
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1852 Session of
2023

INTRODUCED BY RABB AND HOHENSTEIN, NOVEMBER 15, 2023

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 15, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for sale or transfer of firearms,
4 for Pennsylvania State Police and for licensing of dealers
5 and providing for security cameras, for lost and stolen
6 firearm reporting requirements and for inspection of retail
7 firearm dealer licensees and grant program; establishing the
8 Retail Licensee Inspection Fund and the Firearm Dealer Safety
9 Grant Program; imposing penalties; and making an
10 appropriation.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 6111(b) of Title 18 of the Pennsylvania
14 Consolidated Statutes is amended by adding paragraphs to read:
15 § 6111. Sale or transfer of firearms.

16 * * *

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

1 * * *

2 (8) Conducted a background check, as required under this
3 section, when an individual is seeking to sell a firearm on
4 consignment.

5 (9) Taken a written and photographic record of the
6 buyer's vehicle license plate and driver's license or
7 identification card issued by Federal, State or local
8 government.

9 * * *

10 Section 2. Section 6111.1(b) of Title 18 is amended by
11 adding a paragraph and the section is amended by adding a
12 subsection to read:

13 § 6111.1. Pennsylvania State Police.

14 * * *

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

16 * * *

17 (5) The Pennsylvania State Police shall have the right
18 to suspend the operations of a licensed firearms dealer
19 within this Commonwealth if the dealer fails to pass a
20 required firearms dealer inspection.

21 * * *

22 (e.1) Appeal to firearms dealer suspension.--A licensed
23 firearms dealer suspended due to a failed inspection may
24 challenge the accuracy of that inspection by appealing to the
25 Pennsylvania State Police within 30 days from the date of the
26 suspension. The following apply:

27 (1) The Pennsylvania State Police shall conduct a review
28 of the accuracy of the information forming the basis for the
29 inspection failure and shall have the burden of proving the
30 accuracy of the inspection. The individual appealing the

1 suspension may not sell, distribute or provide a firearm or
2 firearm accessory to any individual during the review period.

3 (2) Within 20 days after receiving an appeal, the
4 Pennsylvania State Police shall notify the appellant of the
5 basis for the original denial, including the jurisdiction and
6 docket number of any relevant court decision, and shall
7 provide the appellant an opportunity to provide additional
8 information.

9 (3) The Pennsylvania State Police shall engage in an
10 investigation and make a determination and shall communicate
11 a final decision to the appellant within 60 days of the
12 receipt of the appeal.

13 (4) If the appeal is ruled invalid, the appellant shall
14 have the right to appeal the decision to the Attorney General
15 within 30 days of the decision. The following apply:

16 (i) The Attorney General shall conduct a hearing de
17 novo in accordance with 2 Pa.C.S (relating to
18 administrative law and procedure).

19 (ii) The burden of proof shall be upon the
20 Commonwealth.

21 (iii) The decision of the Attorney General may be
22 appealed to Commonwealth Court by an aggrieved party.

23 * * *

24 Section 3. Section 6113(a) introductory paragraph and (b) of
25 Title 18 are amended and the section is amended by adding
26 subsections to read:

27 § 6113. Licensing of dealers.

28 (a) General rule.--The chief or head of any police force or
29 police department of a city, and, elsewhere, the sheriff of the
30 county, shall grant to reputable applicants licenses, in form

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

8 * * *

9 (a.1) Application.--The application under subsection (a)
10 shall be submitted online or via a paper form. An applicant
11 wishing to submit a paper form must do so at the headquarters of
12 the Pennsylvania State Police, which shall assess an
13 administrative fee for the submission of the paper form.

14 (b) [Fee.--The fee for issuing said license shall be \$30,
15 which fee shall be paid into the county treasury.] (Reserved).

16 (b.1) Licensing form requirements.--An individual who wishes
17 to sell a firearm directly to a consumer must apply for a
18 license using the Pennsylvania Firearms Seller License form or
19 another form required under Federal or State law.

20 (b.2) Reporting.--Information collected during the licensing
21 process shall be provided to the Pennsylvania State Police,
22 which shall prepare and disseminate quarterly reports detailing
23 and evaluating the information provided under this section and
24 make recommendations for statutory and regulatory changes to
25 improve compliance by firearm sellers and reduce the prevalence
26 of illegally sold, purchased or possessed firearms in this
27 Commonwealth.

28 (b.3) Insurance requirements.--An individual applying or
29 approved to be a licensed firearm dealer must have or shall
30 purchase business or general liability insurance within six

1 months of the approval of the application to be a licensed
2 firearm dealer.

3 * * *

4 Section 4. Title 18 is amended by adding sections to read:
5 § 6129. Security cameras.

6 (a) Surveillance.--Commencing January 1, 2024, a licensee
7 shall ensure the business premises of the licensee are monitored
8 by a digital video surveillance system that meets all of the
9 following requirements:

10 (1) The system shall clearly record images and, for
11 systems located inside the premises, audio of the area under
12 surveillance.

13 (2) Each camera shall be permanently mounted in a fixed
14 location. Cameras shall be placed in locations that allow the
15 cameras to clearly record activity occurring in all areas
16 described in paragraph (3) and reasonably produce recordings
17 that allow for the clear identification of any person.

18 (3) The areas recorded shall include, without
19 limitation, the following:

20 (i) All interior views of all entries or exits to
21 the premises.

22 (ii) All areas where firearms are displayed.

23 (iii) All points of sale, sufficient to identify the
24 parties involved in the transaction.

25 (4) The system shall continuously record 24 hours per
26 day at a frame rate no less than 15 frames per second.

27 (5) The media or device on which records are stored
28 shall be secured in a manner to protect the recording from
29 tampering, unauthorized access or use or theft.

30 (6) Recordings shall be maintained for a minimum of one

1 year.

2 (7) Recorded images shall clearly and accurately display
3 the date and time.

4 (8) The system shall be equipped with a failure
5 notification system that provides notification to the
6 licensee of any interruption or failure of the system or
7 storage device.

8 (b) Permissions.--A licensee shall not use, share, allow
9 access or otherwise release recordings to any person except as
10 follows:

11 (1) A licensee shall allow access to the system to an
12 agent of the Pennsylvania State Police or a licensing
13 authority conducting an inspection of the licensee's
14 premises, for the purpose of inspecting the system for
15 compliance with this section and only if a warrant or court
16 order would not generally be required for that access.

17 (2) A licensee shall allow access to the system or
18 release recordings to any person pursuant to a search warrant
19 or other court order.

20 (3) A licensee may allow access to the system or release
21 recordings to any person in response to an insurance claim or
22 as part of the civil discovery process, including, but not
23 limited to, in response to subpoenas, requests for production
24 or inspection or other court order.

25 (c) Signage.--The licensee shall post a sign in a
26 conspicuous place at each entrance that states in block letters
27 no less than one inch in height the following disclaimer:

28 "THESE PREMISES ARE UNDER VIDEO AND AUDIO SURVEILLANCE.
29 YOUR IMAGE AND CONVERSATIONS MAY BE RECORDED."

30 (d) Certification.--A licensee shall, on an annual basis,

1 provide certification to the department, in a manner prescribed
2 by the Pennsylvania State Police, that its video surveillance
3 system is in proper working order.

4 (e) Conflict.--This section does not preclude any local
5 authority or local governing body from adopting or enforcing
6 local laws or policies regarding video surveillance that do not
7 contradict or conflict with the requirements of this section.

8 § 6130. Lost and stolen firearm reporting requirements.

9 (a) Duty to report.--A licensed firearm seller, dealer,
10 importer or manufacturer who suffers a loss or theft of a
11 firearm must, within 24 hours of the discovery of the loss or
12 theft, report the loss or theft, including the facts and
13 circumstances to the municipal police of the jurisdiction in
14 which the loss or theft is believed to have occurred or to the
15 Pennsylvania State Police. The licensed firearm seller, dealer,
16 importer or manufacturer must then report the theft to the
17 centralized database with technical assistance provided under
18 section 6131(b) (relating to inspection of retail firearm dealer
19 licensees and grant program).

20 (b) Penalty.--Notwithstanding any other provision of law, a
21 licensed firearm seller, dealer, importer or manufacturer who
22 fails to report the loss or theft of a firearm under subsection
23 (a) within 24 hours of discovery shall be liable for certain
24 restitution, as decided in a court of law, resulting from a
25 crime committed with that firearm. A retailer that fails to
26 report a lost or stolen firearm that is later recovered in the
27 commission of the crime by law enforcement shall be subject to a
28 fine of \$500 for each day from the date the retailer acquired
29 the gun until the date of recovery. Fines shall be deposited
30 into the Retail Licensee Inspection Fund established under

1 section 6131(g).

2 § 6131. Inspection of retail firearm dealer licensees and grant
3 program.

4 (a) Inspection.--An inspection of each licensed retail
5 firearm dealer shall be conducted at least once annually by each
6 municipality, county or the Pennsylvania State Police. If a
7 retailer is found to be or is under suspicion of violating this
8 section based on data from the Attorney General's Crime Gun
9 Database, the Pennsylvania State Police shall inspect that
10 retailer at least three times per year for a period of no less
11 than two years. Retailers that do not record sales
12 electronically or install security cameras in their parking lots
13 to record license plate numbers shall be subject to additional
14 quarterly inspections and may utilize the technical assistance
15 provided under subsection (b) and funding under subsection (h)
16 to procure electronic platforms to document firearm sales and
17 security cameras to record license plates.

18 (b) Technical assistance.--The Pennsylvania State Police,
19 the Office of Inspector General, the Office of Auditor General,
20 the Pennsylvania Commission on Crime and Delinquency and the
21 Municipal Police Officers' Education and Training Commission
22 shall provide technical assistance as needed to firearm sellers
23 to increase the use of digital data collection systems and
24 entities funded through the Retail Licensee Inspection Fund and
25 the Firearm Dealer Safety Grant Program to conduct an inspection
26 under subsection (a) or train an employee to conduct an
27 inspection. The Pennsylvania State Police shall create a
28 database to track the number of guns and crime guns traced to
29 particular dealers, as well as to provide dealers with a letter
30 grade from F, being the most problematic, to A, being the least

1 problematic. The database shall be regularly maintained by the
2 Pennsylvania State Police and additional analytical
3 infrastructure added to facilitate automated email alerts to
4 State and local law enforcement when a firearm seller is flagged
5 as having sold a disproportionate number of firearms recovered
6 by law enforcement. The database shall be made available to the
7 public and shall include and track the following information:

8 (1) Whether the gun is connected to a felony.

9 (2) Whether an arrest was made associated with the
10 recovery of the weapon.

11 (3) If an arrest was made under paragraph (2), the
12 reason for the arrest.

13 (4) The outcome of the associated court case.

14 (c) Ineligibility.--Any dealer inspected due to a crime gun
15 within two consecutive years and found not to be in violation of
16 section 6130 (relating to lost and stolen firearm reporting
17 requirements) shall be ineligible for a crime-gun-related
18 inspection for two years after the second inspection. The dealer
19 shall be subject to random inspection.

20 (d) Determination.--Once every calendar year, the
21 Pennsylvania State Police shall calculate the percentage of
22 crime guns recovered in the past two years sold by each firearm
23 seller and the ratio of crime guns to guns sold by each seller.
24 A firearm seller shall be determined to have sold a
25 disproportionate number of crime guns if that seller is in the
26 top 1% of sellers of crime guns recovered in the past two years
27 or if that seller, as a proportion of that seller's total gun
28 sales, has sold a disproportionate number of crime guns
29 recovered in the past two years. A seller in the top 1% shall be
30 subject to inspection.

1 (e) Exemption.--A firearm seller who is found to have sold a
2 disproportionate number of crime guns for two consecutive years,
3 but was also found not to be in violation of section 6130, shall
4 not be subject to an inspection required under subsection (d).

5 (f) Fees.--A licensing fee shall be assessed to retail
6 firearm dealers to be deposited into the Retail Licensee
7 Inspection Fund established under subsection (g). A 1% firearm
8 sales tax shall be paid by the firearm seller for each firearm
9 sold and a 1% ammunition tax shall be paid by the seller for
10 each unit of ammunition sold. The 1% tax under this subsection
11 shall also be applied to firearms that were purchased online but
12 were temporarily in the possession of a licensed firearm dealer
13 before transfer to the purchaser. Funds from the tax shall be
14 deposited into the Retail Licensee Inspection Fund.

15 (g) Fund.--The Retail Licensee Inspection Fund is
16 established as a separate fund in the Victims Compensation Fund
17 for the purposes of administering this section, funding to
18 support conducting inspections, providing grants to firearm
19 sellers to improve information systems, providing grants to
20 service providers for victims of gun violence, funding for
21 maintenance of a database, developing an analytical and
22 reporting mechanism to leverage information in the database,
23 funding to support research on the impact of this section
24 beginning in year five, installing cameras and secure storage,
25 storing camera data and partially deferring medical expenses due
26 to gunshot injuries for children under 13 years of age and
27 offset of funeral expenses for victims of gun violence. Payment
28 from the fund under this section shall be assigned on a first-
29 come, first-served basis and shall be capped at \$100,000 per
30 payment. The sum of \$50,000,000 shall be appropriated to the

1 fund for the purposes of this section.

2 (h) Grant program.--The Firearm Dealer Safety Grant Program
3 is established and shall be administered by the Pennsylvania
4 Commission on Crime and Delinquency. Grants under the program
5 shall be used by municipalities and counties seeking to hire and
6 train staff to conduct inspections under this section. Federally
7 licensed firearm sellers may apply for grants to help defray
8 costs of purchasing security cameras, installing digital case
9 management systems to facilitate recordkeeping and purchasing
10 secure physical storage for firearms. Only applicants who apply
11 online shall be eligible for grant money. The sum of \$5,000,000
12 of the amount appropriated to the Retail Licensee Inspection
13 Fund under subsection (g) shall be expended to make grants under
14 this section. Grant approval shall be overseen by a board
15 composed of one individual or designee from each of the
16 following organizations:

17 (1) The Municipal Police Officers' Education and
18 Training Commission.

19 (2) The Pennsylvania Commission on Crime and
20 Delinquency.

21 (3) The Pennsylvania State Police.

22 (4) The Office of Inspector General.

23 (i) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Crime gun." A firearm recovered by law enforcement:

27 (1) If the possession of the firearm was the criminal
28 offense.

29 (2) After use in a criminal offense or suspected use in
30 a criminal offense.

1 "Disproportionate number of crime guns." Both:

2 (1) the number of crime guns sold compared to the number
3 of all firearms sold within this Commonwealth; and

4 (2) the number of crime guns a firearm dealer has sold
5 compared to the total amount of firearms that a dealer has
6 sold.

7 Section 5. This act shall take effect in 180 days.