

5 "Sale or lawful transfer." Any sale or transfer to a person
6 other than the defendant or a member of the defendant's
7 household which is conducted in accordance with 18 Pa.C.S. [Ch.
8 61 (relating to firearms and other dangerous articles)] Ch. 62
9 (relating to firearms and other dangerous articles).

10 § 6108.3. Relinquishment to third party for safekeeping.

11 * * *

12 (b) Transfer to third party.--

13 * * *

14 (3) (i) A defendant wishing to relinquish firearms,
15 other weapons or ammunition to a third party pursuant to
16 subsection (a) shall, in the presence of the sheriff or
17 the sheriff's designee, execute an affidavit on a form
18 prescribed by the Pennsylvania State Police which shall
19 include, at a minimum, the following:

20 (A) The caption of the case in which the
21 protection from abuse order was issued.

22 (B) The name, address, date of birth and the
23 Social Security number of the defendant.

24 (C) The name, address and date of birth of the
25 third party.

26 (D) A list of the firearms, other weapons and
27 ammunition which will be relinquished to the third
28 party, including, if applicable, the manufacturer,
29 model and serial number.

30 (E) An acknowledgment that the defendant will

1 not take possession of any firearm, other weapon or
2 ammunition relinquished to the third party until the
3 sheriff accepts return of the safekeeping permit
4 pursuant to subsection (d).

5 (F) A plain-language summary of 18 Pa.C.S. [§
6 6105(a.1)(2) and (c)(6) (relating to persons not to
7 possess, use, manufacture, control, sell or transfer
8 firearms)] §§ 6211(c)(7) (relating to
9 disqualification from possession or ownership) and
10 6212(b) (relating to disqualification based on
11 protection from abuse order).

12 (G) A plain-language summary of 18 U.S.C. §
13 922(g)(8) (relating to unlawful acts).

14 (ii) A third party who will be accepting possession
15 of firearms, other weapons and ammunition pursuant to
16 subsection (a) shall, in the presence of the sheriff or
17 the sheriff's designee, execute an affidavit on a form
18 prescribed by the Pennsylvania State Police which shall
19 include, at a minimum, the following:

20 (A) The caption of the case in which the
21 protection from abuse order was issued.

22 (B) The name, address and date of birth of the
23 defendant.

24 (C) The name, address, date of birth and the
25 Social Security number of the third party.

26 (D) A list of the firearms, other weapons and
27 ammunition which will be relinquished to the third
28 party, including, if applicable, the manufacturer,
29 model and serial number.

30 (E) An acknowledgment that no firearm, other

1 weapon or ammunition relinquished to the third party
2 will be returned to the defendant until the sheriff
3 accepts return of the safekeeping permit pursuant to
4 subsection (d).

5 (F) A plain-language summary of 18 Pa.C.S. §§
6 [6105(a.1) (5) and (c) (6), 6111(c) (relating to sale
7 or transfer of firearms) and 6115 (relating to loans
8 on, or lending or giving firearms prohibited).]
9 6211(c) (7), 6212(b) and 6222 (relating to sale or
10 transfer of handguns).

11 (G) A plain-language summary of this section.

12 (H) An acknowledgment that the third party is
13 not prohibited from possessing firearms, other
14 weapons or ammunition pursuant to any Federal or
15 State law.

16 (I) An acknowledgment that the third party is
17 not subject to an active protection from abuse order.

18 (J) An acknowledgment that the defendant has
19 never been the subject of a protection from abuse
20 order issued on behalf of the third party.

21 (K) An acknowledgment that any firearms, other
22 weapons and ammunition relinquished to the third
23 party will be stored using a locking device as
24 defined in paragraph (1) of the definition of
25 "locking device" in 18 Pa.C.S. § [6142(f) (relating
26 to locking device for firearms)] 6202 (relating to
27 definitions) or in a secure location to which the
28 defendant does not have access.

29 (L) A detailed description of the third party
30 liability pursuant to this section relating to civil

1 liability.

2 (M) An acknowledgment that the third party shall
3 inform the sheriff of any change of address for the
4 third party within seven days of the change of
5 address.

6 * * *

7 (c) Revocation of safekeeping permit.--

8 (1) The sheriff shall revoke a third party's safekeeping
9 permit and require the third party to relinquish to the
10 sheriff any firearms, other weapons or ammunition which were
11 relinquished to the third party by a defendant pursuant to
12 subsection (a) upon determining or being notified that any of
13 the following apply:

14 * * *

15 (iii) The defendant has been convicted of a
16 violation of 18 Pa.C.S. [Ch. 61 (relating to firearms and
17 other dangerous articles)] Ch. 62 (relating to firearms
18 and other dangerous articles) or any other offense
19 involving the use of a firearm.

20 * * *

21 (d) Return of safekeeping permit.--

22 * * *

23 (2) Upon issuance of a court order pursuant to section
24 6108.1 (relating to return of relinquished firearms, other
25 weapons and ammunition and additional relief) and 18 Pa.C.S.
26 [§§ 6105(f) (2) or 6108.1(b) (relating to return of
27 relinquished firearms, other weapons and ammunition and
28 additional relief)] § 6216(d) (relating to relief from
29 disability) which modifies a valid protection from abuse
30 order by allowing the defendant to take possession of a

1 firearm, other weapon or ammunition that had previously been
2 ordered relinquished, the defendant and the third party shall
3 report to the sheriff's office to return the safekeeping
4 permit. The sheriff shall proceed as directed by the court
5 order.

6 * * *

7 (e) Civil liability.--A third party who intentionally or
8 knowingly violates any of the provisions of this section shall,
9 in addition to any other penalty prescribed in this chapter or
10 18 Pa.C.S. [Ch. 61] Ch. 62, be civilly liable to any person for
11 any damages caused thereby and, in addition, shall be liable to
12 any person for punitive damages in an amount not to exceed
13 \$5,000, and the court shall award a prevailing plaintiff a
14 reasonable attorney fee as part of the costs.

15 * * *

16 § 6119. Immunity.

17 * * *

18 (b) Exception.--Law enforcement agencies and their
19 employees, including police officers and sheriffs, shall be
20 liable to the lawful owner of confiscated, seized or
21 relinquished firearms in accordance with 18 Pa.C.S. [§ 6105(f)
22 (relating to persons not to possess, use, manufacture, control,
23 sell or transfer firearms)] §§ 6215 (relating to disposition of
24 firearms in law enforcement custody) and 6216 (relating to
25 relief from disability) and shall be liable to the lawful owner
26 of confiscated, seized or relinquished other weapons or
27 ammunition for any loss, damage or substantial decrease in the
28 value of the other weapons or ammunition that is a direct result
29 of a lack of reasonable care by the law enforcement agency or
30 its employees.

1 Section 5. Sections 2325(a.1), 2503(b) and 2525 of Title 34
2 are amended to read:

3 § 2325. Cooperation after lawfully killing big game.

4 * * *

5 (a.1) Exception.--Nothing in this section shall prohibit any
6 person from carrying a loaded handgun in the field provided that
7 person is in compliance with 18 Pa.C.S. § [6109 (relating to
8 licenses)] 6232 (relating to license to carry).

9 * * *

10 § 2503. Loaded firearms in vehicles.

11 * * *

12 (b) Exceptions.--This section shall not be construed to
13 apply to:

14 (1) A police officer engaged in the performance of his
15 official duty.

16 (2) A commission officer engaged in the performance of
17 his duty.

18 (3) A person carrying a loaded pistol or revolver when
19 in possession of a valid firearms license issued by the chief
20 or head of any police force or the sheriff of a county when
21 the license is issued for protection under 18 Pa.C.S. [Ch. 61
22 Subch. A (relating to Uniform Firearms Act)] Ch. 62 (relating
23 to firearms and other dangerous articles).

24 (4) Any person as defined in section 2121(c) (relating
25 to killing game or wildlife to protect property) while on
26 lands they control and when not hunting or trapping for game
27 or wildlife.

28 (5) Any motorboat or other craft having a motor attached
29 or any sailboat if the motor has been completely shut off or
30 the sail furled and its progress therefrom has ceased.

1 (6) Any political subdivision, its employees or agents,
2 which has a valid deer control permit issued under section
3 2902(c) (relating to general categories of permits).

4 The exceptions in paragraphs (1) through (5) do not apply when
5 attempting to locate game or wildlife with an artificial light
6 or when exercising any privileges granted by this title which
7 may be exercised only when not in the possession of a firearm.

8 * * *

9 § 2525. Possession of [firearm] handgun for protection of self
10 or others.

11 (a) General rule.--It is lawful for a law enforcement officer
12 or any person who possesses a valid license to carry a [firearm]
13 handgun issued under 18 Pa.C.S. § [6109 (relating to licenses)]
14 6232 (relating to license to carry) to be in possession of a
15 loaded or unloaded [firearm] handgun while engaged in any
16 activity regulated by this title.

17 (b) Construction.--

18 (1) This section shall supersede any prohibition on the
19 possession of a [firearm] handgun or ammunition contained in
20 any other provision of this title.

21 (2) This subsection shall not be construed to permit the
22 hunting or harvesting of any wildlife with a [firearm]
23 handgun or ammunition not otherwise permitted by this title.

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

27 ["Firearm."] "Handgun." As defined in 18 Pa.C.S. § [6102
28 (relating to definitions)] 6202 (relating to definitions).

29 "Law enforcement officer." As defined in 18 Pa.C.S. § [6102
30 (relating to definitions)] 6202 (relating to definitions).

1 Section 6. Sections 5552(b)(1) and (c)(4) and 6308(d)(1) of
2 Title 42 are amended to read:

3 § 5552. Other offenses.

4 * * *

5 (b) Major offenses.--A prosecution for any of the following
6 offenses must be commenced within five years after it is
7 committed:

8 (1) Under the following provisions of Title 18 (relating
9 to crimes and offenses):

10 Section 901 (relating to criminal attempt) involving
11 attempt to commit murder where no murder occurs.

12 Section 902 (relating to criminal solicitation)
13 involving solicitation to commit murder where no murder
14 occurs.

15 Section 903 (relating to criminal conspiracy)
16 involving conspiracy to commit murder where no murder
17 occurs.

18 Section 911 (relating to corrupt organizations).

19 Section 2702 (relating to aggravated assault).

20 Section 2706 (relating to terroristic threats).

21 Section 2713 (relating to neglect of care-dependent
22 person).

23 Section 2901 (relating to kidnapping).

24 Section 3301 (relating to arson and related
25 offenses).

26 Section 3502 (relating to burglary).

27 Section 3701 (relating to robbery).

28 Section 3921 (relating to theft by unlawful taking or
29 disposition) through section 3933 (relating to unlawful
30 use of computer).

1 Section 4101 (relating to forgery).

2 Section 4107 (relating to deceptive or fraudulent
3 business practices).

4 Section 4108 (relating to commercial bribery and
5 breach of duty to act disinterestedly).

6 Section 4109 (relating to rigging publicly exhibited
7 contest).

8 Section 4117 (relating to insurance fraud).

9 Section 4701 (relating to bribery in official and
10 political matters) through section 4703 (relating to
11 retaliation for past official action).

12 Section 4902 (relating to perjury) through section
13 4912 (relating to impersonating a public servant).

14 Section 4952 (relating to intimidation of witnesses
15 or victims).

16 Section 4953 (relating to retaliation against
17 witness, victim or party).

18 Section 5101 (relating to obstructing administration
19 of law or other governmental function).

20 Section 5111 (relating to dealing in proceeds of
21 unlawful activities).

22 Section 5512 (relating to lotteries, etc.) through
23 section 5514 (relating to pool selling and bookmaking).

24 Section 5902(b) (relating to prostitution and related
25 offenses).

26 [Section 6111(g) (2) and (4) (relating to sale or
27 transfer of firearms).]

28 Section 6262(b) (3) (i) and (4) (relating to felony
29 violations).

30 Section 6265(b) (relating to other legal

1 consequences).

2 * * *

3 (c) Exceptions.--If the period prescribed in subsection (a),
4 (b) or (b.1) has expired, a prosecution may nevertheless be
5 commenced for:

6 * * *

7 (4) An offense in violation of 18 Pa.C.S. [§ 6111(c) or
8 (g)] §§ 6222(i) (relating to sale or transfer of handguns),
9 6261(c) (relating to violations in general), 6262(b)(3) and
10 (4), 6263(b) (relating to misdemeanor violations) and
11 6265(b), within one year of its discovery by State or local
12 law enforcement, but in no case shall this paragraph extend
13 the period of limitation otherwise applicable by more than
14 eight years.

15 * * *

16 § 6308. Law enforcement records.

17 * * *

18 (d) Pennsylvania State Police registry.--

19 (1) The contents of law enforcement records and files
20 concerning a child shall not be disclosed to the public
21 except if the child is 14 years of age or older at the time
22 of the alleged conduct and if any of the following apply:

23 (i) The child has been adjudicated delinquent by a
24 court as a result of any offense enumerated in 18 Pa.C.S.
25 § [6105 (relating to persons not to possess, use,
26 manufacture, control, sell or transfer firearms)] 6211
27 (relating to disqualification from possession or
28 ownership).

29 (ii) A petition alleging delinquency has been filed
30 by a law enforcement agency alleging that the child has

1 committed any offense enumerated in 18 Pa.C.S. § [6105]
2 6211 and the child previously has been adjudicated
3 delinquent by a court as a result of an act or acts which
4 included the elements of one of such crimes.

5 Section 7. Paragraph (2) of the definition of "eligible
6 offender" in section 4503 of Title 61 is amended to read:

7 § 4503. Definitions.

8 The following words and phrases when used in this chapter
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 * * *

12 "Eligible offender." A defendant or inmate convicted of a
13 criminal offense who will be committed to the custody of the
14 department and who meets all of the following eligibility
15 requirements:

16 * * *

17 (2) Has not been subject to a sentence the calculation
18 of which includes an enhancement for the use of a deadly
19 weapon as defined under law or the sentencing guidelines
20 promulgated by the Pennsylvania Commission on Sentencing or
21 the attorney for the Commonwealth has not demonstrated that
22 the defendant has been found guilty of or was convicted of an
23 offense involving a deadly weapon or offense under 18 Pa.C.S.
24 [Ch. 61 (relating to firearms and other dangerous articles)]
25 Ch. 62 (relating to firearms and other dangerous articles) or
26 the equivalent offense under the laws of the United States or
27 one of its territories or possessions, another state, the
28 District of Columbia, the Commonwealth of Puerto Rico or a
29 foreign nation.

30 * * *

1 Section 8. This act shall apply as follows:

2 (1) The addition of 18 Pa.C.S. Ch. 62 shall apply to any
3 activity initiated on or after the effective date of 18
4 Pa.C.S. Ch. 62, subject to the following:

5 (i) If the activity was initiated under 18 Pa.C.S.
6 Ch. 61 but not yet completed by the effective date of 18
7 Pa.C.S. Ch. 62, the appropriate provision of 18 Pa.C.S.
8 Ch. 61 shall govern.

9 (ii) If the activity is initiated on or after the
10 effective date of 18 Pa.C.S. Ch. 62 and a related
11 activity was initiated under 18 Pa.C.S. Ch. 61, 18
12 Pa.C.S. Ch. 62 shall govern the activity initiated on or
13 after the effective date of 18 Pa.C.S. Ch. 62.

14 (2) An activity initiated under 18 Pa.C.S. Ch. 61 shall
15 continue and remain in full force and effect. Resolutions,
16 orders, regulations, rules and decisions that were made under
17 18 Pa.C.S. Ch. 61 and that were in effect on the effective
18 date of 18 Pa.C.S. Ch. 62 shall remain in full force and
19 effect until revoked, vacated or modified under 18 Pa.C.S.
20 Ch. 62. Contracts, obligations and agreements entered into
21 under 18 Pa.C.S. Ch. 61 are not affected nor impaired by the
22 repeal of 18 Pa.C.S. Ch. 61.

23 Section 9. This act shall take effect in six months.