

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 235 Session of 2021

INTRODUCED BY WARREN, ZABEL, SANCHEZ, VITALI, CIRESI, SCHLOSSBERG, CONKLIN, N. NELSON, HOWARD, PASHINSKI, GUENST, DEASY, HOHENSTEIN, HANBIDGE, ISAACSON, O'MARA, GALLOWAY, SCHWEYER, McCLINTON, FRANKEL, SHUSTERMAN, D. WILLIAMS, McNEILL, KINKEAD, MALAGARI, GAINNEY, SAMUELSON, FREEMAN, SIMS, SAPPEY, HERRIN, A. DAVIS, DALEY, STEPHENS, KENYATTA, STURLA, DeLISSIO, KRAJEWSKI, KRUEGER, BENHAM, OTTEN, QUINN AND DELLOSO, JANUARY 25, 2021

AS AMENDED, COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, JUNE 28, 2022

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 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <--
5 CONSOLIDATED STATUTES, IN FIREARMS AND OTHER DANGEROUS
6 ARTICLES, REPEALING PROVISIONS RELATING TO FIREARMS NOT TO BE
7 CARRIED WITHOUT A LICENSE, PROVIDING FOR LICENSE NOT
8 REQUIRED, REPEALING PROVISIONS RELATING TO CARRYING FIREARMS
9 ON PUBLIC STREETS OR PUBLIC PROPERTY IN PHILADELPHIA,
10 PROVIDING FOR SPORTSMAN'S FIREARM PERMIT, FURTHER PROVIDING
11 FOR LICENSES AND REPEALING PROVISIONS RELATING TO PROOF OF
12 LICENSE AND EXCEPTION.

13 THE GENERAL ASSEMBLY FINDS THAT:

14 (1) THE LAWS IN EXISTENCE REGULATING FIREARMS LICENSING
15 ARE INEFFECTUAL IN PREVENTING CRIME AND ONLY INTERFERE WITH
16 THE NATURAL RIGHTS OF LAW-ABIDING CITIZENS.

17 (2) IT IS NECESSARY TO CODIFY THE INHERENT RIGHT TO THE
18 CARRYING OF FIREARMS, WHETHER OPENLY OR CONCEALED, AND THAT
19 THE RIGHT TO SELF-DEFENSE IS AN INHERENT NATURAL RIGHT THAT

1 SHALL NOT BE QUESTIONED AS STATED IN SECTION 21 OF ARTICLE I
2 OF THE CONSTITUTION OF PENNSYLVANIA.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 ~~Section 1. Section 6111(f)(2) of Title 18 of the~~ <--
6 ~~Pennsylvania Consolidated Statutes is repealed:~~

7 ~~§ 6111. Sale or transfer of firearms.~~

8 * * *

9 ~~(f) Application of section.~~

10 * * *

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

17 * * *

18 ~~Section 2. This act shall take effect in 60 days.~~

19 SECTION 1. SECTION 6106 OF TITLE 18 OF THE PENNSYLVANIA <--
20 CONSOLIDATED STATUTES IS REPEALED:

21 [~~§ 6106. FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE.~~

22 (A) OFFENSE DEFINED.--

23 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PERSON WHO
24 CARRIES A FIREARM IN ANY VEHICLE OR ANY PERSON WHO CARRIES A
25 FIREARM CONCEALED ON OR ABOUT HIS PERSON, EXCEPT IN HIS PLACE
26 OF ABODE OR FIXED PLACE OF BUSINESS, WITHOUT A VALID AND
27 LAWFULLY ISSUED LICENSE UNDER THIS CHAPTER COMMITS A FELONY
28 OF THE THIRD DEGREE.

29 (2) A PERSON WHO IS OTHERWISE ELIGIBLE TO POSSESS A
30 VALID LICENSE UNDER THIS CHAPTER BUT CARRIES A FIREARM IN ANY

1 VEHICLE OR ANY PERSON WHO CARRIES A FIREARM CONCEALED ON OR
2 ABOUT HIS PERSON, EXCEPT IN HIS PLACE OF ABODE OR FIXED PLACE
3 OF BUSINESS, WITHOUT A VALID AND LAWFULLY ISSUED LICENSE AND
4 HAS NOT COMMITTED ANY OTHER CRIMINAL VIOLATION COMMITS A
5 MISDEMEANOR OF THE FIRST DEGREE.

6 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT
7 APPLY TO:

8 (1) CONSTABLES, SHERIFFS, PRISON OR JAIL WARDENS, OR
9 THEIR DEPUTIES, POLICEMEN OF THIS COMMONWEALTH OR ITS
10 POLITICAL SUBDIVISIONS, OR OTHER LAW-ENFORCEMENT OFFICERS.

11 (2) MEMBERS 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) THE REGULARLY ENROLLED MEMBERS OF ANY ORGANIZATION
15 DULY ORGANIZED TO PURCHASE OR RECEIVE SUCH FIREARMS FROM THE
16 UNITED STATES OR FROM THIS COMMONWEALTH.

17 (4) ANY PERSONS ENGAGED IN TARGET SHOOTING WITH A
18 FIREARM, IF SUCH PERSONS ARE AT OR ARE GOING TO OR FROM THEIR
19 PLACES OF ASSEMBLY OR TARGET PRACTICE AND IF, WHILE GOING TO
20 OR FROM THEIR PLACES OF ASSEMBLY OR TARGET PRACTICE, THE
21 FIREARM IS NOT LOADED.

22 (5) OFFICERS OR EMPLOYEES OF THE UNITED STATES DULY
23 AUTHORIZED TO CARRY A CONCEALED FIREARM.

24 (6) AGENTS, MESSENGERS AND OTHER EMPLOYEES OF COMMON
25 CARRIERS, BANKS, OR BUSINESS FIRMS, WHOSE DUTIES REQUIRE THEM
26 TO PROTECT MONEYS, VALUABLES AND OTHER PROPERTY IN THE
27 DISCHARGE OF SUCH DUTIES.

28 (7) ANY PERSON ENGAGED IN THE BUSINESS OF MANUFACTURING,
29 REPAIRING, OR DEALING IN FIREARMS, OR THE AGENT OR
30 REPRESENTATIVE OF ANY SUCH PERSON, HAVING IN HIS POSSESSION,

1 USING OR CARRYING A FIREARM IN THE USUAL OR ORDINARY COURSE
2 OF SUCH BUSINESS.

3 (8) ANY PERSON WHILE CARRYING A FIREARM WHICH IS NOT
4 LOADED AND IS IN A SECURE WRAPPER FROM THE PLACE OF PURCHASE
5 TO HIS HOME OR PLACE OF BUSINESS, OR TO A PLACE OF REPAIR,
6 SALE OR APPRAISAL OR BACK TO HIS HOME OR PLACE OF BUSINESS,
7 OR IN MOVING FROM ONE PLACE OF ABODE OR BUSINESS TO ANOTHER
8 OR FROM HIS HOME TO A VACATION OR RECREATIONAL HOME OR
9 DWELLING OR BACK, OR TO RECOVER STOLEN PROPERTY UNDER SECTION
10 6111.1(B) (4) (RELATING TO PENNSYLVANIA STATE POLICE), OR TO A
11 PLACE OF INSTRUCTION INTENDED TO TEACH THE SAFE HANDLING, USE
12 OR MAINTENANCE OF FIREARMS OR BACK OR TO A LOCATION TO WHICH
13 THE PERSON HAS BEEN DIRECTED TO RELINQUISH FIREARMS UNDER 23
14 PA.C.S. § 6108 (RELATING TO RELIEF) OR BACK UPON RETURN OF
15 THE RELINQUISHED FIREARM OR TO A LICENSED DEALER'S PLACE OF
16 BUSINESS FOR RELINQUISHMENT PURSUANT TO 23 PA.C.S. § 6108.2
17 (RELATING TO RELINQUISHMENT FOR CONSIGNMENT SALE, LAWFUL
18 TRANSFER OR SAFEKEEPING) OR BACK UPON RETURN OF THE
19 RELINQUISHED FIREARM OR TO A LOCATION FOR SAFEKEEPING
20 PURSUANT TO 23 PA.C.S. § 6108.3 (RELATING TO RELINQUISHMENT
21 TO THIRD PARTY FOR SAFEKEEPING) OR BACK UPON RETURN OF THE
22 RELINQUISHED FIREARM.

23 (9) PERSONS LICENSED TO HUNT, TAKE FURBEARERS OR FISH IN
24 THIS COMMONWEALTH, IF SUCH PERSONS ARE ACTUALLY HUNTING,
25 TAKING FURBEARERS OR FISHING AS PERMITTED BY SUCH LICENSE, OR
26 ARE GOING TO THE PLACES WHERE THEY DESIRE TO HUNT, TAKE
27 FURBEARERS OR FISH OR RETURNING FROM SUCH PLACES.

28 (10) PERSONS TRAINING DOGS, IF SUCH PERSONS ARE ACTUALLY
29 TRAINING DOGS DURING THE REGULAR TRAINING SEASON.

30 (11) ANY PERSON WHILE CARRYING A FIREARM IN ANY VEHICLE,

1 WHICH PERSON POSSESSES A VALID AND LAWFULLY ISSUED LICENSE
2 FOR THAT FIREARM WHICH HAS BEEN ISSUED UNDER THE LAWS OF THE
3 UNITED STATES OR ANY OTHER STATE.

4 (12) A PERSON WHO HAS A LAWFULLY ISSUED LICENSE TO CARRY
5 A FIREARM PURSUANT TO SECTION 6109 (RELATING TO LICENSES) AND
6 THAT SAID LICENSE EXPIRED WITHIN SIX MONTHS PRIOR TO THE DATE
7 OF ARREST AND THAT THE INDIVIDUAL IS OTHERWISE ELIGIBLE FOR
8 RENEWAL OF THE LICENSE.

9 (13) ANY PERSON WHO IS OTHERWISE ELIGIBLE TO POSSESS A
10 FIREARM UNDER THIS CHAPTER AND WHO IS OPERATING A MOTOR
11 VEHICLE WHICH IS REGISTERED IN THE PERSON'S NAME OR THE NAME
12 OF A SPOUSE OR PARENT AND WHICH CONTAINS A FIREARM FOR WHICH
13 A VALID LICENSE HAS BEEN ISSUED PURSUANT TO SECTION 6109 TO
14 THE SPOUSE OR PARENT OWNING THE FIREARM.

15 (14) A PERSON LAWFULLY ENGAGED IN THE INTERSTATE
16 TRANSPORTATION OF A FIREARM AS DEFINED UNDER 18 U.S.C. §
17 921(A)(3) (RELATING TO DEFINITIONS) IN COMPLIANCE WITH 18
18 U.S.C. § 926A (RELATING TO INTERSTATE TRANSPORTATION OF
19 FIREARMS).

20 (15) ANY PERSON WHO POSSESSES A VALID AND LAWFULLY
21 ISSUED LICENSE OR PERMIT TO CARRY A FIREARM WHICH HAS BEEN
22 ISSUED UNDER THE LAWS OF ANOTHER STATE, REGARDLESS OF WHETHER
23 A RECIPROCITY AGREEMENT EXISTS BETWEEN THE COMMONWEALTH AND
24 THE STATE UNDER SECTION 6109(K), PROVIDED:

25 (I) THE STATE PROVIDES A RECIPROCAL PRIVILEGE FOR
26 INDIVIDUALS LICENSED TO CARRY FIREARMS UNDER SECTION
27 6109.

28 (II) THE ATTORNEY GENERAL HAS DETERMINED THAT THE
29 FIREARM LAWS OF THE STATE ARE SIMILAR TO THE FIREARM LAWS
30 OF THIS COMMONWEALTH.

1 (16) ANY PERSON HOLDING A LICENSE IN ACCORDANCE WITH
2 SECTION 6109 (F) (3) .

3 (C) SPORTSMAN'S FIREARM PERMIT.--

4 (1) BEFORE ANY EXCEPTION SHALL BE GRANTED UNDER
5 PARAGRAPH (B) (9) OR (10) OF THIS SECTION TO ANY PERSON 18
6 YEARS OF AGE OR OLDER LICENSED TO HUNT, TRAP OR FISH OR WHO
7 HAS BEEN ISSUED A PERMIT RELATING TO HUNTING DOGS, SUCH
8 PERSON SHALL, AT THE TIME OF SECURING HIS HUNTING, FURTKING
9 OR FISHING LICENSE OR ANY TIME AFTER SUCH LICENSE HAS BEEN
10 ISSUED, SECURE A SPORTSMAN'S FIREARM PERMIT FROM THE COUNTY
11 TREASURER. THE SPORTSMAN'S FIREARM PERMIT SHALL BE ISSUED
12 IMMEDIATELY AND BE VALID THROUGHOUT THIS COMMONWEALTH FOR A
13 PERIOD OF FIVE YEARS FROM THE DATE OF ISSUE FOR ANY LEGAL
14 FIREARM, WHEN CARRIED IN CONJUNCTION WITH A VALID HUNTING,
15 FURTKING OR FISHING LICENSE OR PERMIT RELATING TO HUNTING
16 DOGS. THE SPORTSMAN'S FIREARM PERMIT SHALL BE IN TRIPLICATE
17 ON A FORM TO BE FURNISHED BY THE PENNSYLVANIA STATE POLICE.
18 THE ORIGINAL PERMIT SHALL BE DELIVERED TO THE PERSON, AND THE
19 FIRST COPY THEREOF, WITHIN SEVEN DAYS, SHALL BE FORWARDED TO
20 THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE BY THE
21 COUNTY TREASURER. THE SECOND COPY SHALL BE RETAINED BY THE
22 COUNTY TREASURER FOR A PERIOD OF TWO YEARS FROM THE DATE OF
23 EXPIRATION. THE COUNTY TREASURER SHALL BE ENTITLED TO COLLECT
24 A FEE OF NOT MORE THAN \$6 FOR EACH SUCH PERMIT ISSUED, WHICH
25 SHALL INCLUDE THE COST OF ANY OFFICIAL FORM. THE PENNSYLVANIA
26 STATE POLICE MAY RECOVER FROM THE COUNTY TREASURER THE COST
27 OF ANY SUCH FORM, BUT MAY NOT CHARGE MORE THAN \$1 FOR EACH
28 OFFICIAL PERMIT FORM FURNISHED TO THE COUNTY TREASURER.

29 (2) ANY PERSON WHO SELLS OR ATTEMPTS TO SELL A
30 SPORTSMAN'S FIREARM PERMIT FOR A FEE IN EXCESS OF THAT AMOUNT

1 FIXED UNDER THIS SUBSECTION COMMITS A SUMMARY OFFENSE.

2 (D) REVOCATION OF REGISTRATION.--ANY REGISTRATION OF A
3 FIREARM UNDER SUBSECTION (C) OF THIS SECTION MAY BE REVOKED BY
4 THE COUNTY TREASURER WHO ISSUED IT, UPON WRITTEN NOTICE TO THE
5 HOLDER THEREOF.

6 (E) DEFINITIONS.--

7 (1) FOR PURPOSES OF SUBSECTION (B) (3), (4), (5), (7) AND
8 (8), THE TERM "FIREARM" SHALL INCLUDE ANY WEAPON WHICH IS
9 DESIGNED TO OR MAY READILY BE CONVERTED TO EXPEL ANY
10 PROJECTILE BY THE ACTION OF AN EXPLOSIVE OR THE FRAME OR
11 RECEIVER OF THE WEAPON.

12 (2) AS USED IN THIS SECTION, THE PHRASE "PLACE OF
13 INSTRUCTION" SHALL INCLUDE ANY HUNTING CLUB, RIFLE CLUB,
14 RIFLE RANGE, PISTOL RANGE, SHOOTING RANGE, THE PREMISES OF A
15 LICENSED FIREARMS DEALER OR A LAWFUL GUN SHOW OR MEET.]

16 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
17 § 6106.2. LICENSE NOT REQUIRED.

18 (A) DECLARATION.--NOTWITHSTANDING ANY OTHER PROVISION OF
19 LAW, EVERY PERSON PRESENT IN THIS COMMONWEALTH WHO IS NOT
20 PROHIBITED FROM POSSESSING FIREARMS UNDER FEDERAL LAW OR THE
21 LAWS OF THIS COMMONWEALTH SHALL HAVE AN AFFIRMATIVE, FUNDAMENTAL
22 AND CONSTITUTIONAL RIGHT TO KEEP AND BEAR FIREARMS, INCLUDING
23 THE RIGHT TO CARRY OPENLY OR CONCEALED, CARRY LOADED OR
24 UNLOADED, TRAIN WITH, TRANSPORT, POSSESS, USE, ACQUIRE,
25 PURCHASE, TRANSFER, INHERIT, BUY, SELL, GIVE OR OTHERWISE
26 DISPOSE OF OR RECEIVE ANY FIREARM WITHOUT A LICENSE TO CARRY A
27 FIREARM OF ANY KIND FROM THIS COMMONWEALTH OR ANY OF ITS
28 POLITICAL SUBDIVISIONS.

29 (B) OPTIONAL LICENSE.--OBTAINING A LICENSE TO CARRY A
30 FIREARM UNDER THIS CHAPTER SHALL BE OPTIONAL. THE VOLUNTARY

1 NATURE OF THE LICENSE SHALL NOT BE CONSTRUED TO REQUIRE THAT ANY
2 PERSON OBTAIN A LICENSE TO CARRY A FIREARM UNDER THIS CHAPTER.

3 SECTION 3. SECTION 6108 OF TITLE 18 IS REPEALED:

4 [§ 6108. CARRYING FIREARMS ON PUBLIC STREETS OR PUBLIC PROPERTY
5 IN PHILADELPHIA.]

6 NO PERSON SHALL CARRY A FIREARM, RIFLE OR SHOTGUN AT ANY TIME
7 UPON THE PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY IN A CITY OF
8 THE FIRST CLASS UNLESS:

9 (1) SUCH PERSON IS LICENSED TO CARRY A FIREARM; OR

10 (2) SUCH PERSON IS EXEMPT FROM LICENSING UNDER SECTION
11 6106(B) OF THIS TITLE (RELATING TO FIREARMS NOT TO BE CARRIED
12 WITHOUT A LICENSE).]

13 SECTION 4. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

14 § 6108.1. SPORTSMAN'S FIREARM PERMIT.

15 (A) PERMIT ALLOWED.--ANY PERSON 18 YEARS OF AGE OR OLDER WHO
16 HAS BEEN ISSUED A HUNTING LICENSE, TRAPPING LICENSE OR FISHING
17 LICENSE OR WHO HAS BEEN ISSUED A PERMIT RELATING TO HUNTING DOGS
18 MAY, AT THE TIME OF OBTAINING HIS HUNTING, TRAPPING OR FISHING
19 LICENSE OR ANY TIME AFTER THE LICENSE HAS BEEN ISSUED, OBTAIN A
20 SPORTSMAN'S FIREARM PERMIT FROM THE COUNTY TREASURER.

21 (B) ISSUANCE.--THE SPORTSMAN'S FIREARM PERMIT SHALL BE
22 ISSUED IMMEDIATELY AND SHALL BE VALID THROUGHOUT THIS
23 COMMONWEALTH FOR A PERIOD OF FIVE YEARS FROM THE DATE OF ISSUE
24 FOR ANY LEGAL FIREARM WHEN CARRIED IN CONJUNCTION WITH A VALID
25 HUNTING, FURTAKING OR FISHING LICENSE OR PERMIT RELATING TO
26 HUNTING DOGS.

27 (C) FORM.--THE SPORTSMAN'S FIREARM PERMIT SHALL BE IN
28 TRIPLICATE ON A FORM TO BE FURNISHED BY THE PENNSYLVANIA STATE
29 POLICE. THE ORIGINAL PERMIT SHALL BE DELIVERED TO THE PERSON,
30 AND A COPY OF THE PERMIT SHALL BE FORWARDED TO THE COMMISSIONER

1 OF PENNSYLVANIA STATE POLICE BY THE COUNTY TREASURER WITHIN
2 SEVEN DAYS OF THE DATE OF DELIVERY. A COPY OF THE PERMIT SHALL
3 BE RETAINED BY THE COUNTY TREASURER FOR A PERIOD OF TWO YEARS
4 FROM THE DATE OF EXPIRATION.

5 (D) FEE.--THE COUNTY TREASURER MAY COLLECT A FEE OF NOT MORE
6 THAN \$6 FOR EACH PERMIT ISSUED, WHICH SHALL INCLUDE THE COST OF
7 ANY OFFICIAL FORM. THE PENNSYLVANIA STATE POLICE MAY RECOVER
8 FROM THE COUNTY TREASURER THE COST OF THE FORM, BUT MAY NOT
9 CHARGE MORE THAN \$1 FOR EACH OFFICIAL PERMIT FORM FURNISHED TO
10 THE COUNTY TREASURER.

11 (E) OFFENSE.--A PERSON WHO SELLS OR ATTEMPTS TO SELL A
12 SPORTSMAN'S FIREARM PERMIT FOR A FEE IN EXCESS OF THE AMOUNT
13 DETERMINED UNDER THIS SECTION COMMITS A SUMMARY OFFENSE.

14 SECTION 5. SECTION 6109(A), (B), (C), (D) HEADING,
15 INTRODUCTORY PARAGRAPH, (3), (4) AND (5), (E) (1) INTRODUCTORY
16 PARAGRAPH, (I), (V) AND (VII), (3) (II) AND (4), (F) (2) AND (4),
17 (G), (H) (3) AND (4), (I.1) HEADING AND (1), (J) AND (M.1) (1)
18 INTRODUCTORY PARAGRAPH AND (II), (2), (3), (4), (7) AND (9) OF
19 TITLE 18 ARE AMENDED TO READ:

20 § 6109. LICENSES.

21 (A) PURPOSE OF LICENSE.--[A LICENSE TO CARRY A FIREARM SHALL
22 BE FOR THE PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT
23 ONE'S PERSON OR IN A VEHICLE THROUGHOUT THIS COMMONWEALTH.]

24 (1) DUE TO EVERY PERSON PRESENT IN THIS COMMONWEALTH
25 HAVING A FUNDAMENTAL CONSTITUTIONAL RIGHT TO KEEP AND BEAR
26 ARMS, OBTAINING A LICENSE UNDER THIS SECTION SHALL BE
27 OPTIONAL. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
28 REQUIRE THAT A PERSON MUST OBTAIN A LICENSE UNDER THIS
29 SECTION IN ORDER TO CARRY A CONCEALED FIREARM.

30 (2) THE VOLUNTARY NATURE OF A LICENSE TO CARRY A FIREARM

1 MAY NOT BE CONSTRUED TO RELIEVE THE ISSUING AUTHORITY OF THE
2 BURDEN OF PROOF FOR DENYING AN APPLICATION FOR A LICENSE.

3 (3) A LICENSE TO CARRY A FIREARM SHALL BE AVAILABLE TO
4 THOSE WHO WISH TO CARRY A FIREARM OPENLY OR CONCEALED ON OR
5 ABOUT ONE'S PERSON OR IN A VEHICLE AND SHALL BE VALID
6 THROUGHOUT THIS COMMONWEALTH.

7 (4) A LICENSE TO CARRY A FIREARM SHALL PROVIDE A PERSON
8 WITH THE ABILITY TO CARRY A FIREARM IN ANY STATE WITH WHICH
9 THE COMMONWEALTH MAINTAINS A RECIPROCAL AGREEMENT FOR THE
10 MUTUAL RECOGNITION OF LICENSES TO CARRY FIREARMS.

11 (B) PLACE OF APPLICATION.--AN INDIVIDUAL WHO IS 21 YEARS OF
12 AGE OR OLDER MAY APPLY TO [A SHERIFF] THE PROPER ISSUING
13 AUTHORITY FOR A LICENSE TO CARRY A FIREARM [CONCEALED ON OR
14 ABOUT HIS PERSON OR IN A VEHICLE] WITHIN THIS COMMONWEALTH. IF
15 THE APPLICANT IS A RESIDENT OF THIS COMMONWEALTH, HE SHALL MAKE
16 APPLICATION WITH THE SHERIFF OF THE COUNTY IN WHICH HE RESIDES
17 OR, IF A RESIDENT OF A CITY OF THE FIRST CLASS, WITH THE CHIEF
18 OF POLICE OF THAT CITY. IF THE APPLICANT IS NOT A RESIDENT OF
19 THIS COMMONWEALTH, HE SHALL MAKE APPLICATION WITH THE PROPER
20 ISSUING AUTHORITY OF ANY COUNTY.

21 (C) FORM OF APPLICATION AND CONTENT.--THE APPLICATION AND
22 PROCESS FOR A LICENSE TO CARRY A FIREARM SHALL BE UNIFORM
23 THROUGHOUT THIS COMMONWEALTH AND SHALL BE ON A FORM PRESCRIBED
24 BY THE PENNSYLVANIA STATE POLICE. THE FORM MAY CONTAIN
25 PROVISIONS, NOT EXCEEDING ONE PAGE, TO ASSURE COMPLIANCE WITH
26 THIS SECTION. ISSUING AUTHORITIES SHALL USE ONLY THE APPLICATION
27 FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE. ONE OF THE
28 FOLLOWING REASONS FOR OBTAINING A FIREARM LICENSE SHALL BE SET
29 FORTH IN THE APPLICATION: SELF-DEFENSE, EMPLOYMENT, HUNTING AND
30 FISHING, TARGET SHOOTING, GUN COLLECTING OR ANOTHER PROPER

1 REASON. THE APPLICATION FORM SHALL BE DATED AND SIGNED BY THE
2 APPLICANT AND SHALL CONTAIN THE FOLLOWING STATEMENT:

3 I HAVE NEVER BEEN CONVICTED OF A CRIME THAT PROHIBITS ME
4 FROM POSSESSING OR ACQUIRING A FIREARM UNDER FEDERAL OR
5 STATE LAW. I AM OF SOUND MIND AND HAVE NEVER BEEN
6 INVOLUNTARILY COMMITTED TO A MENTAL INSTITUTION. IN THE
7 ALTERNATIVE MY RIGHT TO POSSESS A FIREARM HAS BEEN
8 LEGALLY RESTORED. I HEREBY CERTIFY THAT THE STATEMENTS
9 CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY
10 KNOWLEDGE AND BELIEF. I UNDERSTAND THAT, IF I KNOWINGLY
11 MAKE ANY FALSE STATEMENTS HEREIN, I AM SUBJECT TO
12 PENALTIES PRESCRIBED BY LAW. I AUTHORIZE THE [SHERIFF, OR
13 HIS DESIGNEE, OR, IN THE CASE OF FIRST CLASS CITIES, THE
14 CHIEF OR HEAD OF THE POLICE DEPARTMENT] ISSUING
15 AUTHORITY, OR HIS DESIGNEE, TO INSPECT ONLY THOSE RECORDS
16 OR DOCUMENTS RELEVANT TO INFORMATION REQUIRED FOR THIS
17 APPLICATION. IF I AM ISSUED A LICENSE AND KNOWINGLY
18 BECOME INELIGIBLE TO LEGALLY POSSESS OR ACQUIRE FIREARMS,
19 I WILL PROMPTLY NOTIFY THE [SHERIFF OF THE COUNTY IN
20 WHICH I RESIDE OR, IF I RESIDE IN A CITY OF THE FIRST
21 CLASS, THE CHIEF OF POLICE OF THAT CITY] ISSUING
22 AUTHORITY.

23 (D) [SHERIFF TO CONDUCT] PRE-ISSUANCE INVESTIGATION.--THE
24 [SHERIFF] ISSUING AUTHORITY TO WHOM THE APPLICATION IS MADE
25 SHALL:

26 * * *

27 [(3) INVESTIGATE WHETHER THE APPLICANT'S CHARACTER AND
28 REPUTATION ARE SUCH THAT THE APPLICANT WILL NOT BE LIKELY TO
29 ACT IN A MANNER DANGEROUS TO PUBLIC SAFETY;]

30 (4) INVESTIGATE WHETHER THE APPLICANT WOULD BE PRECLUDED

1 FROM RECEIVING A LICENSE UNDER SUBSECTION (E) (1) OR SECTION
2 6105 (H) [(RELATING TO PERSONS NOT TO POSSESS, USE,
3 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)]; AND

4 (5) CONDUCT A CRIMINAL BACKGROUND, JUVENILE DELINQUENCY
5 AND MENTAL HEALTH CHECK FOLLOWING THE PROCEDURES SET FORTH IN
6 SECTION 6111 (RELATING TO SALE OR TRANSFER OF FIREARMS),
7 RECEIVE A UNIQUE APPROVAL NUMBER FOR THAT INQUIRY AND RECORD
8 THE DATE AND NUMBER ON THE APPLICATION.

9 (E) ISSUANCE OF LICENSE.--

10 (1) A LICENSE TO CARRY A FIREARM SHALL BE [FOR THE
11 PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT ONE'S
12 PERSON OR IN A VEHICLE AND SHALL BE ISSUED IF,] ISSUED AFTER
13 AN INVESTIGATION NOT TO EXCEED [45] 14 CALENDAR DAYS, [IT
14 APPEARS THAT THE APPLICANT IS AN INDIVIDUAL CONCERNING WHOM
15 NO] UNLESS GOOD CAUSE EXISTS TO DENY THE LICENSE. A LICENSE
16 SHALL NOT BE ISSUED TO ANY OF THE FOLLOWING:

17 [(I) AN INDIVIDUAL WHOSE CHARACTER AND REPUTATION IS
18 SUCH THAT THE INDIVIDUAL WOULD BE LIKELY TO ACT IN A
19 MANNER DANGEROUS TO PUBLIC SAFETY.]

20 * * *

21 (V) AN INDIVIDUAL WHO IS NOT OF SOUND MIND OR WHO
22 HAS EVER BEEN INVOLUNTARILY COMMITTED TO A MENTAL
23 INSTITUTION[.], UNLESS THE INVOLUNTARY COMMITMENT HAS
24 BEEN EXPUNGED, VACATED OR GRANTED RELIEF FROM A
25 PROHIBITION TO POSSESS A FIREARM.

26 * * *

27 [(VII) AN INDIVIDUAL WHO IS A HABITUAL DRUNKARD.]

28 * * *

29 (3) THE LICENSE TO CARRY A FIREARM SHALL BE DESIGNED TO
30 BE UNIFORM THROUGHOUT THIS COMMONWEALTH AND SHALL BE IN A

1 FORM PRESCRIBED BY THE PENNSYLVANIA STATE POLICE. THE LICENSE
2 SHALL BEAR THE FOLLOWING:

3 * * *

4 (II) THE SIGNATURE OF THE [SHERIFF] AUTHORITY
5 ISSUING THE LICENSE.

6 * * *

7 (4) THE [SHERIFF] ISSUING AUTHORITY SHALL REQUIRE A
8 PHOTOGRAPH OF THE LICENSEE ON THE LICENSE. THE PHOTOGRAPH
9 SHALL BE IN A FORM COMPATIBLE WITH THE COMMONWEALTH PHOTO
10 IMAGING NETWORK.

11 * * *

12 (F) TERM OF LICENSE.--

13 * * *

14 (2) AT LEAST 60 DAYS PRIOR TO THE EXPIRATION OF EACH
15 LICENSE, THE ISSUING [SHERIFF] AUTHORITY SHALL SEND TO THE
16 LICENSEE AN APPLICATION FOR RENEWAL OF LICENSE. FAILURE TO
17 RECEIVE A RENEWAL APPLICATION SHALL NOT RELIEVE A LICENSEE
18 FROM THE RESPONSIBILITY TO RENEW THE LICENSE.

19 * * *

20 [(4) POSSESSION OF A LICENSE, TOGETHER WITH A COPY OF
21 THE PERSON'S MILITARY ORDERS SHOWING THE DATES OF OVERSEAS
22 DEPLOYMENT, INCLUDING THE DATE THAT THE OVERSEAS DEPLOYMENT
23 ENDS, SHALL CONSTITUTE, DURING THE EXTENSION PERIOD SPECIFIED
24 IN PARAGRAPH (3), A DEFENSE TO ANY CHARGE FILED PURSUANT TO
25 SECTION 6106 (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT
26 A LICENSE) OR 6108 (RELATING TO CARRYING FIREARMS ON PUBLIC
27 STREETS OR PUBLIC PROPERTY IN PHILADELPHIA).]

28 (G) GRANT OR DENIAL OF LICENSE.--UPON THE RECEIPT OF AN
29 APPLICATION FOR A LICENSE TO CARRY A FIREARM, THE [SHERIFF]
30 ISSUING AUTHORITY SHALL, WITHIN [45] 14 CALENDAR DAYS, ISSUE OR

1 REFUSE TO ISSUE A LICENSE ON THE BASIS OF THE INVESTIGATION
2 UNDER SUBSECTION (D) AND THE ACCURACY OF THE INFORMATION
3 CONTAINED IN THE APPLICATION. IF THE [SHERIFF] ISSUING AUTHORITY
4 REFUSES TO ISSUE A LICENSE, THE [SHERIFF] ISSUING AUTHORITY
5 SHALL NOTIFY THE APPLICANT IN WRITING OF THE REFUSAL AND THE
6 SPECIFIC REASONS. THE NOTICE SHALL BE SENT BY CERTIFIED MAIL TO
7 THE APPLICANT AT THE ADDRESS SET FORTH IN THE APPLICATION.

8 (H) FEE.--

9 * * *

10 (3) AN ADDITIONAL FEE OF \$1 SHALL BE PAID BY THE
11 APPLICANT FOR A LICENSE TO CARRY A FIREARM AND SHALL BE
12 REMITTED BY THE [SHERIFF] ISSUING AUTHORITY TO THE FIREARMS
13 LICENSE VALIDATION SYSTEM ACCOUNT, WHICH IS HEREBY
14 ESTABLISHED AS A SPECIAL RESTRICTED RECEIPT ACCOUNT WITHIN
15 THE GENERAL FUND OF THE STATE TREASURY. THE ACCOUNT SHALL BE
16 USED FOR PURPOSES UNDER SUBSECTION (L). MONEYS CREDITED TO
17 THE ACCOUNT AND ANY INVESTMENT INCOME ACCRUED ARE HEREBY
18 APPROPRIATED ON A CONTINUING BASIS TO THE PENNSYLVANIA STATE
19 POLICE.

20 (4) NO FEE OTHER THAN THAT PROVIDED BY THIS SUBSECTION
21 OR THE SHERIFF FEE ACT MAY BE ASSESSED BY THE [SHERIFF]
22 ISSUING AUTHORITY FOR THE PERFORMANCE OF ANY BACKGROUND CHECK
23 MADE PURSUANT TO THIS ACT.

24 * * *

25 (I.1) NOTICE TO [SHERIFF] ISSUING AUTHORITY.--

26 NOTWITHSTANDING ANY STATUTE TO THE CONTRARY:

27 (1) UPON CONVICTION OF A PERSON FOR A CRIME SPECIFIED IN
28 SECTION 6105(A) OR (B) OR UPON CONVICTION OF A PERSON FOR A
29 CRIME PUNISHABLE BY IMPRISONMENT EXCEEDING ONE YEAR OR UPON A
30 DETERMINATION THAT THE CONDUCT OF A PERSON MEETS THE CRITERIA

1 SPECIFIED IN SECTION 6105(C) (1), (2), (3), (5), (6) OR (9),
2 THE COURT SHALL DETERMINE IF THE DEFENDANT HAS A LICENSE TO
3 CARRY FIREARMS ISSUED PURSUANT TO THIS SECTION. IF THE
4 DEFENDANT HAS SUCH A LICENSE, THE COURT SHALL NOTIFY THE
5 [SHERIFF OF THE COUNTY IN WHICH THAT PERSON RESIDES] ISSUING
6 AUTHORITY, ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE
7 POLICE, OF THE IDENTITY OF THE PERSON AND THE NATURE OF THE
8 CRIME OR CONDUCT WHICH RESULTED IN THE NOTIFICATION. THE
9 NOTIFICATION SHALL BE TRANSMITTED BY THE JUDGE WITHIN SEVEN
10 DAYS OF THE CONVICTION OR DETERMINATION.

11 * * *

12 (J) IMMUNITY.--[A SHERIFF] AN ISSUING AUTHORITY WHO COMPLIES
13 IN GOOD FAITH WITH THIS SECTION SHALL BE IMMUNE FROM LIABILITY
14 RESULTING OR ARISING FROM THE ACTION OR MISCONDUCT WITH A
15 FIREARM COMMITTED BY ANY INDIVIDUAL TO WHOM A LICENSE TO CARRY A
16 FIREARM HAS BEEN ISSUED.

17 * * *

18 (M.1) TEMPORARY EMERGENCY LICENSES.--

19 (1) A PERSON SEEKING A TEMPORARY EMERGENCY LICENSE TO
20 CARRY A CONCEALED FIREARM SHALL SUBMIT TO THE [SHERIFF]
21 ISSUING AUTHORITY OF THE COUNTY IN WHICH THE PERSON RESIDES
22 ALL OF THE FOLLOWING:

23 * * *

24 (II) A SWORN AFFIDAVIT THAT CONTAINS THE INFORMATION
25 REQUIRED ON AN APPLICATION FOR A LICENSE TO CARRY A
26 FIREARM AND ATTESTING THAT THE PERSON IS 21 YEARS OF AGE
27 OR OLDER, IS NOT PROHIBITED FROM OWNING FIREARMS UNDER
28 SECTION 6105 [(RELATING TO PERSONS NOT TO POSSESS, USE,
29 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS)] OR ANY
30 OTHER FEDERAL OR STATE LAW AND IS NOT CURRENTLY SUBJECT

1 TO A PROTECTION FROM ABUSE ORDER OR A PROTECTION ORDER
2 ISSUED BY A COURT OF ANOTHER STATE.

3 * * *

4 (2) UPON RECEIPT OF THE ITEMS REQUIRED UNDER PARAGRAPH
5 (1), THE [SHERIFF] ISSUING AUTHORITY IMMEDIATELY SHALL
6 CONDUCT A CRIMINAL HISTORY, JUVENILE DELINQUENCY AND MENTAL
7 HEALTH RECORD CHECK OF THE APPLICANT PURSUANT TO SECTION
8 6105. IMMEDIATELY UPON RECEIPT OF THE RESULTS OF THE RECORDS
9 CHECK, THE [SHERIFF] ISSUING AUTHORITY SHALL REVIEW THE
10 INFORMATION AND SHALL DETERMINE WHETHER THE APPLICANT MEETS
11 THE CRITERIA SET FORTH IN THIS SUBSECTION. IF THE [SHERIFF]
12 ISSUING AUTHORITY DETERMINES THAT THE APPLICANT HAS MET ALL
13 OF THE CRITERIA, THE [SHERIFF] ISSUING AUTHORITY SHALL
14 IMMEDIATELY ISSUE THE APPLICANT A TEMPORARY EMERGENCY LICENSE
15 TO CARRY A CONCEALED FIREARM.

16 (3) IF THE [SHERIFF] ISSUING AUTHORITY REFUSES TO ISSUE
17 A TEMPORARY EMERGENCY LICENSE, THE [SHERIFF] ISSUING
18 AUTHORITY SHALL SPECIFY THE GROUNDS FOR THE DENIAL IN A
19 WRITTEN NOTICE TO THE APPLICANT. THE APPLICANT MAY APPEAL THE
20 DENIAL OR CHALLENGE CRIMINAL RECORDS CHECK RESULTS THAT WERE
21 THE BASIS OF THE DENIAL, IF APPLICABLE, IN THE SAME MANNER AS
22 A DENIAL OF A LICENSE TO CARRY A FIREARM UNDER THIS SECTION.

23 (4) A TEMPORARY EMERGENCY LICENSE ISSUED UNDER THIS
24 SUBSECTION SHALL BE VALID FOR [45] 14 DAYS AND MAY NOT BE
25 RENEWED. A PERSON WHO HAS BEEN ISSUED A TEMPORARY EMERGENCY
26 LICENSE UNDER THIS SUBSECTION SHALL NOT BE ISSUED ANOTHER
27 TEMPORARY EMERGENCY LICENSE UNLESS AT LEAST FIVE YEARS HAVE
28 EXPIRED SINCE THE ISSUANCE OF THE PRIOR TEMPORARY EMERGENCY
29 LICENSE. DURING THE [45] 14 DAYS THE TEMPORARY EMERGENCY
30 LICENSE IS VALID, THE [SHERIFF] ISSUING AUTHORITY SHALL

1 CONDUCT AN ADDITIONAL INVESTIGATION OF THE PERSON FOR THE
2 PURPOSES OF DETERMINING WHETHER THE PERSON MAY BE ISSUED A
3 LICENSE PURSUANT TO THIS SECTION. IF, DURING THE COURSE OF
4 THIS INVESTIGATION, THE [SHERIFF] ISSUING AUTHORITY DISCOVERS
5 ANY INFORMATION THAT WOULD HAVE PROHIBITED THE ISSUANCE OF A
6 LICENSE PURSUANT TO THIS SECTION, THE [SHERIFF] ISSUING
7 AUTHORITY SHALL BE AUTHORIZED TO REVOKE THE TEMPORARY
8 EMERGENCY LICENSE AS PROVIDED IN SUBSECTION (I).

9 * * *

10 (7) [A SHERIFF] AN ISSUING AUTHORITY WHO ISSUES A
11 TEMPORARY EMERGENCY LICENSE TO CARRY A FIREARM SHALL RETAIN,
12 FOR THE ENTIRE PERIOD DURING WHICH THE TEMPORARY EMERGENCY
13 LICENSE IS IN EFFECT, THE EVIDENCE OF IMMINENT DANGER THAT
14 THE APPLICANT SUBMITTED TO THE [SHERIFF] ISSUING AUTHORITY
15 THAT WAS THE BASIS FOR THE LICENSE, OR A COPY OF THE
16 EVIDENCE, AS APPROPRIATE.

17 * * *

18 (9) PRIOR TO THE EXPIRATION OF A TEMPORARY EMERGENCY
19 LICENSE, IF THE [SHERIFF] ISSUING AUTHORITY HAS DETERMINED
20 PURSUANT TO INVESTIGATION THAT THE PERSON ISSUED A TEMPORARY
21 EMERGENCY LICENSE IS NOT DISQUALIFIED AND IF THE TEMPORARY
22 EMERGENCY LICENSE HAS NOT BEEN REVOKED PURSUANT TO SUBSECTION
23 (I), THE [SHERIFF] ISSUING AUTHORITY SHALL ISSUE A LICENSE
24 PURSUANT TO THIS SECTION THAT IS EFFECTIVE FOR THE BALANCE OF
25 THE FIVE-YEAR PERIOD FROM THE DATE OF THE ISSUANCE OF THE
26 TEMPORARY EMERGENCY LICENSE. RECORDS AND ALL OTHER
27 INFORMATION, DUTIES AND OBLIGATIONS REGARDING SUCH LICENSES
28 SHALL BE APPLICABLE AS OTHERWISE PROVIDED IN THIS SECTION.

29 * * *

30 SECTION 6. SECTION 6122 OF TITLE 18 IS REPEALED:

1 [§ 6122. PROOF OF LICENSE AND EXCEPTION.

2 (A) GENERAL RULE.--WHEN CARRYING A FIREARM CONCEALED ON OR
3 ABOUT ONE'S PERSON OR IN A VEHICLE, AN INDIVIDUAL LICENSED TO
4 CARRY A FIREARM SHALL, UPON LAWFUL DEMAND OF A LAW ENFORCEMENT
5 OFFICER, PRODUCE THE LICENSE FOR INSPECTION. FAILURE TO PRODUCE
6 SUCH LICENSE EITHER AT THE TIME OF ARREST OR AT THE PRELIMINARY
7 HEARING SHALL CREATE A REBUTTABLE PRESUMPTION OF NONLICENSURE.

8 (B) EXCEPTION.--AN INDIVIDUAL CARRYING A FIREARM ON OR ABOUT
9 HIS PERSON OR IN A VEHICLE AND CLAIMING AN EXCEPTION UNDER
10 SECTION 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT
11 A LICENSE) SHALL, UPON LAWFUL DEMAND OF A LAW ENFORCEMENT
12 OFFICER, PRODUCE SATISFACTORY EVIDENCE OF QUALIFICATION FOR
13 EXCEPTION.]

14 SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.