
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 393 Session of
2021

INTRODUCED BY SIMS, GUENST, SANCHEZ, KINSEY, McNEILL,
HOHENSTEIN, ISAACSON, WARREN AND SCHLOSSBERG,
FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2021

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 definitions, for persons not
4 to possess, use, manufacture, control, sell or transfer
5 firearms, for sale or transfer of firearms, for Pennsylvania
6 State Police, for firearm sales surcharge, for Firearm
7 Records Check Fund, for retail dealer required to be licensed
8 and for licensing of dealers and providing for ammunition
9 purchase authorization permits and for transporting
10 ammunition into this Commonwealth.

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

13 Section 1. Section 6102 of Title 18 of the Pennsylvania
14 Consolidated Statutes is amended by adding definitions to read:
15 § 6102. Definitions.

16 Subject to additional definitions contained in subsequent
17 provisions of this subchapter which are applicable to specific
18 provisions of this subchapter, the following words and phrases,
19 when used in this subchapter shall have, unless the context
20 clearly indicates otherwise, the meanings given to them in this
21 section:

1 "Ammunition." A loaded cartridge with one or more
2 projectiles that consists of a primed case and propellant. The
3 term does not include blanks.

4 * * *

5 "Gun range or target facility." Any of the following:

6 (1) An enclosed or open air firing range or area
7 designed and operated for the use of rifle or handgun
8 practice with targets.

9 (2) A facility that permits the rental of firearms for
10 use on the facility's property and is authorized to operate
11 in such a manner by the governing body of the jurisdiction
12 where the facility is located.

13 * * *

14 "Other weapon." Anything readily capable of lethal use and
15 possessed under circumstances not manifestly lawful. The term
16 does not include a firearm.

17 * * *

18 Section 2. Section 6105 heading, (a), (c), (d), (f)(1) and
19 (h) of Title 18 are amended to read:

20 § 6105. Persons not to possess, use, manufacture, control, sell
21 or transfer firearms and ammunition.

22 (a) Offense defined.--

23 (1) A person who has been convicted of an offense
24 enumerated in subsection (b), within or without this
25 Commonwealth, regardless of the length of sentence or whose
26 conduct meets the criteria in subsection (c) shall not
27 possess, use, control, sell, transfer or manufacture or
28 obtain a license to possess, use, control, sell, transfer or
29 manufacture a firearm or ammunition in this Commonwealth.

30 (2) (i) Except as otherwise provided in this

1 paragraph, a person who is prohibited from possessing,
2 using, controlling, selling, transferring or
3 manufacturing a firearm or ammunition under paragraph (1)
4 or subsection (b) or (c) shall have a reasonable period
5 of time, not to exceed 60 days from the date of the
6 imposition of the disability under this subsection, in
7 which to sell or transfer that person's firearms or
8 ammunition to another eligible person who is not a member
9 of the prohibited person's household.

10 (ii) This paragraph shall not apply to any person
11 whose disability is imposed pursuant to subsection (c)
12 (6).

13 (iii) A person whose disability is imposed pursuant
14 to subsection (c)(9) shall relinquish any firearms and
15 firearm licenses under that person's possession or
16 control, as described in section 6105.2 (relating to
17 relinquishment of firearms and firearm licenses by
18 convicted persons).

19 (iv) A person whose disability is imposed pursuant
20 to a protection from abuse order shall relinquish any
21 firearms, other weapons, ammunition and firearm licenses
22 under that person's possession or control, as described
23 in 23 Pa.C.S. § 6108(a)(7) (relating to relief).

24 * * *

25 (c) Other persons.--In addition to any person who has been
26 convicted of any offense listed under subsection (b), the
27 following persons shall be subject to the prohibition of
28 subsection (a):

29 (1) A person who is a fugitive from justice. This
30 paragraph does not apply to an individual whose fugitive

1 status is based upon a nonmoving or moving summary offense
2 under Title 75 (relating to vehicles).

3 (2) A person who has been convicted of an offense under
4 the act of April 14, 1972 (P.L.233, No.64), known as The
5 Controlled Substance, Drug, Device and Cosmetic Act, or any
6 equivalent Federal statute or equivalent statute of any other
7 state, that may be punishable by a term of imprisonment
8 exceeding two years.

9 (3) A person who has been convicted of driving under the
10 influence of alcohol or controlled substance as provided in
11 75 Pa.C.S. § 3802 (relating to driving under influence of
12 alcohol or controlled substance) or the former 75 Pa.C.S. §
13 3731, on three or more separate occasions within a five-year
14 period. For the purposes of this paragraph only, the
15 prohibition of subsection (a) shall only apply to transfers
16 or purchases of firearms or ammunition after the third
17 conviction.

18 (4) A person who has been adjudicated as an incompetent
19 or who has been involuntarily committed to a mental
20 institution for inpatient care and treatment under section
21 302, 303 or 304 of the provisions of the act of July 9, 1976
22 (P.L.817, No.143), known as the Mental Health Procedures Act.
23 This paragraph shall not apply to any proceeding under
24 section 302 of the Mental Health Procedures Act unless the
25 examining physician has issued a certification that inpatient
26 care was necessary or that the person was committable.

27 (5) A person who, being an alien, is illegally or
28 unlawfully in the United States.

29 (6) A person who is the subject of an active final
30 protection from abuse order issued pursuant to 23 Pa.C.S. §

1 6108, is the subject of any other active protection from
2 abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which
3 provided for the relinquishment of firearms, other weapons or
4 ammunition during the period of time the order is in effect
5 or is otherwise prohibited from possessing or acquiring a
6 firearm under 18 U.S.C. § 922(g)(8). This prohibition shall
7 terminate upon the expiration or vacation of the order or
8 portion thereof relating to the relinquishment of firearms, _____
9 other weapons or ammunition.

10 (7) A person who was adjudicated delinquent by a court
11 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
12 under any equivalent Federal statute or statute of any other
13 state as a result of conduct which if committed by an adult
14 would constitute an offense under sections 2502, 2503, 2702,
15 2703 (relating to assault by prisoner), 2704, 2901, 3121,
16 3123, 3301, 3502, 3701 and 3923.

17 (8) A person who was adjudicated delinquent by a court
18 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal
19 statute or statute of any other state as a result of conduct
20 which if committed by an adult would constitute an offense
21 enumerated in subsection (b) with the exception of those
22 crimes set forth in paragraph (7). This prohibition shall
23 terminate 15 years after the last applicable delinquent
24 adjudication or upon the person reaching the age of 30,
25 whichever is earlier.

26 (9) A person who is prohibited from possessing or
27 acquiring a firearm under 18 U.S.C. § 922(g)(9). If the
28 offense which resulted in the prohibition under 18 U.S.C. §
29 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)

30 (33) (A) (ii) (relating to definitions), by a person in any of

1 the following relationships:

2 (i) the current or former spouse, parent or guardian
3 of the victim;

4 (ii) a person with whom the victim shares a child in
5 common;

6 (iii) a person who cohabits with or has cohabited
7 with the victim as a spouse, parent or guardian; or

8 (iv) a person similarly situated to a spouse, parent
9 or guardian of the victim;

10 then the relationship need not be an element of the offense
11 to meet the requirements of this paragraph.

12 (10) A person who has been convicted of an offense under
13 subsection (a.1) (2). The prohibition shall terminate five
14 years after the date of conviction, final release from
15 confinement or final release from supervision, whichever is
16 later.

17 (d) Exemption.--A person who has been convicted of a crime
18 specified in subsection (a) or (b) or a person whose conduct
19 meets the criteria in subsection (c) (1), (2), (5), (7) or (9)
20 may make application to the court of common pleas of the county
21 where the principal residence of the applicant is situated for
22 relief from the disability imposed by this section upon the
23 possession, transfer or control of a firearm and ammunition. The
24 court shall grant such relief if it determines that any of the
25 following apply:

26 (1) The conviction has been vacated under circumstances
27 where all appeals have been exhausted or where the right to
28 appeal has expired.

29 (2) The conviction has been the subject of a full pardon
30 by the Governor.

1 (3) Each of the following conditions is met:

2 (i) The Secretary of the Treasury of the United
3 States has relieved the applicant of an applicable
4 disability imposed by Federal law upon the possession,
5 ownership or control of a firearm as a result of the
6 applicant's prior conviction, except that the court may
7 waive this condition if the court determines that the
8 Congress of the United States has not appropriated
9 sufficient funds to enable the Secretary of the Treasury
10 to grant relief to applicants eligible for the relief.

11 (ii) A period of ten years, not including any time
12 spent in incarceration, has elapsed since the most recent
13 conviction of the applicant of a crime enumerated in
14 subsection (b), a felony violation of The Controlled
15 Substance, Drug, Device and Cosmetic Act or the offense
16 which resulted in the prohibition under 18 U.S.C. §
17 922(g)(9).

18 * * *

19 (f) Other exemptions and proceedings.--

20 (1) Upon application to the court of common pleas under
21 this subsection by an applicant subject to the prohibitions
22 under subsection (c)(4), the court may grant such relief as
23 it deems appropriate if the court determines that the
24 applicant may possess a firearm and ammunition without risk
25 to the applicant or any other person.

26 * * *

27 (h) License prohibition.--Any person who is prohibited from
28 possessing, using, controlling, selling, purchasing,
29 transferring or manufacturing any firearm and ammunition under
30 this section shall not be eligible for or permitted to obtain a

1 license to carry a firearm under section 6109 (relating to
2 licenses).

3 * * *

4 Section 3. Section 6111 heading, (b) introductory paragraph,
5 (1.1)(v) and (6), (c), (f), (g), (h)(1) and (j) of Title 18 are
6 amended and the section is amended by adding a subsection to
7 read:

8 § 6111. Sale or transfer of firearms or ammunition.

9 * * *

10 (b) Duty of seller.--No licensed importer, licensed
11 manufacturer or licensed dealer shall sell or deliver any
12 firearm or ammunition to another person, other than a licensed
13 importer, licensed manufacturer, licensed dealer [or], licensed
14 collector, gun range or target facility or, in the case of
15 ammunition, a person who purchases or receives the ammunition at
16 a gun range or target facility if the ammunition is kept within
17 the facility's premises at all times, until the conditions of
18 subsection (a) have been satisfied and until he has:

19 * * *

20 (1.1) On the date of publication in the Pennsylvania
21 Bulletin of a notice by the Pennsylvania State Police that
22 the instantaneous records check has been implemented, all of
23 the following shall apply:

24 * * *

25 (v) Unless it has been discovered pursuant to a
26 criminal history, juvenile delinquency and mental health
27 records background check that the potential purchaser or
28 transferee is prohibited from possessing a firearm and
29 ammunition pursuant to section 6105 (relating to persons
30 not to possess, use, manufacture, control, sell or

1 transfer firearms and ammunition), no information on the
2 application/record of sale provided pursuant to this
3 subsection shall be retained as precluded by section
4 6111.4 (relating to registration of firearms) by the
5 Pennsylvania State Police either through retention of the
6 application/record of sale or by entering the information
7 onto a computer, and, further, an application/record of
8 sale received by the Pennsylvania State Police pursuant
9 to this subsection shall be destroyed within 72 hours of
10 the completion of the criminal history, juvenile
11 delinquency and mental health records background check.

12 * * *

13 (6) Unless it has been discovered pursuant to a criminal
14 history, juvenile delinquency and mental health records
15 background check that the potential purchaser or transferee
16 is prohibited from possessing a firearm and ammunition
17 pursuant to section 6105, no information received via
18 telephone following the implementation of the instantaneous
19 background check system from a purchaser or transferee who
20 has received a unique approval number shall be retained by
21 the Pennsylvania State Police.

22 * * *

23 (b.1) Remote ordering.--

24 (1) Except for the sale, delivery or transfer of
25 firearms by gun ranges or target facilities and as otherwise
26 provided in paragraph (2), the sale, delivery or transfer of
27 firearms or ammunition by a licensed importer, licensed
28 manufacturer or licensed dealer to a purchaser or transferee
29 other than another licensed importer, licensed manufacturer
30 or licensed dealer may only occur in a face-to-face

1 transaction with the licensed importer, licensed manufacturer
2 or licensed dealer being provided bona fide evidence of
3 identity from the purchaser or other transferee.

4 (2) Firearms or ammunition may be purchased over the
5 Internet or through other means of remote ordering if a
6 licensed importer, licensed manufacturer or licensed dealer
7 in this Commonwealth initially receives the firearm or
8 ammunition and processes the transfer in compliance with this
9 section.

10 (c) Duty of other persons.--Any person who is not a licensed
11 importer, manufacturer or dealer and who desires to sell or
12 transfer a firearm or ammunition to another unlicensed person
13 shall do so only upon the place of business of a licensed
14 importer, manufacturer, dealer or county sheriff's office, the
15 latter of whom shall follow the procedure set forth in this
16 section as if he were the seller of the firearm or ammunition.
17 The provisions of this section shall not apply to transfers
18 between spouses or to transfers between a parent and child or to
19 transfers between grandparent and grandchild or to transfers
20 between siblings.

21 * * *

22 (f) Application of section.--

23 (1) For the purposes of this section only, except as
24 provided by paragraph (2), "firearm" shall mean any weapon
25 which is designed to or may readily be converted to expel any
26 projectile by the action of an explosive or the frame or
27 receiver of any such weapon.

28 (2) The provisions contained in subsections (a), (b.1)
29 and (c) shall only apply to [pistols or revolvers] a firearm
30 if the firearm is a pistol or revolver with a barrel length

1 of less than 15 inches, [any] a shotgun with a barrel length
2 of less than 18 inches, [any] a rifle with a barrel length of
3 less than 16 inches or [any] a firearm with an overall length
4 of less than 26 inches.

5 (3) The provisions contained in subsection (a) shall not
6 apply to any law enforcement officer whose current
7 identification as a law enforcement officer shall be
8 construed as a valid license to carry a firearm or any person
9 who possesses a valid license to carry a firearm under
10 section 6109 (relating to licenses).

11 (4) (i) The provisions of subsection (a) shall not
12 apply to any person who presents to the seller or
13 transferor a written statement issued by the official
14 described in subparagraph (iii) during the ten-day period
15 ending on the date of the most recent proposal of such
16 transfer or sale by the transferee or purchaser stating
17 that the transferee or purchaser requires access to a
18 firearm and ammunition because of a threat to the life of
19 the transferee or purchaser or any member of the
20 household of that transferee or purchaser.

21 (ii) The issuing official shall notify the
22 applicant's local police authority that such a statement
23 has been issued. In counties of the first class the chief
24 of police shall notify the police station or substation
25 closest to the applicant's residence.

26 (iii) The statement issued under subparagraph (ii)
27 shall be issued by the district attorney, or his
28 designee, of the county of residence if the transferee or
29 purchaser resides in a municipality where there is no
30 chief of police. Otherwise, the statement shall be issued

1 by the chief of police in the municipality in which the
2 purchaser or transferee resides.

3 (g) Penalties.--

4 (1) Any person, licensed dealer, licensed manufacturer
5 or licensed importer who knowingly or intentionally sells,
6 delivers or transfers a firearm or ammunition in violation of
7 this section commits a misdemeanor of the second degree.

8 (2) Any person, licensed dealer, licensed manufacturer
9 or licensed importer who knowingly or intentionally sells,
10 delivers or transfers a firearm or ammunition under
11 circumstances intended to provide a firearm or ammunition to
12 any person, purchaser or transferee who is unqualified or
13 ineligible to control, possess or use a firearm or ammunition
14 under this chapter commits a felony of the third degree and
15 shall in addition be subject to revocation of the license to
16 sell firearms and ammunition for a period of three years.

17 (3) Any person, licensed dealer, licensed manufacturer
18 or licensed importer who knowingly and intentionally requests
19 a criminal history, juvenile delinquency or mental health
20 record check or other confidential information from the
21 Pennsylvania State Police under this chapter for any purpose
22 other than compliance with this chapter or knowingly and
23 intentionally disseminates any criminal history, juvenile
24 delinquency or mental health record or other confidential
25 information to any person other than the subject of the
26 information commits a felony of the third degree.

27 (3.1) Any person, licensed dealer, licensed manufacturer
28 or licensed importer who knowingly and intentionally obtains
29 or furnishes information collected or maintained pursuant to
30 section 6109 for any purpose other than compliance with this

1 chapter or who knowingly or intentionally disseminates,
2 publishes or otherwise makes available such information to
3 any person other than the subject of the information commits
4 a felony of the third degree.

5 (4) Any person, purchaser or transferee commits a felony
6 of the third degree if, in connection with the purchase,
7 delivery or transfer of a firearm or ammunition under this
8 chapter, he knowingly and intentionally:

9 (i) makes any materially false oral statement;

10 (ii) makes any materially false written statement,
11 including a statement on any form promulgated by Federal
12 or State agencies; or

13 (iii) willfully furnishes or exhibits any false
14 identification intended or likely to deceive the seller,
15 licensed dealer or licensed manufacturer.

16 (5) Notwithstanding section 306 (relating to liability
17 for conduct of another; complicity) or any other statute to
18 the contrary, any person, licensed importer, licensed dealer
19 or licensed manufacturer who knowingly and intentionally
20 sells, delivers or transfers a firearm or ammunition in
21 violation of this chapter who has reason to believe that the
22 firearm or ammunition is intended to be used in the
23 commission of a crime or attempt to commit a crime shall be
24 criminally liable for such crime or attempted crime.

25 (6) Notwithstanding any act or statute to the contrary,
26 any person, licensed importer, licensed manufacturer or
27 licensed dealer who knowingly and intentionally sells or
28 delivers a firearm or ammunition in violation of this chapter
29 who has reason to believe that the firearm or ammunition is
30 intended to be used in the commission of a crime or attempt

1 to commit a crime shall be liable in the amount of the civil
2 judgment for injuries suffered by any person so injured by
3 such crime or attempted crime.

4 (h) Subsequent violation penalty.--

5 (1) A second or subsequent violation of this section
6 shall be a felony of the second degree. A person who at the
7 time of sentencing has been convicted of another offense
8 under this section shall be sentenced to a mandatory minimum
9 sentence of imprisonment of five years. A second or
10 subsequent offense shall also result in permanent revocation
11 of any license to sell, import or manufacture a firearm and
12 ammunition.

13 * * *

14 (j) Exemption.--

15 (1) The provisions of subsections (a) and (b) shall not
16 apply to:

17 (i) sales between Federal firearms licensees; or

18 (ii) the purchase of firearms or ammunition by a
19 chief law enforcement officer or his designee, for the
20 official use of law enforcement officers.

21 (2) For the purposes of this subsection, the term "chief
22 law enforcement officer" shall include the Commissioner of
23 the Pennsylvania State Police, the chief or head of a police
24 department, a county sheriff or any equivalent law
25 enforcement official.

26 Section 4. Sections 6111.1(b), (e)(1), (f)(1), (i) and
27 (j.3), 6111.2 heading and (a), 6111.3, 6112 and 6113(a) of Title
28 18 are amended to read:

29 § 6111.1. Pennsylvania State Police.

30 * * *

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

2 (1) Upon receipt of a request for a criminal history,
3 juvenile delinquency history and mental health record check
4 of the potential purchaser or transferee, the Pennsylvania
5 State Police shall immediately during the licensee's call or
6 by return call forthwith:

7 (i) review the Pennsylvania State Police criminal
8 history and fingerprint records to determine if the
9 potential purchaser or transferee is prohibited from
10 receipt or possession of a firearm or ammunition under
11 Federal or State law;

12 (ii) review the juvenile delinquency and mental
13 health records of the Pennsylvania State Police to
14 determine whether the potential purchaser or transferee
15 is prohibited from receipt or possession of a firearm or
16 ammunition under Federal or State law; and

17 (iii) inform the licensee making the inquiry either:

18 (A) that the potential purchase or transfer is
19 prohibited; or

20 (B) provide the licensee with a unique approval
21 number.

22 (2) In the event of electronic failure, scheduled
23 computer downtime or similar event beyond the control of the
24 Pennsylvania State Police, the Pennsylvania State Police
25 shall immediately notify the requesting licensee of the
26 reason for and estimated length of the delay. If the failure
27 or event lasts for a period exceeding 48 hours, the dealer
28 shall not be subject to any penalty for completing a
29 transaction absent the completion of an instantaneous records
30 check for the remainder of the failure or similar event, but

1 the dealer shall obtain a completed application/record of
2 sale following the provisions of section 6111(b)(1) and (1.1)
3 (relating to sale or transfer of firearms or ammunition) as
4 if an instantaneous records check has not been established
5 for any sale or transfer of a firearm or ammunition for the
6 purpose of a subsequent background check.

7 (3) The Pennsylvania State Police shall fully comply,
8 execute and enforce the directives of this section as
9 follows:

10 (i) The instantaneous background check for firearms
11 as defined in section 6102 (relating to definitions)
12 shall begin on July 1, 1998.

13 (ii) The instantaneous background check for firearms
14 that exceed the barrel lengths set forth in section 6102
15 shall begin on the later of:

16 (A) the date of publication of the notice under
17 section 6111(a)(2); or

18 (B) December 31, 1998.

19 (4) The Pennsylvania State Police and any local law
20 enforcement agency shall make all reasonable efforts to
21 determine the lawful owner of any firearm confiscated or
22 recovered by the Pennsylvania State Police or any local law
23 enforcement agency and return said firearm to its lawful
24 owner if the owner is not otherwise prohibited from
25 possessing the firearm. When a court of law has determined
26 that the Pennsylvania State Police or any local law
27 enforcement agency have failed to exercise the duty under
28 this subsection, reasonable attorney fees shall be awarded to
29 any lawful owner of said firearm who has sought judicial
30 enforcement of this subsection.

1 * * *

2 (e) Challenge to records.--

3 (1) Any person who is denied the right to receive, sell,
4 transfer, possess, carry, manufacture or purchase a firearm
5 or ammunition as a result of the procedures established by
6 this section may challenge the accuracy of that person's
7 criminal history, juvenile delinquency history or mental
8 health record pursuant to a denial by the instantaneous
9 records check by submitting a challenge to the Pennsylvania
10 State Police within 30 days from the date of the denial.

11 * * *

12 (f) Notification of mental health adjudication, treatment,
13 commitment, drug use or addiction.--

14 (1) Notwithstanding any statute to the contrary, judges
15 of the courts of common pleas shall notify the Pennsylvania
16 State Police, on a form developed by the Pennsylvania State
17 Police, of:

18 (i) the identity of any individual who has been
19 adjudicated as an incompetent or as a mental defective or
20 who has been involuntarily committed to a mental
21 institution under the act of July 9, 1976 (P.L.817,
22 No.143), known as the Mental Health Procedures Act, or
23 who has been involuntarily treated as described in
24 section 6105(c)(4) (relating to persons not to possess,
25 use, manufacture, control, sell or transfer firearms and
26 ammunition) or as described in 18 U.S.C. § 922(g)(4)
27 (relating to unlawful acts) and its implementing Federal
28 regulations; and

29 (ii) any finding of fact or court order related to
30 any person described in 18 U.S.C. § 922(g)(3).

1 * * *

2 (i) Reports.--The Pennsylvania State Police shall annually
3 compile and report to the General Assembly, on or before
4 December 31, the following information for the previous year:

5 (1) number of firearm and ammunition sales, including
6 the types of firearms and ammunition, delineated in a
7 separate manner;

8 (2) number of applications for sale of firearms and
9 ammunition denied, number of challenges of the denials and
10 number of final reversals of initial denials, delineated in a
11 separate manner;

12 (3) summary of the Pennsylvania State Police's
13 activities, including the average time taken to complete a
14 criminal history, juvenile delinquency history or mental
15 health record check; and

16 (4) uniform crime reporting statistics compiled by the
17 Pennsylvania State Police based on the National Incident-
18 based Reporting System.

19 * * *

20 (j.3) Immunity.--The Pennsylvania State Police and its
21 employees shall be immune from actions for damages for the use
22 of a firearm or ammunition by a purchaser or for the unlawful
23 transfer of a firearm or ammunition by a dealer unless the act
24 of the Pennsylvania State Police or its employees constitutes a
25 crime, actual fraud, actual malice or willful misconduct.

26 * * *

27 § 6111.2. Firearm and ammunition sales surcharge.

28 (a) Surcharge imposed.--There is hereby imposed on each sale
29 of a firearm or ammunition subject to tax under Article II of
30 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform

1 Code of 1971, an additional surcharge of \$3. This shall be
2 referred to as the Firearm and Ammunition Sale Surcharge. All
3 moneys received from this surcharge shall be deposited in the
4 Firearm Instant Records Check Fund.

5 * * *

6 § 6111.3. Firearm Records Check Fund.

7 (a) Establishment.--The Firearm Records Check Fund is hereby
8 established as a restricted account in the State Treasury,
9 separate and apart from all other public money or funds of the
10 Commonwealth, to be appropriated annually by the General
11 Assembly, for use in carrying out the provisions of section 6111
12 (relating to [firearm ownership] sale or transfer of firearms or
13 ammunition). The moneys in the fund on June 1, 1998, are hereby
14 appropriated to the Pennsylvania State Police.

15 (b) Source.--The source of the fund shall be moneys
16 collected and transferred under section 6111.2 (relating to
17 firearm and ammunition sales surcharge) and moneys collected and
18 transferred under section 6111(b)(3).

19 § 6112. Retail dealer required to be licensed.

20 No retail dealer shall sell, or otherwise transfer or expose
21 for sale or transfer, or have in his possession with intent to
22 sell or transfer, any ammunition or any firearm as defined in
23 section 6113(d) (relating to licensing of dealers) without being
24 licensed as provided in this chapter.

25 § 6113. Licensing of dealers.

26 (a) General rule.--The chief or head of any police force or
27 police department of a city, and, elsewhere, the sheriff of the
28 county, shall grant to reputable applicants licenses, in form
29 prescribed by the Pennsylvania State Police, effective for three
30 years from date of issue, permitting the licensee to sell

1 firearms, ammunition, or both, direct to the consumer, subject
2 to the following conditions in addition to those specified in
3 section 6111 (relating to sale or transfer of firearms or
4 ammunition), for breach of any of which the license shall be
5 forfeited and the licensee subject to punishment as provided in
6 this subchapter:

7 (1) The business shall be carried on only upon the
8 premises designated in the license or at a lawful gun show or
9 meet.

10 (2) The license, or a copy thereof, certified by the
11 issuing authority, shall be displayed on the premises where
12 it can easily be read.

13 (3) No firearm or ammunition shall be sold in violation
14 of any provision of this subchapter.

15 (4) No firearm or ammunition shall be sold under any
16 circumstances unless the purchaser is personally known to the
17 seller or shall present clear evidence of the purchaser's
18 identity.

19 (5) A true record in triplicate shall be made of every
20 firearm or ammunition sold, in a book kept for the purpose,
21 the form of which may be prescribed by the Pennsylvania State
22 Police, and shall be personally signed by the purchaser and
23 by the person effecting the sale, each in the presence of the
24 other, and shall contain the information required by section
25 6111. The record shall be maintained by the licensee for a
26 period of 20 years.

27 (6) No firearm as defined in section 6102 (relating to
28 definitions) or ammunition shall be displayed in any part of
29 any premises where it can readily be seen from the outside.

30 In the event that the Commissioner of the Pennsylvania State

1 Police shall find a clear and present danger to public safety
2 within this Commonwealth or any area thereof, firearms and
3 ammunition shall be stored and safeguarded pursuant to
4 regulations to be established by the Pennsylvania State
5 Police by the licensee during the hours when the licensee is
6 closed for business.

7 (7) The dealer shall possess all applicable current
8 revenue licenses.

9 * * *

10 Section 5. Title 18 is amended by adding sections to read:

11 § 6121.1. Ammunition purchase authorization permits.

12 (a) Use.--A person holding an ammunition purchase
13 authorization permit issued under this section may purchase or
14 otherwise seek the transfer of ownership of ammunition from a
15 retailer that sells ammunition.

16 (b) Validity.--Except as provided under subsection (c), an
17 ammunition purchase authorization permit shall be valid for four
18 years from the date of issuance.

19 (c) Eligibility.--The Pennsylvania State Police shall issue
20 an ammunition purchase authorization permit to a person if all
21 of the following requirements are met:

22 (1) The person submits an application for an ammunition
23 purchase authorization permit as prescribed by the
24 Pennsylvania State Police.

25 (2) The person is 18 years of age or older.

26 (3) The person is not prohibited from acquiring or
27 possessing ammunition under Federal or State law.

28 (4) The person pays the fee as specified under
29 subsection (g).

30 (d) Approval process.--The following shall apply:

1 (1) Upon receipt of an application for an ammunition
2 purchase authorization permit, the Pennsylvania State Police
3 shall examine its records and the Pennsylvania Instant Check
4 System in order to determine if the applicant is prohibited
5 from possessing or acquiring ammunition under Federal or
6 State law.

7 (2) The applicant shall be approved or denied within 30
8 days of the date of the submission of the application to the
9 department.

10 (3) If the Pennsylvania State Police is unable to make a
11 determination under paragraph (2) within 30 days, the
12 Pennsylvania State Police shall issue the ammunition purchase
13 authorization permit.

14 (4) The Pennsylvania State Police shall renew an
15 ammunition purchase authorization permit before its
16 expiration if the Pennsylvania State Police determines that
17 the holder is not prohibited from acquiring or possessing
18 ammunition under Federal or State law and pays the fee as
19 specified under subsection (g).

20 (e) Revocation.--The following shall apply:

21 (1) An ammunition purchase authorization permit shall be
22 revoked by the Pennsylvania State Police if the holder of the
23 ammunition purchase authorization commits an act that would
24 have disqualified the holder from being issued the ammunition
25 purchase authorization permit under this section.

26 (2) If an ammunition purchase authorization permit is
27 revoked under paragraph (1), the Pennsylvania State Police
28 shall, upon the written request of the holder and in a manner
29 as prescribed by the Pennsylvania State Police, provide the
30 holder with the reasons for the revocation and the process to

1 appeal the revocation.

2 (f) List.--The following shall apply:

3 (1) The Pennsylvania State Police shall create and
4 maintain an internal centralized list of all persons who
5 hold an ammunition purchase authorization permit.

6 (2) The Pennsylvania State Police shall remove a person
7 from the list under paragraph (1) whose authorization has
8 been revoked by the Pennsylvania State Police under
9 subsection (e) (1).

10 (3) The Pennsylvania State Police shall provide access
11 to the list under paragraph (1) to the following:

12 (i) Retailers that sell or otherwise seek the
13 transfer of ownership of ammunition.

14 (ii) Law enforcement agencies for purposes of
15 enforcing the law.

16 (g) Fee.--The following shall apply:

17 (1) The Pennsylvania State Police may charge a fee not
18 to exceed \$50 for the issuance or renewal of an ammunition
19 purchase authorization permit under this section. The fee
20 shall not be greater than the amount necessary to recover the
21 reasonable, estimated costs to administer this section.

22 (2) The Pennsylvania State Police shall annually review
23 and may adjust the fee under paragraph (1) for inflation.

24 (h) Fund established.--The Ammunition Safety and Enforcement
25 Fund is established as a special fund within the State Treasury.
26 Revenue collected from the fee charged under subsection (g)
27 shall be deposited into the Ammunition Safety and Enforcement
28 Fund on a continuing basis for the purpose of administering
29 this section.

30 (i) Identification.--The ammunition purchase authorization

1 permit number shall be the same as the number on the document
2 presented by the applicant as bona fide evidence of identity.

3 (j) Regulations.--The Pennsylvania State Police may
4 promulgate regulations necessary to implement the provisions of
5 this section.

6 § 6121.2. Transporting ammunition into this Commonwealth.

7 (a) Prohibition.--A resident of this Commonwealth may not
8 transport ammunition into this Commonwealth if the resident
9 purchased or otherwise obtained the ammunition from outside of
10 this Commonwealth and the ammunition has not been delivered to a
11 licensed importer, licensed manufacturer or licensed dealer in
12 this Commonwealth for delivery to the resident in accordance
13 with section 6121.1 (relating to ammunition purchase
14 authorization permits).

15 (b) Applicability.--This section shall not apply to a
16 licensed importer, licensed manufacturer, licensed dealer, law
17 enforcement agency or law enforcement officer or a grandparent,
18 spouse, sibling, child or grandchild of the transferor.

19 Section 6. This act shall take effect July 1, 2021, or
20 immediately, whichever is later.