
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2791 Session of
2022

INTRODUCED BY PARKER, HOHENSTEIN, D. WILLIAMS, SANCHEZ, DELLOSO,
STURLA, MADDEN, KINKEAD AND SIMS, AUGUST 30, 2022

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 30, 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 for Pennsylvania State Police and for firearm sales
5 surcharge.

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

8 Section 1. Sections 6111(b)(1.1) and (3), 6111.1(b)(2) and
9 6111.2(a) of Title 18 of the Pennsylvania Consolidated Statutes
10 are amended to read:

11 § 6111. Sale or transfer of firearms.

12 * * *

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

19 * * *

1 [(1.1) On the date of publication in the Pennsylvania
2 Bulletin of a notice by the Pennsylvania State Police that
3 the instantaneous records check has been implemented, all of
4 the following shall apply:

5 (i) In the event of an electronic failure under
6 section 6111.1(b)(2) (relating to Pennsylvania State
7 Police) for purposes of a firearm which exceeds the
8 barrel and related lengths set forth in section 6102,
9 obtained a completed application/record of sale from the
10 potential buyer or transferee to be filled out in
11 triplicate, the original copy to be sent to the
12 Pennsylvania State Police, postmarked via first class
13 mail, within 14 days of sale, one copy to be retained by
14 the licensed importer, licensed manufacturer or licensed
15 dealer for a period of 20 years and one copy to be
16 provided to the purchaser or transferee.

17 (ii) The form of the application/record of sale
18 shall be no more than one page in length and shall be
19 promulgated by the Pennsylvania State Police and provided
20 by the licensed importer, licensed manufacturer or
21 licensed dealer.

22 (iii) For purposes of conducting the criminal
23 history, juvenile delinquency and mental health records
24 background check which shall be completed within ten days
25 of receipt of the information from the dealer, the
26 application/record of sale shall include the name,
27 address, birthdate, gender, race, physical description
28 and Social Security number of the purchaser or transferee
29 and the date of application.

30 (iv) No information regarding the type of firearm

1 need be included other than an indication that the
2 firearm exceeds the barrel lengths set forth in section
3 6102.

4 (v) Unless it has been discovered pursuant to a
5 criminal history, juvenile delinquency and mental health
6 records background check that the potential purchaser or
7 transferee is prohibited from possessing a firearm
8 pursuant to section 6105 (relating to persons not to
9 possess, use, manufacture, control, sell or transfer
10 firearms), no information on the application/record of
11 sale provided pursuant to this subsection shall be
12 retained as precluded by section 6111.4 (relating to
13 registration of firearms) by the Pennsylvania State
14 Police either through retention of the application/record
15 of sale or by entering the information onto a computer,
16 and, further, an application/record of sale received by
17 the Pennsylvania State Police pursuant to this subsection
18 shall be destroyed within 72 hours of the completion of
19 the criminal history, juvenile delinquency and mental
20 health records background check.]

21 * * *

22 (3) Requested by means of a telephone call that the
23 Pennsylvania State Police conduct a criminal history,
24 juvenile delinquency history and a mental health record
25 check. The purchaser and the licensed dealer shall provide
26 such information as is necessary to accurately identify the
27 purchaser. The requester shall be charged a fee equivalent to
28 the cost of providing the service but not to exceed [~~\$2~~] \$6
29 per buyer or transferee.

30 * * *

1 § 6111.1. Pennsylvania State Police.

2 * * *

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

4 * * *

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

20 * * *

21 § 6111.2. Firearm sales surcharge.

22 (a) Surcharge imposed.--There is hereby imposed on each sale
23 of a firearm subject to tax under Article II of the act of March
24 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
25 additional surcharge of [~~\$3~~] \$10. This shall be referred to as
26 the Firearm Sale Surcharge. All moneys received from this
27 surcharge shall be deposited in the Firearm Instant Records
28 Check Fund.

29 * * *

30 Section 2. This act shall take effect in 60 days.