

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 565 Session of 2021

INTRODUCED BY DUSH, J. WARD, STEFANO, PITTMAN, PHILLIPS-HILL, YAW, MENSCH, HUTCHINSON, MASTRIANO, LANGERHOLC, SCAVELLO, ROBINSON, BARTOLOTTA, BROOKS, AUMENT, GEBHARD, DiSANTO, VOGEL, CORMAN AND REGAN, APRIL 16, 2021

SENATOR K. WARD, RULES AND EXECUTIVE NOMINATIONS, RE-REPORTED AS AMENDED, NOVEMBER 8, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, repealing provisions relating to firearms not to be
4 carried without a license, providing for license not
5 required, FURTHER PROVIDING FOR PROHIBITED CONDUCT DURING <--
6 EMERGENCY, repealing provisions relating to carrying firearms
7 on public streets or public property in Philadelphia,
8 providing for sportsman's firearm permit, further providing
9 for licenses and repealing provisions relating to proof of
10 license and exception.

11 The General Assembly finds that:

12 (1) The laws in existence regulating firearms ownership, <--
13 possession and use LICENSING are ineffectual in preventing <--
14 crime and only interfere with the natural rights of law-
15 abiding citizens.

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

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

3 Section 1. Section 6106 of Title 18 of the Pennsylvania  
4 Consolidated Statutes is repealed:

5 [§ 6106. Firearms not to be carried without a license.]

6 (a) Offense defined.--

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

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

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

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

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

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

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

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

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

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

17 (8) Any person while carrying a firearm which is not  
18 loaded and is in a secure wrapper from the place of purchase  
19 to his home or place of business, or to a place of repair,  
20 sale or appraisal or back to his home or place of business,  
21 or in moving from one place of abode or business to another  
22 or from his home to a vacation or recreational home or  
23 dwelling or back, or to recover stolen property under section  
24 6111.1(b)(4) (relating to Pennsylvania State Police), or to a  
25 place of instruction intended to teach the safe handling, use  
26 or maintenance of firearms or back or to a location to which  
27 the person has been directed to relinquish firearms under 23  
28 Pa.C.S. § 6108 (relating to relief) or back upon return of  
29 the relinquished firearm or to a licensed dealer's place of  
30 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2

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

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

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

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

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

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

29 (14) A person lawfully engaged in the interstate  
30 transportation of a firearm as defined under 18 U.S.C. §

1 921(a) (3) (relating to definitions) in compliance with 18  
2 U.S.C. § 926A (relating to interstate transportation of  
3 firearms).

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

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

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

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

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

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

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

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

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

20 (e) Definitions.--

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

26 (2) As used in this section, the phrase "place of  
27 instruction" shall include any hunting club, rifle club,  
28 rifle range, pistol range, shooting range, the premises of a  
29 licensed firearms dealer or a lawful gun show or meet.]

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

1 § 6106.2. License not required.

2 (a) Declaration.--Notwithstanding any other provision of  
3 law, every person present in this Commonwealth WHO IS NOT <--  
4 PROHIBITED FROM POSSESSING FIREARMS UNDER FEDERAL LAW OR THE  
5 LAWS OF THIS COMMONWEALTH shall have an affirmative, fundamental  
6 and constitutional right to keep and bear firearms, including  
7 the right to carry openly or concealed, carry loaded or  
8 unloaded, train with, transport, possess, use, acquire,  
9 purchase, transfer, inherit, buy, sell, give or otherwise  
10 dispose of or receive any firearm ~~or self-defense device~~ without <--  
11 a license, ~~permission or restriction~~ TO CARRY A FIREARM of any <--  
12 kind from ~~or by~~ this Commonwealth or any of its political <--  
13 subdivisions.

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

18 SECTION 2.1. SECTION 6107 OF TITLE 18 OF THE PENNSYLVANIA <--  
19 CONSOLIDATED STATUTES IS AMENDED TO READ:

20 § 6107. PROHIBITED CONDUCT DURING EMERGENCY.

21 [(A) GENERAL RULE.--NO PERSON SHALL CARRY A FIREARM UPON THE  
22 PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY DURING AN EMERGENCY  
23 PROCLAIMED BY A STATE OR MUNICIPAL GOVERNMENTAL EXECUTIVE UNLESS  
24 THAT PERSON IS:

25 (1) ACTIVELY ENGAGED IN A DEFENSE OF THAT PERSON'S LIFE  
26 OR PROPERTY FROM PERIL OR THREAT.

27 (2) LICENSED TO CARRY FIREARMS UNDER SECTION 6109  
28 (RELATING TO LICENSES) OR IS EXEMPT FROM LICENSING UNDER  
29 SECTION 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED  
30 WITHOUT A LICENSE).]

1 (B) SEIZURE, TAKING AND CONFISCATION.--[EXCEPT AS OTHERWISE  
2 PROVIDED UNDER SUBSECTION (A) AND NOTWITHSTANDING]  
3 NOTWITHSTANDING THE PROVISIONS OF 35 PA.C.S. CH. 73 (RELATING TO  
4 COMMONWEALTH SERVICES) OR ANY OTHER PROVISION OF LAW TO THE  
5 CONTRARY, NO FIREARM, ACCESSORY OR AMMUNITION MAY BE SEIZED,  
6 TAKEN OR CONFISCATED DURING AN EMERGENCY UNLESS THE SEIZURE,  
7 TAKING OR CONFISCATION WOULD BE AUTHORIZED ABSENT THE EMERGENCY.

8 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
9 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
10 SUBSECTION:

11 "ACCESSORY." ANY SCOPE, SIGHT, BIPOD, SLING, LIGHT,  
12 MAGAZINE, CLIP OR OTHER RELATED ITEM THAT IS ATTACHED TO OR  
13 NECESSARY FOR THE OPERATION OF A FIREARM.

14 "FIREARM." THE TERM INCLUDES ANY WEAPON THAT IS DESIGNED TO  
15 OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE  
16 ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY WEAPON.

17 Section 3. Section 6108 of Title 18 is repealed:

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

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

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

24 (2) such person is exempt from licensing under section

25 6106(b) of this title (relating to firearms not to be carried  
26 without a license).]

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

28 § 6108.1. Sportsman's firearm permit.

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

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

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

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

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

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

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

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

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 (1) Due to every PERSON PRESENT IN THIS Commonwealth <--  
9 ~~resident~~ having a fundamental constitutional right to keep <--  
10 and bear arms, obtaining a license under this section shall  
11 be optional. Nothing in this section shall be construed to  
12 require that a person must obtain a license under this  
13 section in order to carry a concealed firearm.

14 (2) The voluntary nature of a license to carry a firearm  
15 may not be construed to relieve the issuing authority of the  
16 burden of proof for denying an application for a license.  
17 ~~Issuance of a license to carry a firearm under this section~~ <--  
18 ~~by the proper authority shall be prima facie evidence that~~  
19 ~~law enforcement authorities have verified that the individual~~  
20 ~~is qualified under the law and is not prohibited from~~  
21 ~~possessing firearms under section 6105 (relating to persons~~  
22 ~~not to possess, use, manufacture, control, sell or transfer~~  
23 ~~firearms) or under any other provision of the laws of this~~  
24 ~~Commonwealth.~~

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

29 (4) A license to carry a firearm shall provide ~~residents~~ <--  
30 ~~of this Commonwealth~~ A PERSON with the ability to carry a <--

1 firearm in any state with which the Commonwealth maintains a  
2 reciprocal agreement for the mutual recognition of licenses  
3 to carry firearms.

4 (b) Place of application.--An individual †who is 21 years of <--  
5 age or older† may apply to [a sheriff] the proper issuing <--  
6 authority for a license to carry a firearm [concealed on or  
7 about his person or in a vehicle] within this Commonwealth. If  
8 the applicant is a resident of this Commonwealth, he shall make  
9 application with the sheriff of the county in which he resides  
10 or, if a resident of a city of the first class, with the chief  
11 of police of that city. If the applicant is not a resident of  
12 this Commonwealth, he shall make application with the sheriff <--  
13 PROPER ISSUING AUTHORITY of any county. <--

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

26 I have never been convicted of a crime that prohibits me  
27 from possessing or acquiring a firearm under Federal or  
28 State law. I am of sound mind and have never been  
29 involuntarily committed to a mental institution. In the  
30 alternative my right to possess a firearm has been

1       legally restored. I hereby certify that the statements  
2       contained herein are true and correct to the best of my  
3       knowledge and belief. I understand that, if I knowingly  
4       make any false statements herein, I am subject to  
5       penalties prescribed by law. I authorize the [sheriff, or  
6       his designee, or, in the case of first class cities, the  
7       chief or head of the police department] issuing  
8       authority, or his designee, to inspect only those records  
9       or 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 firearms,  
12      I will promptly notify the [sheriff of the county in  
13      which I reside or, if I reside in a city of the first  
14      class, the chief of police of that city] issuing  
15      authority.

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

19           \* \* \*

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

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

27           (5) conduct a criminal background, juvenile delinquency  
28 and mental health check †following the procedures set forth <--  
29 in section 6111 (relating to sale or transfer of firearms),  
30 receive} ~~by contacting the National Instant Criminal~~ <--

1 ~~Background Check System and must have received~~ a unique  
2 approval number for that inquiry and record the date and  
3 number on the application.

4 (e) Issuance of license.--

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

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

15 \* \* \*

16 (v) An individual who is not of sound mind or who  
17 has ever been involuntarily committed to a mental  
18 institution[.], unless the involuntary commitment has  
19 been expunged, vacated or granted relief from a  
20 prohibition to possess a firearm.

21 \* \* \*

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

23 \* \* \*

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

28 \* \* \*

29 (ii) The signature of the [sheriff] authority  
30 issuing the license.

1                   \* \* \*

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

6                   \* \* \*

7           (f) Term of license.--

8                   \* \* \*

9           (2) At least 60 days prior to the expiration of each  
10 license, the issuing [sheriff] authority shall send to the  
11 licensee an application for renewal of license. Failure to  
12 receive a renewal application shall not relieve a licensee  
13 from the responsibility to renew the license.

14                   \* \* \*

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

23           (g) Grant or denial of license.--Upon the receipt of an  
24 application for a license to carry a firearm, the [sheriff]  
25 issuing authority shall, within [45] 14 calendar days, issue or  
26 refuse to issue a license on the basis of the investigation  
27 under subsection (d) and the accuracy of the information  
28 contained in the application. If the [sheriff] issuing authority  
29 refuses to issue a license, the [sheriff] issuing authority  
30 shall notify the applicant in writing of the refusal and the

1 specific reasons. The notice shall be sent by certified mail to  
2 the applicant at the address set forth in the application.

3 (h) Fee.--

4 \* \* \*

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

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

19 \* \* \*

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

21 Notwithstanding any statute to the contrary:

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

1 authority, on a form developed by the Pennsylvania State  
2 Police, of the identity of the person and the nature of the  
3 crime or conduct which resulted in the notification. The  
4 notification shall be transmitted by the judge within seven  
5 days of the conviction or determination.

6 \* \* \*

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

12 \* \* \*

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

14 (1) A person seeking a temporary emergency license to  
15 carry a concealed firearm shall submit to the [sheriff]  
16 issuing authority of the county in which the person resides  
17 all of the following:

18 \* \* \*

19 (ii) A sworn affidavit that contains the information  
20 required on an application for a license to carry a  
21 firearm and attesting that the person is 21 years of age  
22 or older, is not prohibited from owning firearms under  
23 section 6105 [(relating to persons not to possess, use,  
24 manufacture, control, sell or transfer firearms)] or any  
25 other Federal or State law and is not currently subject  
26 to a protection from abuse order or a protection order  
27 issued by a court of another state.

28 \* \* \*

29 (2) Upon receipt of the items required under paragraph  
30 (1), the [sheriff] issuing authority immediately shall

1 conduct a criminal history, juvenile delinquency and mental  
2 health record check of the applicant pursuant to section  
3 6105. Immediately upon receipt of the results of the records  
4 check, the [sheriff] issuing authority shall review the  
5 information and shall determine whether the applicant meets  
6 the criteria set forth in this subsection. If the [sheriff]  
7 issuing authority determines that the applicant has met all  
8 of the criteria, the [sheriff] issuing authority shall  
9 immediately issue the applicant a temporary emergency license  
10 to carry a concealed firearm.

11 (3) If the [sheriff] issuing authority refuses to issue  
12 a temporary emergency license, the [sheriff] issuing  
13 authority shall specify the grounds for the denial in a  
14 written notice to the applicant. The applicant may appeal the  
15 denial or challenge criminal records check results that were  
16 the basis of the denial, if applicable, in the same manner as  
17 a denial of a license to carry a firearm under this section.

18 (4) A temporary emergency license issued under this  
19 subsection shall be valid for [45] 14 days and may not be <--  
20 renewed. A person who has been issued a temporary emergency  
21 license under this subsection shall not be issued another  
22 temporary emergency license unless at least five years have  
23 expired since the issuance of the prior temporary emergency  
24 license. During the [45] 14 days the temporary emergency <--  
25 license is valid, the [sheriff] issuing authority shall  
26 conduct an additional investigation of the person for the  
27 purposes of determining whether the person may be issued a  
28 license pursuant to this section. If, during the course of  
29 this investigation, the [sheriff] issuing authority discovers  
30 any information that would have prohibited the issuance of a

1 license pursuant to this section, the [sheriff] issuing  
2 authority shall be authorized to revoke the temporary  
3 emergency license as provided in subsection (i).

4 \* \* \*

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

12 \* \* \*

13 (9) Prior to the expiration of a temporary emergency  
14 license, if the [sheriff] issuing authority has determined  
15 pursuant to investigation that the person issued a temporary  
16 emergency license is not disqualified and if the temporary  
17 emergency license has not been revoked pursuant to subsection  
18 (i), the [sheriff] issuing authority shall issue a license  
19 pursuant to this section that is effective for the balance of  
20 the five-year period from the date of the issuance of the  
21 temporary emergency license. Records and all other  
22 information, duties and obligations regarding such licenses  
23 shall be applicable as otherwise provided in this section.

24 \* \* \*

25 Section 6. Section 6122 of Title 18 is repealed:

26 [§ 6122. Proof of license and exception.

27 (a) General rule.--When carrying a firearm concealed on or  
28 about one's person or in a vehicle, an individual licensed to  
29 carry a firearm shall, upon lawful demand of a law enforcement  
30 officer, produce the license for inspection. Failure to produce

1 such license either at the time of arrest or at the preliminary  
2 hearing shall create a rebuttable presumption of nonlicensure.

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

9 Section 7. This act shall take effect in 60 days.