
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2928 Session of
2022

INTRODUCED BY RABB, GUZMAN, SANCHEZ, FIEDLER, WARREN AND CEPHAS,
NOVEMBER 29, 2022

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 29, 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 and for licensing of dealers and providing for security
5 camera, for lost and stolen firearm reporting requirements
6 and for inspection of retail firearm dealer licensees and
7 grant program; establishing the Retail Licensee Inspection
8 Fund and the Firearm Dealer Safety Grant Program; imposing
9 penalties; and making an appropriation.

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

12 Section 1. Section 6111(b) of Title 18 of the Pennsylvania
13 Consolidated Statutes is amended by adding paragraphs to read:

14 § 6111. Sale or transfer of firearms.

15 * * *

16 (b) Duty of seller.--No licensed importer, licensed
17 manufacturer or licensed dealer shall sell or deliver any
18 firearm to another person, other than a licensed importer,
19 licensed manufacturer, licensed dealer or licensed collector,
20 until the conditions of subsection (a) have been satisfied and
21 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 6113(a) introductory paragraph and (b) of
11 Title 18 are amended and the section is amended by adding
12 subsections to read:

13 § 6113. Licensing of dealers.

14 (a) General rule.--The chief or head of any police force or
15 police department of a city, and, elsewhere, the sheriff of the
16 county, shall grant to reputable applicants licenses, in form
17 prescribed under subsection (b.1) by the Pennsylvania State
18 Police, effective for three years from date of issue, permitting
19 the licensee to sell firearms direct to the consumer, subject to
20 the following conditions in addition to those specified in
21 section 6111 (relating to sale or transfer of firearms), for
22 breach of any of which the license shall be forfeited and the
23 licensee subject to punishment as provided in this subchapter:

24 * * *

25 (a.1) Application.--The application under subsection (a)
26 shall be submitted online or via a paper form. The chief or head
27 of any police force or police department of a city or the
28 sheriff of a county may charge a fee for applications submitted
29 in paper form.

30 (b) [Fee.--The fee for issuing said license shall be \$30,

1 which fee shall be paid into the county treasury.] (Reserved).

2 (b.1) Licensing form requirements.--An individual who wishes
3 to sell a firearm directly to a consumer must apply for a
4 license using a form that includes, at minimum:

5 (1) The following questions:

6 Has your dealership been inspected by the Bureau of
7 Alcohol, Tobacco, Firearms and Explosives (ATF) at
8 least once prior to this application?

9 When was your last ATF inspection? Date:

10 Has your dealership been inspected by a State or
11 local law enforcement or regulatory agency?

12 When was your last non-ATF inspection? Date:

13 Have you been consistently in compliance with all
14 county or local ordinances? If No, explain.

15 Do you use an electronic platform to document firearm
16 sales?

17 How many firearms have you sold since last acquiring
18 a dealer's license?

19 How many firearms have you sold since acquiring your
20 place of business?

21 In the last year, what was the greatest number of
22 firearms you sold in any one week?

23 What is your annual revenue? \$ _____

24 How much of your annual revenue is generated from
25 firearm and weapons sales? \$ _____

26 How much of your annual revenue is generated from
27 ammunition sales? \$ _____

28 Is your primary residence in this Commonwealth?

29 Do you have or have you ever had an ownership stake
30 in any other firearm dealerships in this

1 Commonwealth?
2 Have you held a Federal firearms license in another
3 state? If Yes, please list:
4 Have you owned an interest in a firearm dealership
5 unaffiliated with this application?
6 If Yes to the previous question, what were the
7 location(s), name(s) and Federal firearms license
8 number(s) of that or those dealership(s)?
9 Have you previously held a Federal firearms license
10 that was revoked, transferred or not renewed for any
11 reason?
12 If Yes to the previous question, please provide the
13 associated license number(s) and date(s) of
14 revocation, transfer or expiration.
15 Have you reported any lost or stolen firearms from
16 your inventory?
17 If Yes to the previous question, how many, on what
18 dates and to which agency or agencies?
19 (2) Any other questions the Pennsylvania State Police
20 deem necessary to facilitate the licensing of firearm
21 dealers.
22 (b.2) Reporting.--Information collected under subsection
23 (b.1) shall be provided to the Pennsylvania Commission on Crime
24 and Delinquency, who shall prepare and disseminate quarterly
25 reports detailing and evaluating the information provided under
26 subsection (b.1) and make recommendations for statutory and
27 regulatory changes to improve compliance by firearm sellers and
28 reduce the prevalence of illegally sold, purchased or possessed
29 firearms in this Commonwealth. The Pennsylvania Commission on
30 Crime and Delinquency shall provide information collected under

1 subsection (b.1) to the Pennsylvania State Police to include in
2 the database described in section 6131(b) (relating to
3 inspection of retail firearm dealer licensees and grant
4 program).

5 * * *

6 Section 3. Title 18 is amended by adding sections to read:
7 § 6129. Security camera.

8 A licensed retail firearm dealer who sells more than five
9 firearms per week at any point during the year shall operate
10 security cameras in the parking lot at the dealer's place of
11 business for the purpose of recording vehicle information for
12 all patrons. The records shall be maintained for a period of no
13 less than three years. Retailers or individuals who sell
14 firearms who generate more than 80% of annual revenue from items
15 other than firearms, ammunition or other weapons are exempt from
16 the requirements of this section.

17 § 6130. Lost and stolen firearm reporting requirements.

18 (a) Duty to report.--A licensed firearm seller, dealer,
19 importer or manufacturer who suffers a loss or theft of a
20 firearm must, within 24 hours of the discovery of the loss or
21 theft, report the loss or theft, including the facts and
22 circumstances, to the municipal police of the jurisdiction in
23 which the loss or theft is believed to have occurred or to the
24 Pennsylvania State Police. The licensed firearm seller, dealer,
25 importer or manufacturer must then report the theft to the
26 centralized database with technical assistance provided under
27 section 6131(b) (relating to inspection of retail firearm dealer
28 licensees and grant program).

29 (b) Penalty.--Notwithstanding any other provision of law, a
30 licensed firearm seller, dealer, importer or manufacturer who

1 fails to report the loss or theft of a firearm under subsection
2 (a), and the failure to report is a proximate cause of the
3 commission of a crime in which the firearm is later used, shall
4 be held civilly liable for any damages resulting from that
5 crime. Any retailer who fails to report a lost or stolen firearm
6 that is later recovered in the commission of the crime by law
7 enforcement shall be subject to a fine of \$500 for each day from
8 the date the retailer acquired the gun until the date of
9 recovery. Fines shall be deposited into the Retail Licensee
10 Inspection Fund established under section 6131(g) (relating to
11 inspection of retail firearm dealer licensees and grant
12 program).

13 § 6131. Inspection of retail firearm dealer licensees and grant
14 program.

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

29 (b) Technical assistance.--The Pennsylvania State Police,
30 the Office of Inspector General, the Office of Auditor General,

1 the Deputy Sheriff's Education and Training Board, the
2 Pennsylvania Commission on Crime and Delinquency and the
3 Municipal Police Officers' Education and Training Commission
4 shall provide technical assistance as needed to firearm sellers
5 to increase the use of digital data collection systems and
6 entities funded through the Retail Licensee Inspection Fund and
7 the Firearm Dealer Safety Grant Program to conduct an inspection
8 under subsection (a) or train an employee to conduct an
9 inspection. The Pennsylvania State Police shall create a
10 database to track the number of guns and crime guns traced to
11 particular dealers. The database shall be regularly maintained
12 by the Pennsylvania State Police and additional analytical
13 infrastructure added to facilitate automated email alerts to
14 State and local law enforcement when a firearm seller is flagged
15 as having sold a disproportionate number of firearms recovered
16 by law enforcement. The database shall be made available to the
17 public and shall include and track the following information:

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

19 (2) Whether an arrest was made associated with the
20 recovery of the weapon.

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

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

24 (c) Ineligibility.--Any dealer inspected due to a crime gun
25 within two consecutive years and found not to be in violation of
26 section 6130 (relating to lost and stolen firearm reporting
27 requirements) shall be ineligible for a crime-gun-related
28 inspection for one year after the second inspection. The dealer
29 shall be subject to random inspection.

30 (d) Determination.--Once every calendar year, the

1 Pennsylvania State Police shall calculate the percentage of
2 crime guns recovered in the past two years sold by each firearm
3 seller and the ratio of crime guns to guns sold by each seller.
4 A firearm seller shall be determined to have sold a
5 disproportionate number of crime guns if that seller is in the
6 top 1% of sellers of crime guns recovered in the past two years.
7 A seller in the top 1% shall be subject to inspection.

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

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

22 (g) Fund.--The Retail Licensee Inspection Fund is
23 established as a separate fund in the State Treasury for the
24 purposes of administering this section, funding to support
25 conducting inspections, providing grants to firearm sellers to
26 improve information systems, providing grants to service
27 providers for victims of gun violence, funding for maintenance
28 of a database, developing an analytical and reporting mechanism
29 to leverage information in the database, funding to support
30 research on the impact of this section beginning in year five

1 and partially defer the medical expenses due to gunshot injuries
2 for children under the age of 13 and offset of funeral expenses
3 for victims of gun violence. Payment from the fund under this
4 section shall be assigned on a first-come, first-served basis
5 and shall be capped at \$100,000 per payment. The sum of
6 \$50,000,000 shall be appropriated to the fund for the purposes
7 of this section.

8 (h) Grant program.--The Firearm Dealer Safety Grant Program
9 is established and shall be administered by the Treasury
10 Department. Grants under the program shall be used by
11 municipalities and counties seeking to hire and train staff to
12 conduct inspections under this section. Federally licensed
13 firearm sellers may apply for grants to help defray costs of
14 purchasing security cameras and installing digital case
15 management systems to facilitate recordkeeping. The sum of
16 \$5,000,000 of the amount appropriated to the Retail License
17 Inspection Fund under subsection (g) shall be expended to make
18 grants under this section. Grant approval shall be overseen by a
19 board composed of one individual or designee from each of the
20 following organizations:

21 (1) The Municipal Police Officers' Education and
22 Training Commission.

23 (2) The Pennsylvania Commission on Crime and
24 Delinquency.

25 (3) The Pennsylvania State Police.

26 (4) The Deputy Sheriff's Education and Training Board.

27 (5) The Office of Inspector General.

28 (i) Definition.--As used in this section, the term "crime
29 gun" means a firearm recovered by law enforcement:

30 (1) If the possession of the firearm was the criminal

1 offense.

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

4 Section 4. This act shall take effect in 60 days.