
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 AND
ROBINSON, APRIL 16, 2021

REFERRED TO JUDICIARY, APRIL 16, 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, repealing provisions relating to carrying firearms
6 on public streets or public property in Philadelphia,
7 providing for sportsman's firearm permit, further providing
8 for licenses and repealing provisions relating to proof of
9 license and exception.

10 The General Assembly finds that:

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

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

20 The General Assembly of the Commonwealth of Pennsylvania
21 hereby enacts as follows:

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2 Consolidated Statutes is repealed:

3 [§ 6106. Firearms not to be carried without a license.

4 (a) Offense defined.--

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

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

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

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

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

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

29 (4) Any persons engaged in target shooting with a
30 firearm, if such persons are at or are going to or from their

1 places of assembly or target practice and if, while going to
2 or from their places of assembly or target practice, the
3 firearm is not loaded.

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

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

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

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

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

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

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

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

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

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

27 (14) A person lawfully engaged in the interstate
28 transportation of a firearm as defined under 18 U.S.C. §
29 921(a)(3) (relating to definitions) in compliance with 18
30 U.S.C. § 926A (relating to interstate transportation of

1 firearms).

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

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

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

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

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

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

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

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

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

18 (e) Definitions.--

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

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

28 Section 2. Title 18 is amended by adding a section to read:
29 § 6106.2. License not required.

30 (a) Declaration.--Notwithstanding any other provision of

1 law, every person present in this Commonwealth shall have an
2 affirmative, fundamental and constitutional right to keep and
3 bear firearms, including the right to carry openly or concealed,
4 carry loaded or unloaded, train with, transport, possess, use,
5 acquire, purchase, transfer, inherit, buy, sell, give or
6 otherwise dispose of or receive any firearm or self-defense
7 device without a license, permission or restriction of any kind
8 from or by this Commonwealth or any of its political
9 subdivisions.

10 (b) Optional license.--Obtaining a license to carry a
11 firearm under this chapter shall be optional. The voluntary
12 nature of the license shall not be construed to require that any
13 person obtain a license to carry a firearm under this chapter.

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

15 [§ 6108. Carrying firearms on public streets or public property
16 in Philadelphia.]

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

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

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

22 6106(b) of this title (relating to firearms not to be carried
23 without a license).]

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

25 § 6108.1. Sportsman's firearm permit.

26 (a) Permit allowed.--Any person 18 years of age or older who
27 has been issued a hunting license, trapping license or fishing
28 license or who has been issued a permit relating to hunting dogs
29 may, at the time of obtaining his hunting, trapping or fishing
30 license or any time after the license has been issued, obtain a

1 sportsman's firearm permit from the county treasurer.

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

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

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

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

25 Section 5. Section 6109(a), (b), (c), (d) heading,
26 introductory paragraph, (3), (4) and (5), (e)(1) introductory
27 paragraph, (i), (v) and (vii), (3) introductory paragraph and
28 (ii) and (4), (f)(2) and (4), (g), (h)(3) and (4), (i.1) heading
29 and (1), (j) and (m.1)(1) introductory paragraph and (ii), (2),
30 (3), (4), (7) and (9) of Title 18 are amended to read:

1 § 6109. Licenses.

2 (a) Purpose of license.--[A license to carry a firearm shall
3 be for the purpose of carrying a firearm concealed on or about
4 one's person or in a vehicle throughout this Commonwealth.]

5 (1) Due to every Commonwealth resident having a
6 fundamental constitutional right to keep and bear arms,
7 obtaining a license under this section shall be optional.
8 Nothing in this section shall be construed to require that a
9 person must obtain a license under this section in order to
10 carry a concealed firearm.

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

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

26 (4) A license to carry a firearm shall provide residents
27 of this Commonwealth with the ability to carry a firearm in
28 any state with which the Commonwealth maintains a reciprocal
29 agreement for the mutual recognition of licenses to carry
30 firearms.

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

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

23 I have never been convicted of a crime that prohibits me
24 from possessing or acquiring a firearm under Federal or
25 State law. I am of sound mind and have never been
26 involuntarily committed to a mental institution. In the
27 alternative my right to possess a firearm has been
28 legally restored. I hereby certify that the statements
29 contained herein are true and correct to the best of my
30 knowledge and belief. I understand that, if I knowingly

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

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

16 * * *

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

20 (4) investigate whether the applicant would be precluded
21 from receiving a license under subsection (e) (1) or section
22 6105(h) [(relating to persons not to possess, use,
23 manufacture, control, sell or transfer firearms)]; and

24 (5) conduct a criminal background, juvenile delinquency
25 and mental health check [following the procedures set forth
26 in section 6111 (relating to sale or transfer of firearms),
27 receive] by contacting the National Instant Criminal
28 Background Check System and must have received a unique
29 approval number for that inquiry and record the date and
30 number on the application.

1 (e) Issuance of license.--

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

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

12 * * *

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

18 * * *

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

20 * * *

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

25 * * *

26 (ii) The signature of the [sheriff] authority
27 issuing the license.

28 * * *

29 (4) The [sheriff] issuing authority shall require a
30 photograph of the licensee on the license. The photograph

1 shall be in a form compatible with the Commonwealth Photo
2 Imaging Network.

3 * * *

4 (f) Term of license.--

5 * * *

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

11 * * *

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

20 (g) Grant or denial of license.--Upon the receipt of an
21 application for a license to carry a firearm, the [sheriff]
22 issuing authority shall, within [45] 14 calendar days, issue or
23 refuse to issue a license on the basis of the investigation
24 under subsection (d) and the accuracy of the information
25 contained in the application. If the [sheriff] issuing authority
26 refuses to issue a license, the [sheriff] issuing authority
27 shall notify the applicant in writing of the refusal and the
28 specific reasons. The notice shall be sent by certified mail to
29 the applicant at the address set forth in the application.

30 (h) Fee.--

1 * * *

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

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

16 * * *

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

18 Notwithstanding any statute to the contrary:

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

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

3 * * *

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

9 * * *

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

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

15 * * *

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

25 * * *

26 (2) Upon receipt of the items required under paragraph
27 (1), the [sheriff] issuing authority immediately shall
28 conduct a criminal history, juvenile delinquency and mental
29 health record check of the applicant pursuant to section
30 6105. Immediately upon receipt of the results of the records

1 check, the [sheriff] issuing authority shall review the
2 information and shall determine whether the applicant meets
3 the criteria set forth in this subsection. If the [sheriff]
4 issuing authority determines that the applicant has met all
5 of the criteria, the [sheriff] issuing authority shall
6 immediately issue the applicant a temporary emergency license
7 to carry a concealed firearm.

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

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

1 * * *

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

9 * * *

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

21 * * *

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

23 [§ 6122. Proof of license and exception.

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

30 (b) Exception.--An individual carrying a firearm on or about

1 his person or in a vehicle and claiming an exception under
2 section 6106(b) (relating to firearms not to be carried without
3 a license) shall, upon lawful demand of a law enforcement
4 officer, produce satisfactory evidence of qualification for
5 exception.]

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