

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for lost or stolen firearm used in commission of
3 crime

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Title 18 is amended by adding a section to read:
6 § 6143. Lost or stolen firearm used in commission of crime.

7 (a) Violation.--If an owner or other person lawfully in
8 possession of a firearm suffers the loss or theft of the
9 firearm, and the firearm is used in the commission of a crime
10 that results in bodily injury or serious bodily injury, as
11 defined in section 2301 (relating to definitions), to another
12 individual or in the death of another individual, that owner or
13 other person commits:

14 (1) A summary offense for the first offense, punishable
15 by a fine of not more than \$1,000.

16 (2) A misdemeanor of the second degree for a second
17 offense.

18 (3) A misdemeanor of the first degree for a third or
19 subsequent offense.

20 (b) Defense.--It shall be a defense to a violation under
21 subsection (a) that, prior to the commission of the crime, the
22 owner or other person reported the facts and circumstances of
23 the loss or theft to the municipal police of the jurisdiction in
24 which the loss or theft is believed to have occurred or the
25 Pennsylvania State Police. The owner or other person making the
26 report shall provide all known information about the firearm,
27 including, but not limited to, the following:

28 (1) The name and address of the owner.

29 (2) All known facts and circumstances pertaining to the
30 loss or theft.

31 (3) The name of the manufacturer and importer.

32 (4) The model.

33 (5) The type of action.

34 (6) The caliber or gauge.

35 (7) The serial number.

36 (8) Any other information deemed necessary by the
37 officer or police department receiving the report.

1 Amend Bill, page 3, line 11, by striking out "2" and
2 inserting
3 3

**Regular Session 2015 - 2016
Amendment A09680 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 4, by striking out the period after
2 "ammunition" and inserting
3 , providing for firearm liability insurance and imposing
4 penalties.

5 Amend Bill, page 3, by inserting between lines 10 and 11
6 Section 2. Title 18 is amended by adding a section to read:
7 § 6143. Firearm liability insurance.

8 (a) Declaration of policy.--The General Assembly finds and
9 declares as follows:

10 (1) Firearms can pose a danger of injury to persons and
11 property.

12 (2) Most firearm owners do not carry firearm-specific
13 liability coverage for use in the event that a firearm owner
14 is subject to a civil action due to the unauthorized use of
15 the owner's firearm by another person.

16 (3) It is in the public interest that victims of
17 firearm-related injuries are able to recover damages.

18 (4) The requirement of firearm liability insurance does
19 not impinge on, but rather protects, Second Amendment rights
20 and the self-defense rights of responsible firearm owners.

21 (b) Firearm liability insurance required.--An individual in
22 possession of a firearm in this Commonwealth shall maintain
23 firearm liability insurance for each firearm owned by that
24 individual.

25 (c) Coverage.--Firearm liability insurance coverage shall
26 include:

27 (1) At least \$500,000 in liability coverage that can be
28 used by the firearm owner to pay civil damages resulting from
29 the legal use of the firearm by the firearm's owner. The
30 policy shall satisfy any judgment for personal injuries or
31 property damages arising out of legal use of the covered
32 firearm up to the coverage amount.

33 (2) At least \$50,000 in criminal defense protection that
34 can be used to reimburse a firearm owner if the owner is
35 found not guilty after being charged with illegal use of a
36 covered firearm.

37 (3) At least \$5,000 for mental health services for a

1 firearm owner, the need for which results from the legal use
2 of a covered firearm.

3 (d) Proof of insurance.--Upon request of a law enforcement
4 officer, a person found in possession of a firearm must provide
5 proof of firearm liability insurance.

6 (e) Penalties.--

7 (1) A violation of subsection (d) is a summary offense
8 punishable by a fine as follows:

9 (i) For a first offense, a fine of not less than
10 \$500.

11 (ii) For a second offense, a fine of not less than
12 \$1,000.

13 (iii) For third offense, a fine of not less than
14 \$1,500.

15 (iv) For fourth or subsequent offense, a fine of not
16 less than \$2,000.

17 (2) If a person receives a citation issued by the proper
18 authority for a violation of subsection (d), a magisterial
19 district judge, magistrate or judge shall dismiss the charges
20 if the person prior to or at the person's hearing displays
21 proof of firearm liability insurance to the magisterial
22 district judge, magistrate or judge.

23 (3) A person who violates this section may make
24 arrangements with the appropriate judicial authority to make
25 payments of all other outstanding fines and costs immediately
26 or, in the discretion of the appropriate judicial authority,
27 by installments.

28 (f) Definitions.--As used in this section, the following
29 words and phrases shall have the meanings given to them in this
30 subsection unless the context clearly indicates otherwise:

31 "Covered firearm." A firearm that is insured with firearm
32 liability insurance.

33 "Firearm." Any pistol or revolver with a barrel length less
34 than 15 inches, any shotgun with a barrel length less than 18
35 inches or any rifle with a barrel length less than 16 inches, or
36 any pistol, revolver, rifle or shotgun with an overall length of
37 less than 26 inches. The barrel length of a firearm shall be
38 determined by measuring from the muzzle of the barrel to the
39 face of the closed action, bolt or cylinder, whichever is
40 applicable. The term does not include:

41 (1) A firearm that is inoperable.

42 (2) An antique firearm as defined in section 6118
43 (relating to antique firearms).

44 "Firearm liability insurance." Insurance required under this
45 section.

46 Amend Bill, page 3, line 11, by striking out "2" and
47 inserting

1 Amend Bill, page 3, line 11, by striking out "in 60 days."

2 and inserting

3 as follows:

4 (1) The addition of 18 Pa.C.S. § 6143 shall take effect
5 in one year.

6 (2) The remainder of this act shall take effect in 60
7 days.

**Regular Session 2015 - 2016
Amendment A09683 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 ; and prohibiting certain assault weapons

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Title 18 is amended by adding a section to read:
5 § 6121.1. Certain assault weapons prohibited.

6 (a) Offense defined.--Except as provided in subsection (b),
7 a person may not:

8 (1) Possess, use, control, sell, deliver, transfer or
9 manufacture an assault weapon.

10 (2) Obtain a license for an act under paragraph (1).

11 (b) Exception.--Subsection (a) shall not apply to:

12 (1) A member of the armed forces of the United States,
13 including National Guard and reserve components, a law
14 enforcement officer or other public safety officer while
15 performing official duties or traveling to or from an
16 authorized place of duty if possession of the assault weapon
17 is authorized under applicable statute, regulation or
18 military or law enforcement policy.

19 (2) A person authorized under applicable statute,
20 regulation or military or law enforcement policy to perform
21 an act under subsection (a)(1) for the purpose of ensuring
22 that an individual under paragraph (1) obtains an assault
23 weapon.

24 (3) A person lawfully owning or otherwise possessing an
25 assault weapon before the effective date of this section.

26 (c) Definitions.--The following words and phrases when used
27 in this section shall have the meanings given to them in this
28 subsection unless the context clearly indicates otherwise:

29 "Assault weapon." Any of the following, but not including
30 any firearm modified to render it permanently inoperable:

31 (1) A selective-fire firearm capable of fully automatic,
32 semiautomatic or burst fire at the option of the user or a
33 firearm that has the ability to accept a large capacity
34 magazine.

35 (2) Any of the following semiautomatic firearms:

36 (i) Algimec Agmi.

37 (ii) Armalite AR-180.

- 1 (iii) Australian Automatic Arms SAP Pistol.
2 (iv) Auto-Ordnance Thompson type.
3 (v) Avtomat Kalashnikov AK-47 type.
4 (vi) Barrett Light-Fifty model 82A1.
5 (vii) Beretta AR-70.
6 (viii) Bushmaster Auto Rifle and Auto Pistol.
7 (ix) Calico models M-900, M-950 and 100-P.
8 (x) Chartered Industries of Singapore SR-88.
9 (xi) Colt AR-15 and Sporter.
10 (xii) Daewoo K-1, K-2, Max-1 and Max-2.
11 (xiii) Ecom MK-IV, MP-9 and MP-45.
12 (xiv) Fabrique Nationale FN/FAL, FN/LAR or FN/FNC.
13 (xv) FAMAS MAS 223.
14 (xvi) Feather AT-9 and Mini-AT.
15 (xvii) Federal XC-900 and XC-450.
16 (xviii) Franchi SPAS-12 and Law-12.
17 (xix) Galil AR and ARM.
18 (xx) Goncz High-Tech Carbine and High-Tech Long
19 Pistol.
20 (xxi) Heckler & Koch HK-91, HK-93, HK-94 and SP-89.
21 (xxii) Holmes MP-83.
22 (xxiii) Intratec TEC-9 and Scorpion.
23 (xxiv) Iver Johnson Enforcer model 3000.
24 (xxv) MAC-10, MAC-11 and MAC-11 Carbine type.
25 (xxvi) Ruger Mini-14/5F folding stock model only.
26 (xxvii) Scarab Skorpion.
27 (xxviii) SIG 57 AMT and 500 series.
28 (xxix) Spectre Auto Carbine and Auto Pistol.
29 (xxx) Springfield Armory BM59, SAR-48 and G-3.
30 (xxxii) Sterline MK-6 and MK-7.
31 (xxxiii) Steyr AUG.
32 (xxxiv) Street Sweeper and Striker 12 revolving
33 cylinder shotguns.
34 (xxxv) USAS-12.
35 (xxxvi) UZI Carbine, Mini-Carbine and Pistol.
36 (xxxvii) Weaver Arms Nighthawk.
37 (xxxviii) Wilkinson "Linda" Pistol.

38 (3) A semiautomatic firearm not specifically listed in
39 paragraph (2) that meets any of the following criteria:

40 (i) The firearm is a semiautomatic rifle that has an
41 ability to accept a detachable magazine and has at least
42 two of the following:

43 (A) A folding or telescoping stock.

44 (B) A pistol grip that protrudes conspicuously
45 beneath the action of the weapon.

46 (C) A bayonet mount.

47 (D) A flash suppressor or threaded barrel
48 designed to accommodate a flash suppressor.

49 (E) A grenade launcher.

50 (ii) The firearm is a semiautomatic pistol that has
51 an ability to accept a detachable magazine and has at

1 least two of the following:

2 (A) An ammunition magazine that attaches to the
3 pistol outside of the pistol grip.

4 (B) A threaded barrel capable of accepting a
5 barrel extender, flash suppressor, forward handgrip
6 or silencer.

7 (C) A shroud that is attached to, or partially
8 or completely encircles, the barrel and that permits
9 the shooter to hold the firearm with the nontrigger
10 hand without being burned.

11 (D) A manufactured weight of 50 ounces or more
12 when the pistol is unloaded.

13 (E) A semiautomatic version of an automatic
14 firearm.

15 (iii) The firearm is a semiautomatic shotgun that
16 has at least two of the following:

17 (A) A folding or telescoping stock.

18 (B) A pistol grip that protrudes conspicuously
19 beneath the action of the weapon.

20 (C) A fixed magazine capacity in excess of five
21 rounds.

22 (D) An ability to accept a detachable magazine.

23 (4) A part or combination of parts designed or intended
24 to convert a firearm into an assault weapon or any
25 combination of parts from which an assault weapon may be
26 rapidly assembled if those parts are in possession or under
27 the control of the same person. This paragraph shall not
28 apply to unassembled parts or a combination of parts
29 possessed by a dealer licensed under this chapter or a person
30 employed by that dealer, which are used to repair or service
31 a lawfully possessed firearm.

32 "Large capacity magazine." A firearm magazine, belt, drum,
33 feed strip or similar device that has the capacity of, or can be
34 readily restored or converted to accept, more than 10 rounds of
35 ammunition but does not include:

36 (1) A feeding device that has been permanently altered
37 so that it cannot accommodate more than 10 rounds of
38 ammunition.

39 (2) A .22 caliber tube ammunition feeding device.

40 (3) A tubular magazine that is contained in a lever-
41 action firearm.

42 (4) A magazine that is permanently inoperable.

43 Amend Bill, page 3, line 11, by striking out "2" and
44 inserting

**Regular Session 2015 - 2016
Amendment A09685 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for purchase of assault weapons

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Title 18 is amended by adding a section to read:
5 § 6128. Purchase of assault weapons.

6 (a) Requirement.--Notwithstanding any other law or
7 regulation to the contrary, an individual must be 21 years of
8 age or older to:

9 (1) Possess, use, control, sell, deliver, transfer or
10 manufacture an assault weapon.

11 (2) Obtain a license for an act under paragraph (1).

12 (b) Exception.--Subsection (a) shall not apply to:

13 (1) A member of the armed forces of the United States,
14 including National Guard and reserve components, a law
15 enforcement officer or other public safety officer while
16 performing official duties or traveling to or from an
17 authorized place of duty if possession of the assault weapon
18 is authorized under applicable statute, regulation or
19 military or law enforcement policy.

20 (2) A person authorized under applicable statute,
21 regulation or military or law enforcement policy to perform
22 an act under subsection (a)(1) for the purpose of ensuring
23 that an individual under paragraph (1) obtains an assault
24 weapon.

25 (3) A person lawfully owning or otherwise possessing an
26 assault weapon before the effective date of this section.

27 (c) Definitions.--The following words and phrases when used
28 in this section shall have the meanings given to them in this
29 subsection unless the context clearly indicates otherwise:

30 "Assault weapon." Any of the following, but not including
31 any firearm modified to render it permanently inoperable:

32 (1) A selective-fire firearm capable of fully automatic,
33 semiautomatic or burst fire at the option of the user or a
34 firearm that has the ability to accept a large capacity
35 magazine.

36 (2) Any of the following semiautomatic firearms:

37 (i) Algimec Agmi.

- 1 (ii) Armalite AR-180.
2 (iii) Australian Automatic Arms SAP Pistol.
3 (iv) Auto-Ordnance Thompson type.
4 (v) Avtomat Kalashnikov AK-47 type.
5 (vi) Barrett Light-Fifty model 82A1.
6 (vii) Beretta AR-70.
7 (viii) Bushmaster Auto Rifle and Auto Pistol.
8 (ix) Calico models M-900, M-950 and 100-P.
9 (x) Chartered Industries of Singapore SR-88.
10 (xi) Colt AR-15 and Sporter.
11 (xii) Daewoo K-1, K-2, Max-1 and Max-2.
12 (xiii) Ecom MK-IV, MP-9 and MP-45.
13 (xiv) Fabrique Nationale FN/FAL, FN/LAR or FN/FNC.
14 (xv) FAMAS MAS 223.
15 (xvi) Feather AT-9 and Mini-AT.
16 (xvii) Federal XC-900 and XC-450.
17 (xviii) Franchi SPAS-12 and Law-12.
18 (xix) Galil AR and ARM.
19 (xx) Goncz High-Tech Carbine and High-Tech Long
20 Pistol.
21 (xxi) Heckler & Koch HK-91, HK-93, HK-94 and SP-89.
22 (xxii) Holmes MP-83.
23 (xxiii) Intratec TEC-9 and Scorpion.
24 (xxiv) Iver Johnson Enforcer model 3000.
25 (xxv) MAC-10, MAC-11 and MAC-11 Carbine type.
26 (xxvi) Ruger Mini-14/5F folding stock model only.
27 (xxvii) Scarab Skorpion.
28 (xxviii) SIG 57 AMT and 500 series.
29 (xxix) Spectre Auto Carbine and Auto Pistol.
30 (xxx) Springfield Armory BM59, SAR-48 and G-3.
31 (xxxii) Sterline MK-6 and MK-7.
32 (xxxiii) Steyr AUG.
33 (xxxiiii) Street Sweeper and Striker 12 revolving
34 cylinder shotguns.
35 (xxxv) USAS-12.
36 (xxxvi) UZI Carbine, Mini-Carbine and Pistol.
37 (xxxvii) Weaver Arms Nighthawk.
38 (xxxviii) Wilkinson "Linda" Pistol.

39 (3) A semiautomatic firearm not specifically listed in
40 paragraph (2) that meets any of the following criteria:

41 (i) The firearm is a semiautomatic rifle that has an
42 ability to accept a detachable magazine and has at least
43 two of the following:

44 (A) A folding or telescoping stock.

45 (B) A pistol grip that protrudes conspicuously
46 beneath the action of the weapon.

47 (C) A bayonet mount.

48 (D) A flash suppressor or threaded barrel
49 designed to accommodate a flash suppressor.

50 (E) A grenade launcher.

51 (ii) The firearm is a semiautomatic pistol that has

1 an ability to accept a detachable magazine and has at
2 least two of the following:

3 (A) An ammunition magazine that attaches to the
4 pistol outside of the pistol grip.

5 (B) A threaded barrel capable of accepting a
6 barrel extender, flash suppressor, forward handgrip
7 or silencer.

8 (C) A shroud that is attached to, or partially
9 or completely encircles, the barrel and that permits
10 the shooter to hold the firearm with the nontrigger
11 hand without being burned.

12 (D) A manufactured weight of 50 ounces or more
13 when the pistol is unloaded.

14 (E) A semiautomatic version of an automatic
15 firearm.

16 (iii) The firearm is a semiautomatic shotgun that
17 has at least two of the following:

18 (A) A folding or telescoping stock.

19 (B) A pistol grip that protrudes conspicuously
20 beneath the action of the weapon.

21 (C) A fixed magazine capacity in excess of five
22 rounds.

23 (D) An ability to accept a detachable magazine.

24 (4) A part or combination of parts designed or intended
25 to convert a firearm into an assault weapon or any
26 combination of parts from which an assault weapon may be
27 rapidly assembled if those parts are in possession or under
28 the control of the same person. This paragraph shall not
29 apply to unassembled parts or a combination of parts
30 possessed by a dealer licensed under this chapter or a person
31 employed by that dealer, which are used to repair or service
32 a lawfully possessed firearm.

33 "Large capacity magazine." A firearm magazine, belt, drum,
34 feed strip or similar device that has the capacity of, or can be
35 readily restored or converted to accept, more than 10 rounds of
36 ammunition but does not include:

37 (1) A feeding device that has been permanently altered
38 so that it cannot accommodate more than 10 rounds of
39 ammunition.

40 (2) A .22 caliber tube ammunition feeding device.

41 (3) A tubular magazine that is contained in a lever-
42 action firearm.

43 (4) A magazine that is permanently inoperable.

44 Amend Bill, page 3, line 11, by striking out "2" and
45 inserting

**Regular Session 2015 - 2016
Amendment A09687 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE ACOSTA

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for safe storage of firearms; and prescribing
3 penalties

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Title 18 is amended by adding a section to read:
6 § 6143. Safe storage of firearms.

7 (a) Storage requirements.--A person who owns a firearm and
8 resides with another person who cannot legally possess a firearm
9 shall:

10 (1) maintain the firearm in a securely locked box or
11 container; or

12 (2) secure the firearm with a trigger, chamber or cable
13 lock;

14 except when the person carries the firearm on his body or within
15 such close proximity to his body that the person reasonably
16 believes the other person is unable to take possession of the
17 firearm unlawfully.

18 (b) Penalties.--A person who violates subsection (a)
19 commits:

20 (1) A summary offense, if the person who cannot legally
21 possess a firearm takes possession of the firearm.

22 (2) A misdemeanor of the third degree, if the person who
23 cannot legally possess a firearm takes possession of the
24 firearm and the firearm is loaded.

25 (3) A felony of the third degree, if a person who cannot
26 legally possess a firearm takes possession of the firearm,
27 the firearm is loaded and the firearm is used to inflict
28 injury or death upon any other person.

29 (c) Defenses.--It shall be a defense to a prosecution under
30 this section if any of the following apply:

31 (1) The firearm was stored or left in a securely locked
32 box or container, in a location a reasonable person would
33 have believed to be secure or was securely locked with a
34 trigger lock.

35 (2) The firearm is obtained as a result of an unlawful
36 entry by any other person.

37 (3) For a violation of subsection (b)(3), the injury

1 results from a target or sport shooting accident or hunting
2 accident.

3 (4) Possession of the firearm is incidental to the
4 performance of the official duties of the United States Armed
5 Forces, the Pennsylvania National Guard or the personnel of
6 any Federal, State or local law enforcement agency.

7 Amend Bill, page 3, line 11, by striking out "2" and

8 inserting

9 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE ACOSTA

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 ; in minors, providing for minor's access to firearms; and
3 prescribing penalties

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Title 18 is amended by adding a section to read:
6 § 6302.1. Minor's access to firearms.

7 (a) Storage requirements.--A person who owns a firearm and
8 stores or leaves the firearm at a premises where a minor is
9 present shall:

10 (1) place the firearm in a securely locked box or
11 container; or

12 (2) secure the firearm with a trigger, chamber or cable
13 lock, except when the person carries the firearm on his body
14 or within such close proximity to his body that the person
15 reasonably believes the minor is unable to take possession of
16 the firearm unlawfully.

17 (b) Penalties.--A person who violates subsection (a)
18 commits:

19 (1) A summary offense, if the minor takes possession of
20 the firearm.

21 (2) A misdemeanor of the third degree, if the minor
22 takes possession of the firearm and the firearm is loaded.

23 (3) A felony of the third degree, if a minor takes
24 possession of the firearm, the firearm is loaded and the
25 firearm is used to inflict injury or death upon any other
26 person.

27 (c) Defenses.--It shall be a defense to a prosecution under
28 this section if any of the following apply:

29 (1) The firearm was stored or left in a securely locked
30 box or container, in a location a reasonable person would
31 have believed to be secure or was securely locked with a
32 trigger lock.

33 (2) The firearm is obtained as a result of an unlawful
34 entry of the premises by any other person.

35 (3) For a violation of subsection (b)(3), the injury
36 results from a target or sport shooting accident or hunting
37 accident.

1 (4) Possession of the firearm is incidental to the
2 performance of the official duties of the United States Armed
3 Forces, the Pennsylvania National Guard or the personnel of
4 any Federal, State or local law enforcement agency.

5 Amend Bill, page 3, line 11, by striking out "2" and

6 inserting

7 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE ACOSTA

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for safe storage of firearms; and prescribing
3 penalties

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Title 18 is amended by adding a section to read:
6 § 6143. Safe storage of firearms.

7 (a) Storage requirements.--A person who owns a firearm
8 shall:

9 (1) maintain the firearm in a securely locked box or
10 container; or

11 (2) secure the firearm with a trigger, chamber or cable
12 lock;

13 except when the person carries the firearm on his body or within
14 such close proximity to his body that the person reasonably
15 believes another person is unable to take possession of the
16 firearm unlawfully.

17 (b) Penalties.--A person who violates subsection (a)
18 commits:

19 (1) A summary offense, if the firearm is found
20 unsecured.

21 (2) A misdemeanor of the third degree, if the firearm is
22 found unsecured and loaded.

23 (3) A felony of the third degree, if any other person
24 takes possession of the firearm, the firearm is loaded and
25 the firearm is used to inflict injury or death upon any other
26 person.

27 (c) Defenses.--It shall be a defense to a prosecution under
28 this section if any of the following apply:

29 (1) The firearm was stored or left in a securely locked
30 box or container, in a location a reasonable person would
31 have believed to be secure or was securely locked with a
32 trigger lock.

33 (2) The firearm is obtained as a result of an unlawful
34 entry by any other person.

35 (3) For a violation of subsection (b) (3), the injury
36 results from a target or sport shooting accident or hunting
37 accident.

1 (4) Possession of the firearm is incidental to the
2 performance of the official duties of the United States Armed
3 Forces, the Pennsylvania National Guard or the personnel of
4 any Federal, State or local law enforcement agency.

5 Amend Bill, page 3, line 11, by striking out "2" and

6 inserting

7 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE ACOSTA

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and for locking device for firearms

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Section 6142(a) and (f) of Title 18 are amended
5 to read:

6 § 6142. Locking device for firearms.

7 (a) Offense defined.--It shall be unlawful for any licensee
8 to sell, deliver or transfer any firearm as defined in section
9 6102 (relating to definitions), other than an antique firearm as
10 defined in section 6118 (relating to antique firearms), to any
11 other person, other than another licensee, unless the transferee
12 is provided with or purchases a locking device for that firearm
13 or [the design of the firearm incorporates a locking device] a
14 secure, lockable storage container for that firearm.

15 * * *

16 (f) Definitions.--As used in this section, the following
17 words and phrases shall have the meanings given to them in this
18 subsection:

19 "Licensee." Any licensed manufacturer, importer or dealer of
20 firearms.

21 "Locking device." [Either of the following:

22 (1) a] A device that, when installed on a firearm, is
23 designed to prevent the firearm from being operated without
24 first deactivating the device.]; or

25 (2) a device that is incorporated into the design of a
26 firearm and that is designed to prevent the operation of the
27 firearm by anyone not having access to the device.]

28 Amend Bill, page 3, line 11, by striking out "2" and
29 inserting

30 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for Pennsylvania State Police, for licensing of dealers and
3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111.1(b)(1) of Title 18 of the
6 Pennsylvania Consolidated Statutes is amended to read:
7 § 6111.1. Pennsylvania State Police.

8 * * *

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

10 (1) Upon receipt of a request for a criminal history,
11 juvenile delinquency history and mental health record check
12 of the potential purchaser [or], transferee[,] or dealer or
13 employee of a dealer, the Pennsylvania State Police shall
14 immediately during the licensee's call or by return call
15 forthwith:

16 (i) review the Pennsylvania State Police criminal
17 history and fingerprint records to determine if the
18 potential purchaser or transferee is prohibited from
19 receipt or possession of a firearm under Federal or State
20 law;

21 (ii) review the juvenile delinquency and mental
22 health records of the Pennsylvania State Police to
23 determine whether the potential purchaser or transferee
24 is prohibited from receipt or possession of a firearm
25 under Federal or State law; and

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

27 (A) that the potential purchase or transfer is
28 prohibited; or

29 (B) provide the licensee with a unique approval
30 number.

31 * * *

32 Section 2. Section 6113(a) of Title 18 is amended by adding
33 a paragraph to read:

34 § 6113. Licensing of dealers.

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

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

8 * * *

9 (8) The dealer and an employee of a dealer who engage in
10 the sale of firearms shall undergo a background check as
11 provided under this chapter.

12 * * *

13 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are
14 reenacted and amended to read:

15 Amend Bill, page 3, line 11, by striking out "2" and
16 inserting

17 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 4, by striking out the period after
2 "ammunition" and inserting
3 , providing for large capacity ammunition magazine permit and
4 for large capacity ammunition magazines prohibition;
5 authorizing the Attorney General to issue permits; and
6 imposing penalties.

7 Amend Bill, page 3, by inserting between lines 10 and 11

8 Section 2. Title 18 is amended by adding sections to read:

9 § 6121.1. Large capacity ammunition magazine permit.

10 Upon showing good cause, the Attorney General may issue a
11 permit for the sale, offering or exposing for sale, use,
12 purchase, possession or control of a large capacity ammunition
13 magazine to a person seeking to qualify for an exception to the
14 prohibition under section 6121.2 (relating to large capacity
15 ammunition magazines prohibition).

16 § 6121.2. Large capacity ammunition magazines prohibition.

17 (a) Offense defined.--Except as set forth in subsection (b),
18 a person commits an offense if the person does the following:

19 (1) sells, offers or exposes for sale a large capacity
20 ammunition magazine; or

21 (2) uses, purchases, possesses or otherwise controls a
22 large capacity ammunition magazine.

23 (b) Exceptions.--Subsection (a) does not apply to the
24 following:

25 (1) The use, possession and control of a large capacity
26 ammunition magazine by a person who legally possessed the
27 large capacity ammunition magazine prior to the effective
28 date of this section.

29 (2) The sale, offering or exposing for sale, use,
30 purchase, possession and control of a large capacity
31 ammunition magazine by a person who is a government officer,
32 agent or employee, or a member of the armed forces of the
33 United States or the National Guard or a peace officer, to
34 the extent that the person is authorized by the government to
35 sell, offer or expose for sale, use, purchase, possess or
36 control a large capacity ammunition magazine and, consistent
37 with the authorization, does so while acting within the scope

1 of the person's duties.

2 (3) The purchase, possession and control of a large
3 capacity ammunition magazine by a Federal, State or local
4 historical society, museum or institutional collection that
5 is open to the public, provided that the large capacity
6 ammunition magazine is properly housed, secured from
7 unauthorized handling and unloaded.

8 (4) The possession and control of a large capacity
9 ammunition magazine by a person who finds a large capacity
10 ammunition magazine, if the person is not prohibited from
11 possessing firearms or ammunition under Federal or State law,
12 and the person possesses or controls the large capacity
13 magazine no longer than is necessary to deliver or transport
14 the same to a law enforcement agency for the agency's
15 disposition according to law.

16 (5) The sale, offering or exposing for sale, use,
17 purchase, possession and control of a large capacity
18 ammunition magazine by a person who:

19 (i) is authorized under the laws of the United
20 States and this Commonwealth to sell firearms; and

21 (ii) possesses a valid permit issued under section
22 6121.1 (relating to large capacity ammunition magazine
23 permit) authorizing the person to use, purchase, possess
24 and control a large capacity ammunition magazine for the
25 use and benefit of the person's business and to sell,
26 offer or expose for sale a large capacity ammunition
27 magazine to a person permitted to sell, offer or expose
28 for sale, use, purchase, possess or control a large
29 capacity ammunition magazine.

30 (6) The sale, offering or exposing for sale, use,
31 purchase, possession and control of a large capacity
32 ammunition magazine by a person who:

33 (i) is authorized under the laws of the United
34 States and this Commonwealth to manufacture a large
35 capacity ammunition magazine; and

36 (ii) possesses a valid permit issued under section
37 6121.1 authorizing the person to sell, offer or expose
38 for sale, use, purchase, possess and control a large
39 capacity ammunition magazine for the use and benefit of
40 the person's business.

41 (7) The use, purchase, possession and control of a large
42 capacity ammunition magazine by an armored vehicle business
43 that possesses a valid permit issued under section 6121.1
44 authorizing the business to use, purchase, possess and
45 control a large capacity ammunition magazine for purposes
46 pertaining to the armored vehicle business if the activity
47 authorized under the permit is conducted by either:

48 (i) a person who operates an armored vehicle
49 business under the laws of this Commonwealth; or

50 (ii) an authorized employee of the person under
51 subparagraph (i), while in the course and scope of

1 employment, for purposes pertaining to the armored
2 vehicle business.

3 (8) The use, purchase, possession and control of a large
4 capacity ammunition magazine by a private forensic laboratory
5 and an authorized employee of the laboratory, while in the
6 course and scope of employment, for purposes pertaining to
7 the forensic activities of the laboratory, provided that the
8 private forensic laboratory possesses a valid permit issued
9 under section 6121.1 authorizing the laboratory to use,
10 purchase, possess and control a large capacity ammunition
11 magazine for purposes pertaining to the forensic activities
12 of the laboratory.

13 (9) The use, possession and control of a large capacity
14 ammunition magazine by a gunsmith who possesses a valid
15 permit issued under section 6121.1 authorizing the gunsmith
16 to use, possess and control a large capacity ammunition
17 magazine for the purposes of maintenance, repair or
18 modification of the large capacity ammunition magazine.

19 (10) Any of the following:

20 (i) The use, purchase, possession and control of a
21 large capacity ammunition magazine by a motion picture or
22 television production company as a prop in a motion
23 picture or television production, provided that the
24 motion picture or television production company possesses
25 a valid permit issued under section 6121.1 authorizing
26 the production company to use, purchase, possess or
27 control a large capacity ammunition magazine as a prop.

28 (ii) The use, possession and control of the large
29 capacity ammunition magazine as a prop by an employee of
30 the motion picture or television production while in the
31 course and scope of employee's employment.

32 (11) The purchase, possession and control of a large
33 capacity ammunition magazine by a for-profit or not-for-
34 profit shooting range that possesses a valid permit issued
35 under section 6121.1 authorizing the shooting range to
36 purchase, possess and control a large capacity ammunition
37 magazine in order to make the magazine available to a patron
38 or member of the shooting range who has written authorization
39 from the shooting range to use, possess and control the
40 magazine while at the shooting range, provided that, when not
41 in use, the large capacity ammunition magazine is properly
42 housed, secured from unauthorized handling and unloaded.

43 (12) The use, possession and control of a large capacity
44 ammunition magazine by a patron or member of a shooting range
45 that satisfied the grounds for exception under paragraph (11)
46 who is authorized in writing by the shooting range to use,
47 possess and control the range's large capacity ammunition
48 magazine while at the shooting range.

49 (c) Penalty.--

50 (1) An offense under subsection (a)(1) is a misdemeanor
51 of the second degree.

1 (2) An offense under subsection(a)(2) shall be graded as
2 follows:

3 (i) A first offense is a misdemeanor punishable by
4 up to six months imprisonment and a fine of \$300.

5 (ii) A second or subsequent offense under this
6 section is a misdemeanor of the second degree.

7 (d) Definition.--As used in this section, the term "large
8 capacity ammunition magazine" means a box, drum, tube, feed
9 strip, container or other device that is capable of accepting or
10 may be readily restored or converted to accept more than 15
11 rounds of ammunition or five shotgun shells to be fed
12 continuously and directly from the device into a firearm. The
13 term does not include a device that:

14 (1) has been permanently altered so that it may not
15 accommodate more than 15 rounds of ammunition or more than
16 five shotgun shells; or

17 (2) a tubular magazine device that is contained or used
18 in a lever-action firearm or single-action only firearm.

19 Amend Bill, page 3, line 11, by striking out "2" and
20 inserting

21 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding a subsection

3 Amend Bill, page 2, line 6, by striking out "30" and

4 inserting

5 180

6 Amend Bill, page 2, by inserting between lines 16 and 17

7 (a.4) Notice to file action.--The written notice of intent
8 to file action as provided in subsection (a.3) must provide in
9 detail a written explanation specifying the provision by which
10 the person is affected and how the person is adversely affected
11 by the provision.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding a subsection

3 Amend Bill, page 2, line 6, by striking out "30" and

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5 120

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8 to file action as provided in subsection (a.3) must provide in
9 detail a written explanation specifying the provision by which
10 the person is adversely affected and how the person is adversely
11 affected by the provision.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding a subsection

3 Amend Bill, page 2, line 6, by striking out "30" and

4 inserting

5 90

6 Amend Bill, page 2, by inserting between lines 16 and 17

7 (a.4) Notice to file action.--The written notice of intent
8 to file action as provided in subsection (a.3) must provide in
9 detail a written explanation specifying the provision by which
10 the person is adversely affected and how the person is adversely
11 affected by the provision.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding a subsection

3 Amend Bill, page 2, line 6, by striking out "30" and

4 inserting

5 60

6 Amend Bill, page 2, by inserting between lines 16 and 17

7 (a.4) Notice to file action.--The written notice of intent
8 to file action as provided in subsection (a.3) must provide in
9 detail a written explanation specifying the provision by which
10 the person is adversely affected and how the person is adversely
11 affected by the provision.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 2, line 5, by inserting a bracket before
2 "Reasonable"

3 Amend Bill, page 2, line 5, by inserting after "expenses"
4] Expenses

5 Amend Bill, page 2, line 8, by inserting a bracket before
6 "reasonable"

7 Amend Bill, page 2, line 8, by inserting a bracket after
8 "reasonable"

9 Amend Bill, page 2, by inserting between lines 22 and 23
10 "Expenses." The term includes, but is not limited to,
11 attorney fees, expert witness fees, court costs and compensation
12 for loss of income.

13 Amend Bill, page 3, line 8, by inserting a bracket before
14 ""Reasonable"

15 Amend Bill, page 3, line 10, by inserting a bracket after
16 "income."

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"
2 and the section is amended by adding a subsection
3 Amend Bill, page 2, by inserting between lines 16 and 17
4 (a.4) Applicability.--This section shall not apply to a city
5 of the first class.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 3, line 3, by inserting a bracket before

2 "(3)"

3 Amend Bill, page 3, line 4, by inserting a bracket after

4 "(2)."

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE TOOHIL

Printer's No. 3637

1 Amend Bill, page 2, line 6, by striking out "30" and
2 inserting
3 60

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE O'BRIEN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by striking out "further"

2 Amend Bill, page 1, line 3, by inserting after "providing"
3 for restrictions and exceptions relating to persons ordered to
4 undergo involuntary mental health treatment on an outpatient
5 basis and further providing

6 Amend Bill, page 1, lines 7 through 9, by striking out all of
7 said lines and inserting

8 Section 1. Section 6105(f)(1) of Title 18 of the
9 Pennsylvania Consolidated Statutes is amended and subsection (c)
10 is amended by adding a paragraph to read:

11 § 6105. Persons not to possess, use, manufacture, control, sell
12 or transfer firearms.

13 * * *

14 (c) Other persons.--In addition to any person who has been
15 convicted of any offense listed under subsection (b), the
16 following persons shall be subject to the prohibition of
17 subsection (a):

18 * * *

19 (4.1) A person who has been ordered to undergo
20 involuntary mental health treatment on an outpatient basis
21 under the Mental Health Procedures Act.

22 * * *

23 (f) Other exemptions and proceedings.--

24 (1) Upon application to the court of common pleas under
25 this subsection by an applicant subject to the prohibitions
26 under subsection (c)(4) or (4.1), the court may grant such
27 relief as it deems appropriate if the court determines that
28 the applicant may possess a firearm without risk to the
29 applicant or any other person.

30 * * *

31 Section 2. Sections 6105.1(a)(1), 6109(c), (e)(1)(iv) and
32 (i.1)(2) and 6111.1(f) and (g) of Title 18 are amended to read:

33 § 6105.1. Restoration of firearm rights for offenses under
34 prior laws of this Commonwealth.

35 (a) Restoration.--A person convicted of a disabling offense

1 may make application to the court of common pleas in the county
2 where the principal residence of the applicant is situated for
3 restoration of firearms rights. The court shall grant
4 restoration of firearms rights after a hearing in open court to
5 determine whether the requirements of this section have been met
6 unless:

7 (1) the applicant has been convicted of any other
8 offense specified in section 6105(a) or (b) (relating to
9 persons not to possess, use, manufacture, control, sell or
10 transfer firearms) or the applicant's conduct meets the
11 criteria in section 6105(c) (1), (2), (3), (4), (4.1), (5),
12 (6) or (7);

13 * * *

14 § 6109. Licenses.

15 * * *

16 (c) Form of application and content.--The application for a
17 license to carry a firearm shall be uniform throughout this
18 Commonwealth and shall be on a form prescribed by the
19 Pennsylvania State Police. The form may contain provisions, not
20 exceeding one page, to assure compliance with this section.
21 Issuing authorities shall use only the application form
22 prescribed by the Pennsylvania State Police. One of the
23 following reasons for obtaining a firearm license shall be set
24 forth in the application: self-defense, employment, hunting and
25 fishing, target shooting, gun collecting or another proper
26 reason. The application form shall be dated and signed by the
27 applicant and shall contain the following statement:

28 I have never been convicted of a crime that prohibits me
29 from possessing or acquiring a firearm under Federal or
30 State law. I am of sound mind and have never been
31 committed to a mental institution or been ordered to
32 undergo involuntary mental health treatment on an
33 outpatient basis. I hereby certify that the statements
34 contained herein are true and correct to the best of my
35 knowledge and belief. I understand that, if I knowingly
36 make any false statements herein, I am subject to
37 penalties prescribed by law. I authorize the sheriff, or
38 his designee, or, in the case of first class cities, the
39 chief or head of the police department, or his designee,
40 to inspect only those records or documents relevant to
41 information required for this application. If I am issued
42 a license and knowingly become ineligible to legally
43 possess or acquire firearms, I will promptly notify the
44 sheriff of the county in which I reside or, if I reside
45 in a city of the first class, the chief of police of that
46 city.

47 * * *

48 (e) Issuance of license.--

49 (1) A license to carry a firearm shall be for the
50 purpose of carrying a firearm concealed on or about one's
51 person or in a vehicle and shall be issued if, after an

1 investigation not to exceed 45 days, it appears that the
2 applicant is an individual concerning whom no good cause
3 exists to deny the license. A license shall not be issued to
4 any of the following:

5 * * *

6 (v) An individual who is not of sound mind or who
7 has ever been committed to a mental institution or who
8 has ever been ordered to undergo involuntary mental
9 health treatment on an outpatient basis.

10 * * *

11 (i.1) Notice to sheriff.--Notwithstanding any statute to the
12 contrary:

13 * * *

14 (2) Upon adjudication that a person is incompetent or
15 upon the involuntary commitment of a person to a mental
16 institution for inpatient care and treatment under the act of
17 July 9, 1976 (P.L.817, No.143), known as the Mental Health
18 Procedures Act, or upon involuntary treatment of a person as
19 described under section 6105(c) (4) or (4.1), the judge of the
20 court of common pleas, mental health review officer or county
21 mental health and mental retardation administrator shall
22 notify the sheriff of the county in which that person
23 resides, on a form developed by the Pennsylvania State
24 Police, of the identity of the person who has been
25 adjudicated, committed or treated and the nature of the
26 adjudication, commitment or treatment. The notification shall
27 be transmitted by the judge, mental health review officer or
28 county mental health and mental retardation administrator
29 within seven days of the adjudication, commitment or
30 treatment.

31 * * *

32 § 6111.1. Pennsylvania State Police.

33 * * *

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

36 (1) Notwithstanding any statute to the contrary, judges
37 of the courts of common pleas shall notify the Pennsylvania
38 State Police, on a form developed by the Pennsylvania State
39 Police, of:

40 (i) the identity of any individual who has been
41 adjudicated as an incompetent or as a mental defective or
42 who has been involuntarily committed to a mental
43 institution under the act of July 9, 1976 (P.L.817,
44 No.143), known as the Mental Health Procedures Act, or
45 who has been involuntarily treated as described in
46 section 6105(c) (4) or (4.1) (relating to persons not to
47 possess, use, manufacture, control, sell or transfer
48 firearms) or as described in 18 U.S.C. § 922(g) (4)
49 (relating to unlawful acts) and its implementing Federal
50 regulations; and

51 (ii) any finding of fact or court order related to

1 any person described in 18 U.S.C. § 922(g)(3).

2 (2) The notification shall be transmitted by the judge
3 to the Pennsylvania State Police within seven days of the
4 adjudication, commitment or treatment.

5 (3) Notwithstanding any law to the contrary, the
6 Pennsylvania State Police may disclose, electronically or
7 otherwise, to the United States Attorney General or a
8 designee, any record relevant to a determination of whether a
9 person is disqualified from possessing or receiving a firearm
10 under 18 U.S.C. § 922 (g) (3) or (4) or an applicable state
11 statute.

12 (g) Review by court.--

13 (1) Upon receipt of a copy of the order of a court of
14 competent jurisdiction which vacates a final order or an
15 involuntary certification issued by a mental health review
16 officer, the Pennsylvania State Police shall expunge all
17 records of the involuntary treatment received under
18 subsection (f).

19 (2) A person who is involuntarily committed pursuant to
20 section 302 of the Mental Health Procedures Act may petition
21 the court to review the sufficiency of the evidence upon
22 which the commitment was based. If the court determines that
23 the evidence upon which the involuntary commitment was based
24 was insufficient, the court shall order that the record of
25 the commitment submitted to the Pennsylvania State Police be
26 expunged. A petition filed under this subsection shall toll
27 the 60-day period set forth under section 6105(a)(2).

28 (3) The Pennsylvania State Police shall expunge all
29 records of an involuntary commitment of an individual who is
30 discharged from a mental health facility based upon the
31 initial review by the physician occurring within two hours of
32 arrival under section 302(b) of the Mental Health Procedures
33 Act and the physician's determination that no severe mental
34 disability existed pursuant to section 302(b) of the Mental
35 Health Procedures Act. The physician shall provide signed
36 confirmation of the determination of the lack of severe
37 mental disability following the initial examination under
38 section 302(b) of the Mental Health Procedures Act to the
39 Pennsylvania State Police.

40 (4) A person who is ordered to undergo involuntary
41 mental health treatment on an outpatient basis under the
42 Mental Health Procedures Act may petition the court to review
43 the sufficiency of the evidence upon which the order was
44 based. If the court determines that the evidence upon which
45 the order was based was insufficient, the court shall order
46 that the record of the involuntary treatment submitted to the
47 Pennsylvania State Police be expunged. A petition filed under
48 this subsection shall toll the 60-day period set forth under
49 section 6105(a)(2).

50 * * *

51 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are

1 reenacted and amended to read:

2 Amend Bill, page 3, line 11, by striking out "2" and

3 inserting

4 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE O'BRIEN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 further providing for registration of firearms, providing for
3 mandatory registration of firearms in cities of the first
4 class and for transfer of firearms and

5 Amend Bill, page 1, lines 7 through 9, by striking out all of
6 said lines and inserting

7 Section 1. Section 6111.4 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 6111.4. Registration of firearms.

10 [Notwithstanding any section of this chapter to the
11 contrary,] Except as provided in section 6111.6 (relating to
12 mandatory registration of firearms in cities of the first
13 class), nothing in this chapter shall be construed to allow any
14 government or law enforcement agency or any agent thereof to
15 create, maintain or operate any registry of firearm ownership
16 within this Commonwealth. For the purposes of this section only,
17 the term "firearm" shall include any weapon that is designed to
18 or may readily be converted to expel any projectile by the
19 action of an explosive or the frame or receiver of any such
20 weapon.

21 Section 2. Title 18 is amended by adding sections to read:

22 § 6111.6. Mandatory registration of firearms in cities of the
23 first class.

24 (a) Registration.--Every person who is a resident of a city
25 of the first class and acquires a firearm shall register the
26 firearm with the Pennsylvania State Police in the manner
27 prescribed by this section within five days of acquisition.

28 (b) Contents of registration form.--The registration shall
29 be on a uniform form prescribed by the Attorney General and
30 shall include the following information:

31 (1) Name and permanent address of the owner.

32 (2) Name of the manufacturer and importer.

33 (3) Model.

34 (4) Type of action.

35 (5) Caliber or gauge.

36 (6) Serial number.

37 (7) Source from which the acquisition occurred,

1 including the name and address of the prior registrant.

2 (8) If the firearm has no serial number, the permit
3 number shall be entered in the space provided for the serial
4 number, and the permit number shall be engraved on the
5 receiver portion of the firearm prior to registration.

6 (c) Confidentiality of information.--Registration data that
7 would identify the individual registering the firearm by name or
8 address shall be confidential and shall not be disclosed to
9 anyone, except as may be required for processing the
10 registration or as may be required by a law enforcement agency
11 for the lawful performance of its duties or as may be required
12 by order of a court.

13 (d) Exemptions.--Registration shall not be required for:

14 (1) Any firearm manufactured on or before 1898.

15 (2) Any firearm with a matchlock, flintlock or
16 percussion cap type of ignition system.

17 (3) Any replica of any firearm described in paragraph

18 (1) if the replica either:

19 (i) is not designed or redesigned to use rimfire or
20 conventional center fire fixed ammunition; or

21 (ii) uses rimfire or conventional center fire fixed
22 ammunition which is no longer manufactured in the United
23 States and which is not readily available in the ordinary
24 channels of commercial trade.

25 (e) Registration fee.--No fee shall be charged for the
26 registration.

27 (f) Penalty.--A resident of a city of the first class who
28 fails to register a firearm as required under this section
29 commits a misdemeanor of the first degree.

30 § 6111.7. Transfer of firearms.

31 (a) Duty of transferor.--In all cases where a firearm is
32 acquired from another person within this Commonwealth, other
33 than a transfer that occurs under section 6111 (relating to sale
34 or transfer of firearms), the person who transfers title to the
35 firearm shall submit to the Pennsylvania State Police, within 48
36 hours after transferring the firearm, the following information
37 in writing:

38 (1) Name and permanent address of the person who
39 transferred the firearm.

40 (2) Name and permanent address of the person to whom the
41 title to the firearm was transferred.

42 (3) Names of the manufacturer and importer.

43 (4) Model.

44 (5) Type of action.

45 (6) Caliber or gauge.

46 (7) Serial number as applicable.

47 (b) Duty of transferee.--Any person who acquires a firearm
48 pursuant to subsection (a) shall be subject to section 6111.6
49 (relating to mandatory registration of firearms in cities of the
50 first class).

51 (c) Penalty.--Any person who fails to comply with this

1 section commits a misdemeanor of the third degree.

2 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are
3 reenacted and amended to read:

4 Amend Bill, page 3, line 11, by striking out "2" and
5 inserting

6 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for sale or transfer of firearms and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(b)(1.1)(iii) and (v), (3) and (6)
6 and (g)(3) of Title 18 of the Pennsylvania Consolidated Statutes
7 are amended to read:

8 § 6111. Sale or transfer of firearms.

9 * * *

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

16 * * *

17 (1.1) On the date of publication in the Pennsylvania
18 Bulletin of a notice by the Pennsylvania State Police that
19 the instantaneous records check has been implemented, all of
20 the following shall apply:

21 * * *

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

30 * * *

31 (v) Unless it has been discovered pursuant to a
32 criminal history, juvenile delinquency [and] mental
33 health and domestic violence records background check
34 that the potential purchaser or transferee is prohibited
35 from possessing a firearm pursuant to section 6105
36 (relating to persons not to possess, use, manufacture,
37 control, sell or transfer firearms), no information on

1 the application/record of sale provided pursuant to this
2 subsection shall be retained as precluded by section
3 6111.4 (relating to registration of firearms) by the
4 Pennsylvania State Police either through retention of the
5 application/record of sale or by entering the information
6 onto a computer, and, further, an application/record of
7 sale received by the Pennsylvania State Police pursuant
8 to this subsection shall be destroyed within 72 hours of
9 the completion of the criminal history, juvenile
10 delinquency [and], mental health and domestic violence
11 records background check.

12 * * *

13 (3) Requested by means of a telephone call that the
14 Pennsylvania State Police conduct a criminal history,
15 juvenile delinquency history [and a], mental health and
16 domestic violence record check. The purchaser and the
17 licensed dealer shall provide such information as is
18 necessary to accurately identify the purchaser. The requester
19 shall be charged a fee equivalent to the cost of providing
20 the service but not to exceed \$2 per buyer or transferee.

21 * * *

22 (6) Unless it has been discovered pursuant to a criminal
23 history, juvenile delinquency [and], mental health and
24 domestic violence records background check that the potential
25 purchaser or transferee is prohibited from possessing a
26 firearm pursuant to section 6105, no information received via
27 telephone following the implementation of the instantaneous
28 background check system from a purchaser or transferee who
29 has received a unique approval number shall be retained by
30 the Pennsylvania State Police.

31 * * *

32 (g) Penalties.--

33 * * *

34 (3) Any person, licensed dealer, licensed manufacturer
35 or licensed importer who knowingly and intentionally requests
36 a criminal history, juvenile delinquency [or], mental health
37 or domestic violence record check or other confidential
38 information from the Pennsylvania State Police under this
39 chapter for any purpose other than compliance with this
40 chapter or knowingly and intentionally disseminates any
41 criminal history, juvenile delinquency [or], mental health or
42 domestic violence record or other confidential information to
43 any person other than the subject of the information commits
44 a felony of the third degree.

45 * * *

46 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
47 reenacted and amended to read:

48 Amend Bill, page 3, line 11, by striking out "2" and
49 inserting

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for sale or transfer of firearms and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(g)(2) of Title 18 of the
6 Pennsylvania Consolidated Statutes is amended to read:
7 § 6111. Sale or transfer of firearms.

8 * * *

9 (g) Penalties.--

10 * * *

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

19 * * *

20 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
21 reenacted and amended to read:

22 Amend Bill, page 3, line 11, by striking out "2" and
23 inserting

24 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 ; and, in minors, further providing for the offense of sale or
3 lease of weapons and explosives

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Section 6302(a) of Title 18 is amended to read:
6 § 6302. Sale or lease of weapons and explosives.

7 (a) Offense defined.--A person is guilty of a [misdemeanor
8 of the first degree] felony of the third degree if he sells or
9 causes to be sold or leases to any person under 18 years of age
10 any deadly weapon, cartridge, gunpowder, or other similar
11 dangerous explosive substance.

12 * * *

13 Amend Bill, page 3, line 11, by striking out "2" and
14 inserting

15 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for the offense of carrying firearms while under the
3 influence of alcohol and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6108.1. Carrying firearms while under the influence of
9 alcohol.

10 (a) Offense defined.--It shall be unlawful for a person who
11 holds a license to carry a firearm on or about his person to
12 carry a firearm after imbibing a sufficient amount of alcohol
13 such that the alcohol concentration in the person's blood or
14 breath is at least 0.08%.

15 (b) Grading.--

16 (1) A person who violates subsection (a) commits a
17 summary offense and shall, upon conviction, be sentenced to
18 pay a fine of \$100. A first offense may also result in the
19 suspension of the license for a period not to exceed one
20 year.

21 (2) A second or subsequent offense under subsection (a)
22 constitutes a misdemeanor of the third degree and shall be
23 punishable by a fine of \$300. A second or subsequent offense
24 shall also result in the suspension of the license for a
25 period of at least one year or in the permanent revocation of
26 the license.

27 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
28 reenacted and amended to read:

29 Amend Bill, page 3, line 11, by striking out "2" and
30 inserting

31 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for report of theft or loss of firearm and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Title 18 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:
7 § 6115.1. Report of theft or loss of firearm.

8 (a) Duty to report.--An owner or other person lawfully in
9 possession of a firearm who suffers the loss or theft of a
10 firearm shall, within 72 hours of the discovery of the loss or
11 theft, report the facts and circumstances of the loss or theft
12 to the municipal police of the jurisdiction in which the loss or
13 theft is believed to have occurred or the Pennsylvania State
14 Police. The person making the report shall provide all known
15 information about the firearm, including, but not limited to,
16 the following:

17 (1) Name and address of the owner.

18 (2) All known facts and circumstances pertaining to the
19 loss or theft.

20 (3) Name of the manufacturer and importer.

21 (4) Model.

22 (5) Type of action.

23 (6) Caliber or gauge.

24 (7) Serial number.

25 (8) Any other information deemed necessary by the
26 officer or police department receiving the report.

27 (b) Sharing of information.--A law enforcement agency that
28 receives a report pursuant to this section shall, within 24
29 hours of receiving the report, forward notice of the loss or
30 theft as well as all information obtained under subsection (a)
31 to the Pennsylvania State Police.

32 (c) Pennsylvania State Police.--The Pennsylvania State
33 Police shall receive, collect and file the information forwarded
34 to it under subsection (b). The Pennsylvania State Police shall
35 cooperate and undertake to furnish or make the information
36 available to all law enforcement agencies in this Commonwealth
37 for the purpose of coordinating law enforcement efforts to

1 locate the firearm.

2 (d) Return of firearm.--A lost or stolen firearm recovered
3 by the Pennsylvania State Police or a local law enforcement
4 agency shall be returned to the lawful owner, subject to the
5 provisions of section 6111.1(b)(4) (relating to Pennsylvania
6 State Police).

7 (e) Penalty.--Notwithstanding any other provision of law, a
8 person who violates subsection (a) commits:

9 (1) A summary offense for the first offense, punishable
10 by a fine of not more than \$500.

11 (2) A misdemeanor of the second degree for a second
12 offense.

13 (3) A misdemeanor of the first degree for a third or
14 subsequent offense.

15 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
16 reenacted and amended to read:

17 Amend Bill, page 3, line 11, by striking out "2" and
18 inserting

19 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for "
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms, for licenses and for

4 Amend Bill, page 1, line 4, by inserting after "ammunition"
5 and providing for firearm restraining order

6 Amend Bill, page 1, lines 7 through 9, by striking out all of
7 said lines and inserting

8 Section 1. Sections 6105 and 6109(i.1) and (m.1) of Title 18
9 of the Pennsylvania Consolidated Statutes are amended to read:
10 § 6105. Persons not to possess, use, manufacture, control, sell
11 or transfer firearms.

12 (a) Offense defined.--

13 (1) A person who has been convicted of an offense
14 enumerated in subsection (b), within or without this
15 Commonwealth, regardless of the length of sentence or whose
16 conduct meets the criteria in subsection (c) shall not
17 possess, use, control, sell, transfer or manufacture or
18 obtain a license to possess, use, control, sell, transfer or
19 manufacture a firearm in this Commonwealth.

20 (2) (i) A person who is prohibited from possessing,
21 using, controlling, selling, transferring or
22 manufacturing a firearm under paragraph (1) or subsection
23 (b) or (c) shall have a reasonable period of time, not to
24 exceed 60 days from the date of the imposition of the
25 disability under this subsection, in which to sell or
26 transfer that person's firearms to another eligible
27 person who is not a member of the prohibited person's
28 household.

29 (ii) This paragraph shall not apply to any person
30 whose disability is imposed pursuant to subsection (c)(6)
31 or (6.1).

32 (a.1) Penalty.--

33 (1) A person convicted of a felony enumerated under
34 subsection (b) or a felony under the act of April 14, 1972
35 (P.L.233, No.64), known as The Controlled Substance, Drug,

1 Device and Cosmetic Act, or any equivalent Federal statute or
2 equivalent statute of any other state, who violates
3 subsection (a) commits a felony of the second degree.

4 (2) A person who is the subject of an active protection
5 from abuse order issued pursuant to 23 Pa.C.S. § 6108
6 (relating to relief) or an active firearm restraining order
7 under section 6190.5 (relating to relief), which order
8 provided for the relinquishment of firearms, other weapons or
9 ammunition during the period of time the order is in effect,
10 commits a misdemeanor of the first degree if he intentionally
11 or knowingly fails to relinquish a firearm, other weapon or
12 ammunition to the sheriff as required by the order unless, in
13 lieu of relinquishment, he provides an affidavit which lists
14 the firearms, other weapons or ammunition to the sheriff in
15 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
16 (relating to relinquishment for consignment sale, lawful
17 transfer or safekeeping) or 6108.3 (relating to
18 relinquishment to third party for safekeeping) [.] or in
19 accordance with either section 6190.5(a)(2) or (a.1)(3)(i),
20 6190.8 (relating to relinquishment for consignment sale,
21 lawful transfers and safekeeping).

22 (3) (i) A person commits a misdemeanor of the third
23 degree if he intentionally or knowingly accepts
24 possession of a firearm, other weapon or ammunition from
25 a person he knows is the subject of an active protection
26 from abuse order issued pursuant to 23 Pa.C.S. § 6108 or
27 an active firearm restraining order issued under section
28 6190.5, which order provided for the relinquishment of
29 the firearm, other weapon or ammunition during the period
30 of time the order is in effect.

31 (ii) This paragraph shall not apply to:

32 (A) a third party who accepts possession of a
33 firearm, other weapon or ammunition relinquished
34 pursuant to 23 Pa.C.S. § 6108.3; or

35 (B) a dealer licensed pursuant to section 6113
36 (relating to licensing of dealers) or subsequent
37 purchaser from a dealer licensed pursuant to section
38 6113, who accepts possession of a firearm, other
39 weapon or ammunition relinquished pursuant to 23
40 Pa.C.S. § 6108.2 or under section 6190.8.

41 (4) It shall be an affirmative defense to any
42 prosecution under paragraph (3) that the person accepting
43 possession of a firearm, other weapon or ammunition in
44 violation of paragraph (3):

45 (i) notified the sheriff as soon as practicable that
46 he has taken possession; and

47 (ii) relinquished possession of any firearm, other
48 weapon or ammunition possessed in violation of paragraph
49 (3) as directed by the sheriff.

50 (5) A person who has accepted possession of a firearm,
51 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3 or

1 section 6190.3 (relating to commencement of proceedings)
2 commits a misdemeanor of the first degree if he intentionally
3 or knowingly returns a firearm, other weapon or ammunition to
4 a defendant or intentionally or knowingly allows a defendant
5 to have access to the firearm, other weapon or ammunition
6 prior to either of the following:

7 (i) The sheriff accepts return of the safekeeping
8 permit issued to the party pursuant to 23 Pa.C.S. §
9 6108.3(d) (1) (i).

10 (ii) The issuance of a court order pursuant to
11 subsection (f) (2) or 23 Pa.C.S. § 6108.1(b) (relating to
12 return of relinquished firearms, other weapons and
13 ammunition and additional relief) or section 6190.7(b)
14 (relating to return of relinquished firearms, other
15 weapons and ammunition, and additional relief) which
16 modifies a valid protection from abuse order issued
17 pursuant to 23 Pa.C.S. § 6108 or a valid firearm
18 restraining order under section 6190.5, which order
19 provided for the relinquishment of the firearm, other
20 weapon or ammunition by allowing the defendant to take
21 possession of the firearm, other weapon or ammunition
22 that had previously been ordered relinquished.

23 (b) Enumerated offenses.--The following offenses shall apply
24 to subsection (a):

25 Section 908 (relating to prohibited offensive weapons).

26 Section 911 (relating to corrupt organizations).

27 Section 912 (relating to possession of weapon on school
28 property).

29 Section 2502 (relating to murder).

30 Section 2503 (relating to voluntary manslaughter).

31 Section 2504 (relating to involuntary manslaughter) if
32 the offense is based on the reckless use of a firearm.

33 Section 2702 (relating to aggravated assault).

34 Section 2703 (relating to assault by prisoner).

35 Section 2704 (relating to assault by life prisoner).

36 Section 2709.1 (relating to stalking).

37 Section 2716 (relating to weapons of mass destruction).

38 Section 2901 (relating to kidnapping).

39 Section 2902 (relating to unlawful restraint).

40 Section 2910 (relating to luring a child into a motor
41 vehicle or structure).

42 Section 3121 (relating to rape).

43 Section 3123 (relating to involuntary deviate sexual
44 intercourse).

45 Section 3125 (relating to aggravated indecent assault).

46 Section 3301 (relating to arson and related offenses).

47 Section 3302 (relating to causing or risking
48 catastrophe).

49 Section 3502 (relating to burglary).

50 Section 3503 (relating to criminal trespass) if the
51 offense is graded a felony of the second degree or higher.

1 Section 3701 (relating to robbery).
2 Section 3702 (relating to robbery of motor vehicle).
3 Section 3921 (relating to theft by unlawful taking or
4 disposition) upon conviction of the second felony offense.
5 Section 3923 (relating to theft by extortion) when the
6 offense is accompanied by threats of violence.
7 Section 3925 (relating to receiving stolen property) upon
8 conviction of the second felony offense.
9 Section 4906 (relating to false reports to law
10 enforcement authorities) if the fictitious report involved
11 the theft of a firearm as provided in section 4906(c)(2).
12 Section 4912 (relating to impersonating a public servant)
13 if the person is impersonating a law enforcement officer.
14 Section 4952 (relating to intimidation of witnesses or
15 victims).
16 Section 4953 (relating to retaliation against witness,
17 victim or party).
18 Section 5121 (relating to escape).
19 Section 5122 (relating to weapons or implements for
20 escape).
21 Section 5501(3) (relating to riot).
22 Section 5515 (relating to prohibiting of paramilitary
23 training).
24 Section 5516 (relating to facsimile weapons of mass
25 destruction).
26 Section 6110.1 (relating to possession of firearm by
27 minor).
28 Section 6301 (relating to corruption of minors).
29 Section 6302 (relating to sale or lease of weapons and
30 explosives).
31 Any offense equivalent to any of the above-enumerated
32 offenses under the prior laws of this Commonwealth or any
33 offense equivalent to any of the above-enumerated offenses
34 under the statutes of any other state or of the United
35 States.
36 (c) Other persons.--In addition to any person who has been
37 convicted of any offense listed under subsection (b), the
38 following persons shall be subject to the prohibition of
39 subsection (a):
40 (1) A person who is a fugitive from justice. This
41 paragraph does not apply to an individual whose fugitive
42 status is based upon a nonmoving or moving summary offense
43 under Title 75 (relating to vehicles).
44 (2) A person who has been convicted of an offense under
45 the act of April 14, 1972 (P.L.233, No.64), known as The
46 Controlled Substance, Drug, Device and Cosmetic Act, or any
47 equivalent Federal statute or equivalent statute of any other
48 state, that may be punishable by a term of imprisonment
49 exceeding two years.
50 (3) A person who has been convicted of driving under the
51 influence of alcohol or controlled substance as provided in

1 75 Pa.C.S. § 3802 (relating to driving under influence of
2 alcohol or controlled substance) or the former 75 Pa.C.S. §
3 3731, on three or more separate occasions within a five-year
4 period. For the purposes of this paragraph only, the
5 prohibition of subsection (a) shall only apply to transfers
6 or purchases of firearms after the third conviction.

7 (4) A person who has been adjudicated as an incompetent
8 or who has been involuntarily committed to a mental
9 institution for inpatient care and treatment under section
10 302, 303 or 304 of the provisions of the act of July 9, 1976
11 (P.L.817, No.143), known as the Mental Health Procedures Act.
12 This paragraph shall not apply to any proceeding under
13 section 302 of the Mental Health Procedures Act unless the
14 examining physician has issued a certification that inpatient
15 care was necessary or that the person was committable.

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

18 (6) A person who is the subject of an active protection
19 from abuse order issued pursuant to 23 Pa.C.S. § 6108, which
20 order provided for the relinquishment of firearms during the
21 period of time the order is in effect. This prohibition shall
22 terminate upon the expiration or vacation of an active
23 protection from abuse order or portion thereof relating to
24 the relinquishment of firearms.

25 (6.1) A person who is the subject of an active firearm
26 restraining order issued under section 6190.5, which order
27 provided for the relinquishment of firearms during the period
28 of time the order is in effect. The prohibition under this
29 paragraph shall terminate upon the expiration or vacation of
30 an active firearm restraining order or upon the expiration or
31 vacation of any provision of a firearm restraining order
32 relating to the relinquishment of firearms.

33 (7) A person who was adjudicated delinquent by a court
34 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
35 under any equivalent Federal statute or statute of any other
36 state as a result of conduct which if committed by an adult
37 would constitute an offense under sections 2502, 2503, 2702,
38 2703 (relating to assault by prisoner), 2704, 2901, 3121,
39 3123, 3301, 3502, 3701 and 3923.

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

49 (9) A person who is prohibited from possessing or
50 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to
51 unlawful acts). If the offense which resulted in the

1 prohibition under 18 U.S.C. § 922(g)(9) was committed, as
2 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to
3 definitions), by a person in any of the following
4 relationships:

5 (i) the current or former spouse, parent or guardian
6 of the victim;

7 (ii) a person with whom the victim shares a child in
8 common;

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

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

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

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

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

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

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

30 (i) The Secretary of the Treasury of the United
31 States has relieved the applicant of an applicable
32 disability imposed by Federal law upon the possession,
33 ownership or control of a firearm as a result of the
34 applicant's prior conviction, except that the court may
35 waive this condition if the court determines that the
36 Congress of the United States has not appropriated
37 sufficient funds to enable the Secretary of the Treasury
38 to grant relief to applicants eligible for the relief.

39 (ii) A period of ten years, not including any time
40 spent in incarceration, has elapsed since the most recent
41 conviction of the applicant of a crime enumerated in
42 subsection (b), a felony violation of The Controlled
43 Substance, Drug, Device and Cosmetic Act or the offense
44 which resulted in the prohibition under 18 U.S.C. §
45 922(g)(9).

46 (e) Proceedings.--

47 (1) If a person convicted of an offense under subsection
48 (a), (b) or (c)(1), (2), (5), (7) or (9) makes application to
49 the court, a hearing shall be held in open court to determine
50 whether the requirements of this section have been met. The
51 commissioner and the district attorney of the county where

1 the application is filed and any victim or survivor of a
2 victim of the offense upon which the disability is based may
3 be parties to the proceeding.

4 (2) Upon application to the court of common pleas
5 pursuant to paragraph (1) by an applicant who is subject to
6 the prohibition under subsection (c)(3), the court shall
7 grant such relief if a period of ten years, not including any
8 time spent in incarceration, has passed since the applicant's
9 most recent conviction under subsection (c)(3).

10 (f) Other exemptions and proceedings.--

11 (1) Upon application to the court of common pleas under
12 this subsection by an applicant subject to the prohibitions
13 under subsection (c)(4), the court may grant such relief as
14 it deems appropriate if the court determines that the
15 applicant may possess a firearm without risk to the applicant
16 or any other person.

17 (2) If application is made under this subsection for
18 relief from the disability imposed under subsection (c)(6) or
19 (6.1), notice of such application shall be given to the
20 person who had petitioned for the protection from abuse order
21 or a firearm restraining order, and such person shall be a
22 party to the proceedings. Notice of any court order or
23 amendment to a court order restoring firearms possession or
24 control shall be given to the person who had petitioned for
25 the protection from abuse order or a firearm restraining
26 order, to the sheriff and to the Pennsylvania State Police[.]
27 and, in the case of a firearm restraining order, to the
28 appropriate law enforcement agency and district attorney in
29 the county wherein the firearm restraining order was issued.

30 The application and any proceedings on the application shall
31 comply with 23 Pa.C.S. Ch. 61 (relating to protection from
32 abuse) or with the applicable provisions of Subchapter E
33 (relating to firearm restraining order).

34 (3) All hearings conducted under this subsection shall
35 be closed unless otherwise requested to be open by the
36 applicant.

37 (4) (i) The owner of any seized or confiscated firearms
38 or of any firearms ordered relinquished under 23 Pa.C.S.
39 § 6108 or under section 6190.5 shall be provided with a
40 signed and dated written receipt by the appropriate law
41 enforcement agency. This receipt shall include, but not
42 limited to, a detailed identifying description indicating
43 the serial number and condition of the firearm. In
44 addition, the appropriate law enforcement agency shall be
45 liable to the lawful owner of said confiscated, seized or
46 relinquished firearm for any loss, damage or substantial
47 decrease in value of said firearm that is a direct result
48 of a lack of reasonable care by the appropriate law
49 enforcement agency.

50 (ii) Firearms shall not be engraved or permanently
51 marked in any manner, including, but not limited to,

1 engraving of evidence or other identification numbers.
2 Unless reasonable suspicion exists to believe that a
3 particular firearm has been used in the commission of a
4 crime, no firearm shall be test fired. Any reduction in
5 the value of a firearm due to test firing, engraving or
6 permanently marking in violation of this paragraph shall
7 be considered damage, and the law enforcement agency
8 shall be liable to the lawful owner of the firearm for
9 the reduction in value caused by the test firing,
10 engraving or permanently marking.

11 (iii) For purposes of this paragraph, the term
12 "firearm" shall include any scope, sight, bipod, sling,
13 light, magazine, clip, ammunition or other firearm
14 accessory attached to or seized, confiscated or
15 relinquished with a firearm.

16 (g) Other restrictions.--Nothing in this section shall
17 exempt a person from a disability in relation to the possession
18 or control of a firearm which is imposed as a condition of
19 probation or parole or which is imposed pursuant to the
20 provision of any law other than this section.

21 (h) License prohibition.--Any person who is prohibited from
22 possessing, using, controlling, selling, purchasing,
23 transferring or manufacturing any firearm under this section
24 shall not be eligible for or permitted to obtain a license to
25 carry a firearm under section 6109 (relating to licenses).

26 (i) Firearm.--As used in this section only, the term
27 "firearm" shall include any weapons which are designed to or may
28 readily be converted to expel any projectile by the action of an
29 explosive or the frame or receiver of any such weapon.

30 (j) Copy of order to State Police.--If the court grants
31 relief from the disabilities imposed under this section, a copy
32 of the order shall be sent by the prothonotary within ten days
33 of the entry of the order to the Pennsylvania State Police and
34 shall include the name, date of birth and Social Security number
35 of the individual.

36 § 6109. Licenses.

37 * * *

38 (i.1) Notice to sheriff.--Notwithstanding any statute to the
39 contrary:

40 (1) Upon conviction of a person for a crime specified in
41 section 6105(a) or (b) or upon conviction of a person for a
42 crime punishable by imprisonment exceeding one year or upon a
43 determination that the conduct of a person meets the criteria
44 specified in section 6105(c)(1), (2), (3), (5), (6), (6.1) or
45 (9), the court shall determine if the defendant has a license
46 to carry firearms issued pursuant to this section. If the
47 defendant has such a license, the court shall notify the
48 sheriff of the county in which that person resides, on a form
49 developed by the Pennsylvania State Police, of the identity
50 of the person and the nature of the crime or conduct which
51 resulted in the notification. The notification shall be

1 transmitted by the judge within seven days of the conviction
2 or determination.

3 (2) Upon adjudication that a person is incompetent or
4 upon the involuntary commitment of a person to a mental
5 institution for inpatient care and treatment under the act of
6 July 9, 1976 (P.L.817, No.143), known as the Mental Health
7 Procedures Act, or upon involuntary treatment of a person as
8 described under section 6105(c)(4) or 6190.6(c)(3)(ii)(F)
9 (relating to hearing), the judge of the court of common
10 pleas, mental health review officer or county mental health
11 and mental retardation administrator shall notify the sheriff
12 of the county in which that person resides, on a form
13 developed by the Pennsylvania State Police, of the identity
14 of the person who has been adjudicated, committed or treated
15 and the nature of the adjudication, commitment or treatment.
16 The notification shall be transmitted by the judge, mental
17 health review officer or county mental health and mental
18 retardation administrator within seven days of the
19 adjudication, commitment or treatment.

20 * * *

21 (m.1) Temporary emergency licenses.--

22 (1) A person seeking a temporary emergency license to
23 carry a concealed firearm shall submit to the sheriff of the
24 county in which the person resides all of the following:

25 (i) Evidence of imminent danger to the person or the
26 person's minor child. For purposes of this subparagraph,
27 the term "minor" shall have the same meaning as provided
28 in 1 Pa.C.S. § 1991 (relating to definitions).

29 (ii) A sworn affidavit that contains the information
30 required on an application for a license to carry a
31 firearm and attesting that the person is 21 years of age
32 or older, is not prohibited from owning firearms under
33 section 6105 (relating to persons not to possess, use,
34 manufacture, control, sell or transfer firearms) or any
35 other Federal or State law and is not currently subject
36 to a protection from abuse order or a protection order
37 issued by a court of another state or an active firearm
38 restraining order under Subchapter E (relating to firearm
39 restraining order).

40 (iii) In addition to the provisions of subsection
41 (h), a temporary emergency license fee established by the
42 Commissioner of the Pennsylvania State Police for an
43 amount that does not exceed the actual cost of conducting
44 the criminal background check or \$10, whichever is less.

45 (iv) An application for a license to carry a firearm
46 on the form prescribed pursuant to subsection (c).

47 (2) Upon receipt of the items required under paragraph
48 (1), the sheriff immediately shall conduct a criminal
49 history, juvenile delinquency and mental health record check
50 of the applicant pursuant to section 6105. Immediately upon
51 receipt of the results of the records check, the sheriff

1 shall review the information and shall determine whether the
2 applicant meets the criteria set forth in this subsection. If
3 the sheriff determines that the applicant has met all of the
4 criteria, the sheriff shall immediately issue the applicant a
5 temporary emergency license to carry a concealed firearm.

6 (3) If the sheriff refuses to issue a temporary
7 emergency license, the sheriff shall specify the grounds for
8 the denial in a written notice to the applicant. The
9 applicant may appeal the denial or challenge criminal records
10 check results that were the basis of the denial, if
11 applicable, in the same manner as a denial of a license to
12 carry a firearm under this section.

13 (4) A temporary emergency license issued under this
14 subsection shall be valid for 45 days and may not be renewed.
15 A person who has been issued a temporary emergency license
16 under this subsection shall not be issued another temporary
17 emergency license unless at least five years have expired
18 since the issuance of the prior temporary emergency license.
19 During the 45 days the temporary emergency license is valid,
20 the sheriff shall conduct an additional investigation of the
21 person for the purposes of determining whether the person may
22 be issued a license pursuant to this section. If, during the
23 course of this investigation, the sheriff discovers any
24 information that would have prohibited the issuance of a
25 license pursuant to this section, the sheriff shall be
26 authorized to revoke the temporary emergency license as
27 provided in subsection (i).

28 (5) The temporary emergency license issued pursuant to
29 this section shall be consistent with the form prescribed in
30 subsection (e)(3), (4) and (5). In addition to the
31 information provided in those paragraphs, the temporary
32 emergency license shall be clearly marked "Temporary."

33 (6) A person who holds a temporary emergency license to
34 carry a firearm shall have the same rights to carry a firearm
35 as a person issued a license to carry a firearm under this
36 section. A licensee under this subsection shall be subject to
37 all other duties, restrictions and penalties under this
38 section, including revocation pursuant to subsection (i).

39 (7) A sheriff who issues a temporary emergency license
40 to carry a firearm shall retain, for the entire period during
41 which the temporary emergency license is in effect, the
42 evidence of imminent danger that the applicant submitted to
43 the sheriff that was the basis for the license, or a copy of
44 the evidence, as appropriate.

45 (8) A person applying for a temporary emergency license
46 shall complete the application required pursuant to
47 subsection (c) and shall provide at the time of application
48 the information required in paragraph (1).

49 (9) Prior to the expiration of a temporary emergency
50 license, if the sheriff has determined pursuant to
51 investigation that the person issued a temporary emergency

1 license is not disqualified and if the temporary emergency
2 license has not been revoked pursuant to subsection (i), the
3 sheriff shall issue a license pursuant to this section that
4 is effective for the balance of the five-year period from the
5 date of the issuance of the temporary emergency license.
6 Records and all other information, duties and obligations
7 regarding such licenses shall be applicable as otherwise
8 provided in this section.

9 (10) As used in this subsection, the term "evidence of
10 imminent danger" means:

11 (i) a written document prepared by the Attorney
12 General, a district attorney, a chief law enforcement
13 officer, judicial officer or their designees describing
14 the facts that give a person reasonable cause to fear a
15 criminal attack upon the person or the person's minor
16 child. For the purposes of this subparagraph, the term
17 "chief law enforcement officer" shall have the same
18 meaning as provided in 42 Pa.C.S. § 8951 (relating to
19 definitions) and "judicial officer" shall have the same
20 meaning as provided in 42 Pa.C.S. § 102 (relating to
21 definitions).

22 (ii) a police report.

23 * * *

24 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
25 reenacted and amended to read:

26 Amend Bill, page 3, by inserting between lines 10 and 11

27 Section 3. Chapter 61 of Title 18 is amended by adding a
28 subchapter to read:

29 SUBCHAPTER E
30 FIREARM RESTRAINING ORDER

31 Sec.

32 6190.1. Definitions.

33 6190.2. Jurisdiction.

34 6190.3. Commencement of proceedings.

35 6190.4. Responsibilities of law enforcement agencies.

36 6190.5. Relief.

37 6190.6. Hearing.

38 6190.7. Return of relinquished firearms, other weapons and
39 ammunition, and additional relief.

40 6190.8. Relinquishment for consignment sale, lawful transfers
41 and safekeeping.

42 6190.9. (Reserved).

43 6190.10. Disclosure and confidentiality.

44 6190.11. Service of order.

45 6190.12. Violation of order.

46 6190.13. Contempt for violation; arrest.

47 6190.14. Civil contempt for violation of an order.

48 6190.15. Procedures and other remedies.

49 6190.16. Immunity.

1 6190.17. Inability to pay.

2 6190.18. Warrantless searches.

3 6190.19. Construction.

4 § 6190.1. Definitions.

5 The following words and phrases when used in this subchapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Family or household member." As defined in 23 Pa.C.S. §
9 6102 (relating to definitions).

10 "Firearm." As defined in section 6113(d) (relating to
11 licensing of dealers).

12 "Firearm restraining order." An order entered by the court
13 pursuant to this subchapter prohibiting a named person from
14 having in his custody or control, purchasing, possessing or
15 receiving any firearms, other weapons or ammunition.

16 "Hearing officer." As defined in 23 Pa.C.S. § 6102 (relating
17 to definitions).

18 "Law enforcement officer." Any officer of the Commonwealth
19 or a political subdivision thereof who is empowered to conduct
20 investigations of or to make arrests for offenses enumerated in
21 this title and any attorney authorized by law to prosecute or
22 participate in the prosecution of an offense.

23 "Other weapon." Anything readily capable of lethal use and
24 possessed under circumstances not manifestly appropriate for
25 lawful uses which it may have. The term does not include a
26 firearm.

27 "Physical safety." Personal or physical harm or bodily
28 injury or the threat of personal or physical harm or bodily
29 injury whether by acts of hostility, aggression or harassment.

30 "Safekeeping permit." A permit issued by a sheriff allowing
31 a person to take possession of any firearm, other weapon or
32 ammunition that a judge ordered a subject of a firearm
33 restraining order in a proceeding under this subchapter.

34 "Sheriff."

35 (1) Except as provided in paragraph (2), the sheriff of
36 a county.

37 (2) In a city of the first class, the chief or head of
38 the police department.

39 "Weapon." Anything readily capable of lethal use and
40 possessed under circumstances not manifestly appropriate for
41 lawful uses which it may have. The term includes a firearm which
42 is not loaded or lacks a magazine, clip or other components to
43 render it immediately operable and components which can readily
44 be assembled into a weapon as defined by section 907 (relating
45 to possessing instruments of crime).

46 § 6190.2. Jurisdiction.

47 (a) General rule.--The court shall have jurisdiction over
48 all proceedings under this subchapter and may, at its
49 discretion, develop rules or procedures as necessary to govern
50 proceedings under this subchapter.

51 (b) Effect of departure and nonresidence.--The right of the

1 petitioner to relief under this subchapter shall not be affected
2 by the subject's of the petition or restraining order absence
3 from this Commonwealth or the nonresidence of such subject in
4 this Commonwealth, provided that the court has personal
5 jurisdiction over such person in accordance with 42 Pa.C.S. §
6 5322 (relating to bases of personal jurisdiction over persons
7 outside this Commonwealth).

8 § 6190.3. Commencement of proceedings.

9 (a) General rule.--

10 (1) A law enforcement officer, a family or household
11 member or a person licensed under the act of July 9, 1987
12 (P.L.220, No.39), known as the Social Workers, Marriage and
13 Family Therapists and Professional Counselors Act, or a
14 health care practitioner as defined under section 103 of the
15 act of July 19, 1979 (P.L.130, No.48), known as the Health
16 Care Facilities Act, may petition the court for a firearm
17 restraining order enjoining the subject of the petition from
18 having in his custody or control, purchasing, possessing or
19 receiving a firearm, other weapon or ammunition.

20 (2) A petition for a firearm restraining order shall
21 include instructions which, in the court's discretion, shall
22 require the petitioner to describe the number, type and
23 location of any firearm, other weapon and ammunition known by
24 the petitioner to be owned, possessed or controlled by the
25 subject of the petition.

26 (b) Notification of defendant's occupation.--A law
27 enforcement officer, family or household member or other person
28 under subsection (a)(1) shall notify the court if the person has
29 knowledge or reason to believe that the subject of a firearm
30 restraining order is any of the following:

31 (1) a licensed firearms dealer;

32 (2) employed by a licensed firearms dealer or
33 manufacturer;

34 (3) employed as a writer, researcher or technician in
35 the firearms or hunting industry; or

36 (4) required to carry a firearm as a condition of
37 employment.

38 (c) Certain fees not permitted.--

39 (1) No person seeking relief under this subchapter shall
40 be charged any fees or costs associated with the filing,
41 issuance, registration or service of a petition, motion,
42 complaint, order or any other filing required under this
43 subchapter. Prohibited fees or costs shall include, but are
44 not limited to, those associated with modifying, withdrawing,
45 dismissing or certifying copies of a petition, motion,
46 complaint, order or any other filing, as well as any judicial
47 surcharge or computer system fee.

48 (2) No person seeking relief under this subchapter shall
49 be charged any fees or costs associated with filing a motion
50 for reconsideration or an appeal from any order or action
51 taken pursuant to this subchapter.

1 (3) Nothing in this subsection is intended to expand or
2 diminish the court's authority to enter an order pursuant to
3 Pa.R.C.P. No. 1023.1 (relating to Scope. Signing of
4 Documents. Representations to the Court. Violation.).

5 (d) Assessment of fees and costs.--When a firearm
6 restraining order is granted under this subchapter, fees and
7 costs may be assessed against the subject of the order. The
8 court shall waive fees and costs upon a showing of good cause or
9 when the court makes a finding that the subject of the petition
10 or order is not able to pay the fees and costs. Nothing in this
11 subsection is intended to expand or diminish the court's
12 authority to enter an order pursuant to Pa.R.C.P. No. 1023.1.

13 (e) Surcharge on order.--Notwithstanding subsection (d),
14 when a firearm restraining order is granted under this
15 subchapter, a surcharge of \$100 shall be assessed against the
16 subject of the restraining order. All moneys received from
17 surcharges shall be distributed in the following order of
18 priority:

19 (1) Fifty dollars shall be forwarded to the Commonwealth
20 and shall be annually appropriated by the General Assembly as
21 follows:

22 (i) Twenty-five dollars shall be appropriated to the
23 Pennsylvania State Police to assist with the maintenance
24 of the Statewide registry established in accordance with
25 the requirements of 23 Pa.C.S. § 6105(e) (relating to
26 responsibilities of law enforcement agencies).

27 (ii) Twenty-five dollars shall be appropriated to
28 the Supreme Court for use by county courts and
29 magisterial district courts to carry out their duties
30 under this subchapter.

31 (2) Fifty dollars shall be retained by the county and
32 shall be used to carry out the provisions of this subchapter
33 as follows:

34 (i) Twenty-five dollars shall be used by the
35 sheriff.

36 (ii) Twenty-five dollars shall be forwarded to the
37 local law enforcement agency.

38 The surcharge allocated under paragraphs (1)(i) and (ii)
39 shall be used to supplement and not to supplant any other
40 source of funds received for the purpose of carrying out the
41 provisions of this subchapter.

42 (f) Service.--

43 (1) The court shall adopt a means of prompt and
44 effective service. If the court so orders, the sheriff or
45 another court-designated agency or individual shall serve the
46 petition and order. Under no circumstances shall the
47 petitioner be obligated to serve the petition or firearm
48 restraining order.

49 (2) The petition and order shall be served upon the
50 subject of the petition.

51 (3) Within two business days, the order shall be served

1 upon the local law enforcement agency, sheriff and district
2 attorney in the jurisdiction where the order was entered.

3 (4) A certified copy of the order shall be issued to the
4 petitioner.

5 (5) A copy of the order shall be issued as otherwise
6 ordered by the court or hearing officer.

7 (6) Failure to serve the local law enforcement agency,
8 sheriff or district attorney's office shall not stay the
9 effect of a valid order.

10 (g) Assistance and advice to petitioner.--The court or
11 hearing officer shall provide simplified forms and clerical
12 assistance in English and Spanish to help with the writing and
13 filing of petitions for firearm restraining orders for any
14 individual requesting such assistance or not represented by
15 counsel.

16 § 6190.4. Responsibilities of law enforcement agencies.

17 (a) General rule.--The Pennsylvania State Police, local law
18 enforcement agencies and the sheriff of each county shall ensure
19 that their troopers, officers, deputies and other designated
20 employees are familiar with the provisions of this subchapter.
21 Instruction concerning firearm restraining orders shall be made
22 a part of the training curriculum for all trainee troopers,
23 officers and deputies or other designated employees of the
24 Pennsylvania State Police, local law enforcement agencies and
25 the sheriff. The Pennsylvania State Police and all other law
26 enforcement agencies within this Commonwealth shall adopt a
27 written policy to govern firearm restraining orders.

28 (b) Notice of arrest.--The applicable law enforcement agency
29 shall make reasonable effort to notify a family or household
30 member or other person under section 6190.3(a)(1) (relating to
31 commencement of proceedings) of the arrest of the subject of a
32 firearm restraining order for violation of an order as soon as
33 possible. Provided, however, that, if a family or household
34 member or other person cannot be located at the time of arrest,
35 notice of the arrest shall be provided not more than 24 hours
36 after preliminary arraignment.

37 (c) Statewide registry.--

38 (1) Notwithstanding any other provision of law or
39 regulation to the contrary, the Pennsylvania State Police
40 shall cause each valid temporary and final firearm
41 restraining order granted under this subchapter to be entered
42 into the Statewide registry established under 23 Pa.C.S. §
43 6105(e) (relating to responsibilities of law enforcement
44 agencies). The registry of firearm restraining orders
45 maintained in the Statewide registry shall include, but may
46 not be limited to, the following:

47 (i) The names of the petitioner and family and
48 household members of the subjects of the restraining
49 orders, if known.

50 (ii) The names and addresses of the subjects of
51 firearm restraining orders.

1 (iii) The familial and professional relationship
2 between the petitioners and the subjects of firearm
3 restraining orders, if known.

4 (iv) The date the order was entered.

5 (v) The date the order expires.

6 (vi) The relief granted under this subchapter.

7 (vii) The judicial district in which the order was
8 entered.

9 (viii) The Social Security number and date of birth
10 of the subject of the restraining order.

11 (ix) A listing of all firearms, other weapons or
12 ammunition ordered to be relinquished.

13 (2) The prothonotary shall send, on a form prescribed by
14 the Pennsylvania State Police, a copy of the firearm
15 restraining order to the Statewide registry so that it is
16 received within 24 hours of the entry of the order. Likewise,
17 amendments to or the revocation, vacation or expiration of an
18 order shall be transmitted by the prothonotary within 24
19 hours of the entry of the order for modification or
20 revocation, vacation or expiration. The Pennsylvania State
21 Police shall enter orders, amendments, revocations, vacations
22 and expirations in the Statewide registry of firearm
23 restraining orders within eight hours of receipt. All
24 revoked, vacated or expired orders shall be purged from the
25 registry within eight hours of receipt.

26 (3) The Statewide registry shall be available at all
27 times to inform courts, police dispatchers and law
28 enforcement officers of any valid firearm restraining order
29 involving any individual subject to an order.

30 (4) When an order granting relief under section
31 6190.5(a.1)(3) (relating to relief) has been entered by the
32 court, the information shall be available to the Pennsylvania
33 State Police for the purpose of conducting a criminal history
34 records check, juvenile records check and mental health
35 records check following the procedures set forth in section
36 6111 (relating to sale or transfer of firearms).

37 (5) Information contained in the Statewide registry
38 shall not be subject to access under the act of February 14,
39 2008 (P.L.6, No.3), known as the Right-to-Know Law.

40 (d) Information concerning firearm restraining orders.--Each
41 local law enforcement agency and the Pennsylvania State Police
42 shall transmit to the Pennsylvania State Police, in a manner
43 prescribed by the Pennsylvania State Police, the information
44 specified in subsection (c)(1).

45 (e) Annual report.--

46 (1) The Pennsylvania State Police shall annually compile
47 and publish in the Pennsylvania Bulletin a Statewide report
48 which includes aggregate, county-based statistical profiles
49 of firearm restraining orders granted under this subchapter.

50 (2) The Pennsylvania State Police shall incorporate the
51 report under paragraph (1) into the annual report compiled in

1 accordance with 23 Pa.C.S. § 6105(g).
2 § 6190.5. Relief.

3 (a) Issuance of order.--Notwithstanding any other provision
4 of law, the court:

5 (1) May issue a firearm restraining order enjoining the
6 subject of a petition from having in his custody or control,
7 purchasing, possessing or receiving a firearm, other weapon
8 or ammunition if it determines that there is good cause to
9 believe that the subject of a petition poses an immediate and
10 present danger to the physical safety of a family or
11 household member or other person by having in his custody or
12 control, purchasing, possessing or receiving a firearm, other
13 weapon or ammunition.

14 (2) Shall issue a firearm restraining order enjoining
15 the subject of a protection order under 23 Pa.C.S. (relating
16 to domestic relations) from having in his custody or control,
17 purchasing, possessing or receiving a firearm, other weapon
18 or ammunition.

19 (a.1) Regulations and prohibitions.--A firearm restraining
20 order issued by the court pursuant to subsection (a) may:

21 (1) Prohibit the person subject to the firearm
22 restraining order from having in his custody or control,
23 purchasing, possessing or receiving or attempting to
24 purchase, possess or receive a firearm, other weapon or
25 ammunition for the duration of the order.

26 (2) Require the subject of the firearm restraining order
27 to relinquish to the sheriff any firearm license in
28 accordance with section 6106 (relating to firearms not to be
29 carried without a license) or 6109 (relating to licenses) the
30 defendant may possess.

31 (3) Order the person subject to a firearm restraining
32 order to temporarily relinquish to the sheriff any firearm or
33 other weapons and ammunition which the person may own,
34 possess or have in his custody or control. When
35 relinquishment is ordered, the following shall apply:

36 (i) (A) The court's order shall require the subject
37 of the restraining order to relinquish such firearms,
38 other weapons, ammunition and any firearm license
39 pursuant to the provisions of this section within 24
40 hours of service of a temporary order or the entry of
41 a final order or the close of the next business day
42 as necessary by closure of the sheriffs' offices,
43 except for cause shown at the hearing, in which case
44 the court shall specify the time for relinquishment
45 of the subject's firearms, other weapons and
46 ammunition or firearm license.

47 (B) A person subject to a temporary firearm
48 restraining order requiring the relinquishment of
49 firearms, other weapons and ammunition shall, in lieu
50 of relinquishing specific firearms, other weapons or
51 ammunition which cannot reasonably be retrieved

1 within the time for relinquishment in clause (A) due
2 to their current location, provide the sheriff with
3 an affidavit listing the firearms, other weapons or
4 ammunition and their current location. If the subject
5 of the order, within the time for relinquishment in
6 clause (A), fails to provide the affidavit or fails
7 to relinquish, pursuant to this section, any
8 firearms, other weapons or ammunition ordered to be
9 relinquished which are not specified in the
10 affidavit, the sheriff shall, at a minimum, provide
11 immediate notice to the court, the petitioner and
12 appropriate law enforcement agencies. The subject of
13 the temporary order shall not have in his custody or
14 control or possess any firearms, other weapons or
15 ammunition specifically listed in the affidavit
16 provided to the sheriff pursuant to this clause for
17 the duration of the temporary order.

18 (C) As used in this subparagraph, the term
19 "cause" shall be limited to facts relating to the
20 inability of the subject of a firearm restraining
21 order to retrieve a specific firearm within 24 hours
22 due to the current location of the firearm.

23 (ii) The court's order shall contain a list of the
24 firearm, other weapon or ammunition ordered to be
25 relinquished. Upon the entry of a final order, the
26 subject of the firearm restraining order shall inform the
27 court in what manner the subject will relinquish any
28 firearm, other weapon or ammunition ordered to be
29 relinquished. Relinquishment may occur pursuant to
30 section 6190.8 (relating to relinquishment for
31 consignment sale, lawful transfers and safekeeping) or to
32 the sheriff pursuant to this paragraph. Where the sheriff
33 is designated, the sheriff shall secure custody of the
34 firearms, other weapons or ammunition and any firearm
35 license listed in the court's order for the duration of
36 the order or until otherwise directed by court order. In
37 securing custody of the subject's relinquished firearms,
38 the sheriff shall comply with section 6105(f)(4)
39 (relating to persons not to possess, use, manufacture,
40 control, sell or transfer firearms). In securing custody
41 of the subject's other weapons and ammunition, the
42 sheriff shall provide the subject with a signed and dated
43 written receipt which shall include a detailed
44 description of the other weapons and ammunition and their
45 condition.

46 (iii) The sheriff shall provide the petitioner with
47 the name of the person to which any firearm, other weapon
48 or ammunition was relinquished.

49 (iv) If the subject of a firearm restraining order
50 has not complied with subparagraph (i)(B) or section
51 6190.8 and fails to relinquish any firearm, other weapon,

1 ammunition or firearm license within 24 hours or upon the
2 close of the next business day due to closure of
3 sheriffs' offices or within the time ordered by the court
4 upon cause shown at the hearing, the sheriff shall, at a
5 minimum, provide immediate notice to the court, the
6 petitioner and appropriate law enforcement agencies.

7 (v) Any portion of any order or any petition or
8 other paper which includes a list of any firearm, other
9 weapon or ammunition ordered to be relinquished shall be
10 kept in the files of the court as a permanent record
11 thereof and withheld from public inspection except:

12 (A) upon an order of the court granted upon
13 cause shown;

14 (B) as necessary, by law enforcement and court
15 personnel; or

16 (C) after redaction of information listing any
17 firearm, other weapon or ammunition.

18 (vi) As used in this paragraph, the term "subject's
19 firearms" shall, if the subject is a licensed firearms
20 dealer, only include firearms in the subject's personal
21 firearms collection pursuant to 27 CFR § 478.125a
22 (relating to personal firearms collection).

23 (4) If the subject of a firearm restraining order is a
24 licensed firearms dealer, order the subject to follow such
25 restrictions as the court may require concerning the conduct
26 of his business, which may include ordering the subject to
27 relinquish any Federal or State license for the sale,
28 manufacture or importation of firearms as well as firearms in
29 the subject's business inventory. In restricting the subject
30 of a firearm restraining order pursuant to this paragraph,
31 the court shall make a reasonable effort to preserve the
32 financial assets of the subject's business while fulfilling
33 the goals of this subchapter.

34 (b) Identifying information.--Any order issued under this
35 section shall specify the Social Security number and date of
36 birth of the subject of the firearm restraining order.

37 (c) Duration and amendment of order.--A firearm restraining
38 order shall be for a fixed period of time not to exceed one
39 year. The court may amend its order at any time upon subsequent
40 petition filed by a petitioner, family or household member or
41 other person under section 6190.3 (relating to commencement of
42 proceedings).

43 (d) Extension of firearm restraining order.--

44 (1) An extension of a firearm restraining order may be
45 granted:

46 (i) Where the court finds, after a duly filed
47 petition, notice to the subject of an order and a hearing
48 in accordance with the procedures set forth in sections
49 6190.5 (relating to relief) and 6190.6 (relating to
50 hearing) that the subject of the firearm restraining
51 order is alleged to have committed one or more of the

1 offenses enumerated in section 6105(b) or has engaged in
2 a pattern of conduct which indicates a continued risk of
3 danger to the physical safety of the petitioner, family
4 or household member or other person or himself subsequent
5 to the entry of the final order.

6 (ii) When a contempt petition or charge has been
7 filed with the court or with a hearing officer in
8 Philadelphia County, but the hearing has not occurred
9 before the expiration of the order, the order shall be
10 extended, at a minimum, until the disposition of the
11 contempt petition and may be extended for another term
12 beyond the disposition of the contempt petition.

13 (2) Service of an extended order shall be made in
14 accordance with section 6190.11 (relating to service of
15 order).

16 (3) There shall be no limitation on the number of
17 extensions that may be granted.

18 (e) Notice.--Notice shall be given to the subject of a
19 firearm restraining order, in orders issued under this section
20 and temporary orders issued under section 6190.6, stating that
21 violations of a firearm restraining order will subject the
22 subject of the restraining order to arrest under section 6105
23 or 6190.12 (relating to violation of order) or contempt of court
24 under section 6190.13 (relating to contempt for violation;
25 arrest).

26 (f) Transmission of order.--A copy of the court's order
27 shall be transmitted to the Pennsylvania State Police, the chief
28 or head of the local law enforcement agency of the municipality
29 in which the subject of the firearm is a resident and in which
30 the order was issued, the district attorney and the sheriff of
31 the county in which the subject of the firearm restraining order
32 is a resident and in which the order was issued.

33 (g) False reports.--A person who knowingly gives false
34 information to any law enforcement officer with the intent to
35 implicate another under this chapter commits an offense under
36 section 4906 (relating to false reports to law enforcement
37 authorities).

38 § 6190.6. Hearing.

39 (a) Schedule of hearing.--Within 10 business days of the
40 filing of a petition under this subchapter, a hearing shall be
41 held before the court, at which the petitioner must prove the
42 allegation, by a preponderance of the evidence, that the subject
43 of the petition poses an immediate and present danger to the
44 physical safety of the petitioner, family or household member,
45 other person or himself. The court shall, at the time the
46 subject of the petition is given notice of the hearing, advise
47 the subject of the following:

48 (1) The right to be represented by counsel.

49 (2) The possibility that any firearm, other weapon or
50 ammunition owned and any firearm license possessed by him may
51 be ordered to be temporarily relinquished.

1 (3) The options for relinquishment of a firearm pursuant
2 to this subchapter.

3 (4) The possibility that Federal law may prohibit the
4 possession of firearms.

5 (5) The penalty for violation of the firearm restraining
6 order.

7 (6) Any firearm restraining order granted by a court may
8 be considered in any subsequent proceedings under this title.
9 The notice shall be printed and delivered in a manner which
10 easily attracts attention to its content.

11 (b) Review prior to hearing.--Prior to a hearing on the
12 issuance, extension or vacation of a firearm restraining order,
13 the court shall conduct a review to determine whether the
14 subject of the petition has been convicted of or has pled guilty
15 or nolo contendere to any of the enumerated offenses set forth
16 in section 6105 (relating to persons not to possess, use
17 manufacture, control, sell or transfer firearms).

18 (c) Temporary orders.--The following shall apply:

19 (1) If a law enforcement officer, family or household
20 member or other person under section 6190.3 (relating to
21 commencement of proceedings) petitions the court for a
22 temporary firearm restraining order alleging an immediate and
23 present danger to the physical safety of a family or
24 household member, another person or the subject of the
25 petition, the court shall conduct an ex parte proceeding.

26 (2) The court may enter a temporary order as it deems
27 necessary to protect the petitioner, a family or household
28 member, other person or the subject of the petition, if the
29 petition demonstrates that the subject of the petition poses
30 an immediate and present danger to the physical safety of
31 such petitioner, family or household member, other person or
32 himself. The order shall remain in effect until modified or
33 terminated by the court after notice and hearing.

34 (3) In addition to any other relief, the court may,
35 pursuant to section 6190.5 (relating to relief), direct that
36 the subject of a firearm restraining order to temporarily
37 relinquish to the sheriff any firearms, other weapons or
38 ammunition for the duration of the temporary order if the
39 petition demonstrates any of the following:

40 (i) Conduct which involves a firearm or other
41 weapon.

42 (ii) An immediate and present danger to physical
43 safety. In determining whether an immediate and present
44 danger to physical safety exists, the court shall
45 consider the following factors, including, but not
46 limited to:

47 (A) Whether the temporary firearm restraining
48 order is not likely to achieve its purpose in the
49 absence of such a condition.

50 (B) Whether the subject of the petition has
51 previously violated a protection from abuse order

1 under 23 Pa.C.S. Ch. 61 (relating to protection from
2 abuse).

3 (C) Whether past or present conduct or abuse of
4 a family or household member, another person or
5 himself resulted in bodily injury.

6 (D) Whether the conduct or abuse occurred in
7 public.

8 (E) Whether the conduct or abuse includes:

9 (I) threats to physical safety or of abuse
10 or suicide;

11 (II) killing or threatening to kill pets or
12 other animals;

13 (III) an escalation of violence;

14 (IV) stalking, harassment or obsessive
15 behavior;

16 (V) sexual violence; or

17 (VI) controlled substance, as defined under
18 the act of April 14, 1972 (P.L.233, No.64), known
19 as The Controlled Substance, Drug, Device and
20 Cosmetic Act, or excessive alcohol use.

21 (F) Whether the subject of the petition has been
22 adjudicated as incompetent or has been involuntarily
23 committed to a mental institution for inpatient care
24 and treatment under section 302, 303 or 304 of the
25 act of July 9, 1976 (P.L.817, No.143), known as the
26 Mental Health Procedures Act. This paragraph shall
27 not apply to any proceeding under section 302 of the
28 Mental Health Procedures Act unless the examining
29 physician has issued a certification that inpatient
30 care was necessary or that the person was
31 committable.

32 (G) Whether the subject of the petition has been
33 convicted of any offense enumerated in section
34 6105(b).

35 (H) Whether the subject of the petition has been
36 convicted of an offense under The Controlled
37 Substance, Drug, Device and Cosmetic Act, or any
38 equivalent Federal statute or equivalent statute of
39 any other state, that may be punishable by a term of
40 imprisonment of not more than two years.

41 (I) Whether the subject of the petition has been
42 convicted of driving under the influence of alcohol
43 or controlled substance as provided in 75 Pa.C.S. §
44 3802 (relating to driving under influence of alcohol
45 or controlled substance) on three or more separate
46 occasions within a five-year period.

47 (4) If the court orders the subject of the petition to
48 temporarily relinquish any firearm, other weapon or
49 ammunition pursuant to paragraph (3), the subject of the
50 petition shall decide in what manner he will relinquish the
51 firearm, other weapon or ammunition listed in the order.

1 Relinquishment may be to the sheriff pursuant to section
2 6190.5(a.1)(3).

3 (d) Continued hearings.--If a hearing under subsection (a)
4 is continued and no temporary order is issued, the court may
5 make ex parte temporary orders under subsection (c) as it deems
6 necessary.

7 § 6190.7. Return of relinquished firearms, other weapons and
8 ammunition, and additional relief.

9 (a) General rule.--Any court order requiring the
10 relinquishment of firearms, other weapons or ammunition shall
11 provide for the return of the relinquished firearms, other
12 weapons or ammunition to the subject of a firearm restraining
13 order upon revocation, vacation or expiration of the order or
14 dismissal of a petition for a firearm restraining order. The
15 subject of a firearm restraining order may take custody of the
16 relinquished firearms, other weapons or ammunition provided that
17 such subject is otherwise eligible to lawfully possess the
18 relinquished firearms, other weapons or ammunition. The subject
19 of the firearm restraining order shall not be required to pay
20 any fees, costs or charges associated with the returns, whether
21 the fees, costs or charges are imposed by the Pennsylvania State
22 Police, any local law enforcement agency or any other entity,
23 including a licensed importer, licensed manufacturer or licensed
24 dealer, in order to secure return of the relinquished firearms,
25 other weapons or ammunition.

26 (b) Hearing.--Within 10 business days of the filing of a
27 petition under this section, a hearing shall be held before the
28 court.

29 (c) Definitions.--As used in this section, the term "other
30 person" shall mean any person, except the subject of the
31 restraining order, who is the lawful owner of a firearm, other
32 weapon or ammunition relinquished pursuant to this subchapter.

33 § 6190.8. Relinquishment for consignment sale, lawful transfers
34 and safekeeping.

35 (a) General rule.--Notwithstanding any other provision of
36 law, an individual who is the subject of a firearm restraining
37 order, which order provides for the relinquishment of firearms,
38 other weapons or ammunition during the period of time the order
39 is in effect, may, within the time frame specified in the order
40 and in lieu of relinquishment to the sheriff, relinquish to a
41 dealer licensed pursuant to section 6113 (relating to licensing
42 of dealers) any firearms, other weapons or ammunition for
43 consignment sale, lawful transfers and safekeeping.

44 (b) Affidavit.--The subject of a firearm restraining order
45 relinquishing firearms, other weapons or ammunition to a
46 licensed dealer pursuant to subsection (a) shall obtain an
47 affidavit from the dealer on a form prescribed by the
48 Pennsylvania State Police which shall include, at a minimum, the
49 following:

50 (1) The caption of the case in which the firearm
51 restraining order was issued.

1 (2) The name, address, date of birth and Social Security
2 number of the subject of the firearm restraining order.

3 (3) A list of the firearms, other weapons or ammunition,
4 including, if applicable, the manufacturer, model and serial
5 number.

6 (4) The name, license number and address of the licensed
7 premises of the dealer licensed pursuant to section 6113
8 (relating to licensing of dealers) receiving the relinquished
9 firearm, other weapon or ammunition.

10 (5) An acknowledgment that the firearms, other weapons
11 or ammunition will not be returned to the subject of the
12 restraining order or sold or transferred to an individual the
13 dealer knows is a family or household member of such subject
14 while he is the subject of an active firearm restraining
15 order under this subchapter or an active protection from
16 abuse order under 23 Pa.C.S. Ch. 61 (relating to protection
17 from abuse) which order or orders provide for the
18 relinquishment of the firearm, other weapon or ammunition
19 being returned, sold or transferred.

20 (6) An acknowledgment that the firearms, other weapons
21 or ammunition, if sold or transferred, will be sold or
22 lawfully transferred in compliance with Chapter 61 (relating
23 to firearms and other dangerous articles).

24 (c) Failure to provide affidavit.--The subject of a firearm
25 restraining order relinquishing firearms, other weapons or
26 ammunition to a dealer pursuant to subsection (a) shall, within
27 the time frame specified in the order for relinquishing
28 firearms, other weapons or ammunition, provide to the sheriff
29 the affidavit obtained pursuant to subsection (b) and relinquish
30 to the sheriff any firearms, other weapons or ammunition ordered
31 to be relinquished which are not specified in the affidavit, in
32 an affidavit provided in accordance with section 6190.5(a.1)(3)
33 (i)(B) (relating to relief). If the subject of a firearm
34 restraining order fails to comply with this subsection, the
35 sheriff shall, at a minimum, provide immediate notice to the
36 court, the petitioner and appropriate law enforcement agencies.

37 (d) Form.--The Pennsylvania State Police shall develop and
38 make available to licensed dealers a form to be used by dealers
39 to accept possession of firearms, other weapons or ammunition
40 for consignment sale, lawful transfer or safekeeping pursuant to
41 this section.

42 (e) Transfer upon entry of final order.--Upon entry of a
43 final firearm restraining order issued pursuant to section
44 6190.5, which provides for the relinquishment of firearms, other
45 weapons or ammunition during the period of time the order is in
46 effect, the subject of a firearm restraining order who had
47 relinquished firearms, other weapons or ammunition to the
48 sheriff pursuant to a temporary order may request that the
49 firearms, other weapons or ammunition be relinquished to a
50 dealer for consignment sale, lawful transfer or safekeeping
51 pursuant to this section. If the defendant can identify a

1 licensed dealer willing to accept the firearms, other weapons or
2 ammunition in compliance with this section, the court shall
3 order the sheriff to transport the firearms, other weapons or
4 ammunition to the licensed dealer at no cost to the subject of
5 the firearm restraining order or the licensed dealer.

6 (f) Nondisclosure.--The affidavit obtained under subsection
7 (b) shall not be subject to access under the act of February 14,
8 2008 (P.L.6, No.3), known as the Right-to-Know Law.

9 (g) Definitions.--As used in this section, the following
10 words and phrases shall have the meanings given to them in this
11 subsection:

12 "Safekeeping." The secure custody of firearms, other weapons
13 or ammunition ordered to be relinquished by an active firearm
14 restraining order.

15 "Sale or lawful transfer." Any sale or transfer to a person
16 other than the subject of a firearm restraining order or a
17 family or household member of the subject which is conducted in
18 accordance with Chapter 61 (relating to firearms and other
19 dangerous articles).

20 § 6190.9. (Reserved).

21 § 6190.10. Disclosure and confidentiality.

22 (a) Certain disclosures prohibited.--

23 (1) During the course of a proceeding under this
24 subchapter, the court or hearing officer may consider whether
25 the petitioner or petitioner's family or household members or
26 other person would be endangered by disclosure of the
27 permanent or temporary address of the petitioner or
28 petitioner's family or household member or other person. If
29 the court determines that disclosure of the petitioner's
30 address may pose a threat to the physical safety of the
31 petitioner, a family or household member of such petitioner
32 or other person, the court or hearing officer shall not
33 require disclosure of the petitioner's, family or household
34 member's or other person's address in either the pleadings or
35 during proceedings or hearings under this subchapter.

36 (2) Where the court concludes that the subject of a
37 restraining order continues to pose a threat to the physical
38 safety of the petitioner, a family or household member of the
39 petitioner or another person and where the petitioner, family
40 or household member or other person requests that his or her
41 address, telephone number and information about whereabouts
42 not be disclosed, the court shall enter an order directing
43 that law enforcement agencies and any other person or entity,
44 as the court so determines, shall not disclose the presence
45 of the petitioner, family or household member or other person
46 in any jurisdiction or furnish any address, telephone number
47 or any other demographic information about the petitioner,
48 family or household member or other person, except by further
49 order of the court.

50 (b) Confidentiality.--Information retained to ensure
51 compliance with this subchapter shall not be subject to access

1 under the act of February 14, 2008 (P.L.6, No.3), known as the
2 Right-to-Know Law.

3 § 6190.11. Service of order.

4 (a) Issuance.--A copy of an order under this subchapter
5 shall be issued to the petitioner, the subject of the
6 restraining order and the local law enforcement agencies with
7 appropriate jurisdiction to enforce the order in accordance with
8 the provisions of this subchapter or as ordered by the court or
9 hearing officer.

10 (b) Placement in registry.--Upon receipt of an order, the
11 local law enforcement agency shall immediately advise the
12 Pennsylvania State Police of entry of the order and collaborate
13 with it to ensure that the order is timely entered into the
14 registry established in accordance with 23 Pa.C.S. § 6105
15 (relating to responsibilities of law enforcement agencies). The
16 local law enforcement agency with jurisdiction shall continue
17 its collaboration with the Pennsylvania State Police to ensure
18 that the registry is current at all times and that orders are
19 removed upon vacation or expiration.

20 § 6190.12. Violation of order.

21 (a) General rule.--An arrest for violation of an order
22 issued pursuant to this subchapter may be without warrant upon
23 probable cause whether or not the violation is committed in the
24 presence of the law enforcement officer or sheriff in
25 circumstances where the subject of a firearm restraining order
26 has violated a provision of an order consistent with section
27 6190.5 (relating to relief). The law enforcement officer or
28 sheriff may verify the existence of a firearm restraining order
29 by telephone, radio or other electronic communication with the
30 appropriate law enforcement agency, the Pennsylvania State
31 Police registry or the issuing authority. A law enforcement
32 officer or sheriff shall arrest a subject of a firearm
33 restraining order for violating an order issued under this
34 subchapter.

35 (b) Seizure of firearms, other weapons and ammunition.--
36 Subsequent to an arrest, the law enforcement officer or sheriff
37 shall seize all firearms, other weapons and ammunition used or
38 threatened to be used during a violation of a firearm
39 restraining order or during prior incidents that posed an
40 immediate and present danger to the physical safety of the
41 petitioner, a family or household member or other person and any
42 other firearms, other weapons or ammunition in the subject's
43 possession. As soon as it is reasonably possible, the arresting
44 law enforcement officer shall deliver the confiscated firearms,
45 other weapons and ammunition to the office of the sheriff. The
46 sheriff shall maintain possession of the firearms, other weapons
47 and ammunition until the court issues an order specifying the
48 firearms, other weapons and ammunition to be relinquished and
49 the persons to whom the firearms, other weapons and ammunition
50 shall be relinquished.

51 (c) Procedure following arrest.--Subsequent to an arrest

1 under subsection (a), the subject of a firearm restraining order
2 shall be taken by the law enforcement officer or sheriff without
3 unnecessary delay before the court in the judicial district
4 where the contempt is alleged to have occurred. When that court
5 is unavailable, the law enforcement officer or sheriff shall
6 convey the subject of the firearm restraining order to a
7 magisterial district judge designated as appropriate by local
8 rules of court or, in the city of Pittsburgh, to a magistrate of
9 the Pittsburgh Magistrates Court or, in counties of the first
10 class, to the appropriate hearing officer. For purposes of
11 procedure relating to arraignments for arrest for violation of
12 an order issued under this subchapter, the judges of Pittsburgh
13 Magistrates Court shall be deemed to be magisterial district
14 judges.

15 (d) Preliminary arraignment.--The subject of a firearm
16 restraining order shall be afforded a preliminary arraignment
17 without unnecessary delay.

18 (e) Other emergency powers unaffected.--This section shall
19 not be construed in any way to limit any of the other powers for
20 emergency relief provided in this subchapter.

21 (f) Hearing.--A hearing shall be scheduled within 10 days of
22 the filing of the charge or complaint of indirect criminal
23 contempt. The hearing and any adjudication shall not preclude a
24 hearing on other criminal charges underlying the contempt, nor
25 shall a hearing or adjudication on other criminal charges
26 preclude a hearing on a charge of indirect criminal contempt.
27 § 6190.13. Contempt for violations; arrest.

28 (a) General rule.--Where the law enforcement officer,
29 sheriff or the petitioner has filed charges of indirect criminal
30 contempt against a defendant for violation of a firearm
31 restraining order issued under this subchapter, the court may
32 hold the subject of the restraining order in indirect criminal
33 contempt and punish the subject in accordance with law.

34 (b) Jurisdiction.--The court shall have jurisdiction over
35 indirect criminal contempt charges for violation of a firearm
36 restraining order issued under this subchapter in the county
37 where the violation occurred and in the county where the order
38 was granted.

39 (c) Minors.--A subject of a firearm restraining order who is
40 a minor and who is charged with indirect criminal contempt for
41 allegedly violating a firearm restraining order shall be
42 considered to have committed an alleged delinquent act as that
43 term is defined in 42 Pa.C.S. § 6302 (relating to definitions)
44 and shall be treated as provided in 42 Pa.C.S. Ch. 63 (relating
45 to juvenile matters).

46 (d) Trial and punishment.--

47 (1) A sentence for contempt under this subchapter may
48 include:

49 (i) (A) a fine of not less than \$300 nor more than
50 \$1,000 and imprisonment for not more than six months;
51 or

1 (B) a fine of not less than \$300 nor more than
2 \$1,000 and supervised probation not to exceed six
3 months; and

4 (ii) an order for other relief set forth in this
5 subchapter.

6 (2) All money received from the imposition of fines
7 under this section shall be distributed in the following
8 order of priority:

9 (i) One hundred dollars shall be forwarded to the
10 Commonwealth and shall be appropriated by the General
11 Assembly to the Pennsylvania State Police to assist with
12 the maintenance of the Statewide registry established in
13 accordance with 23 Pa.C.S. § 6105(e) (relating to
14 responsibilities of law enforcement agencies).

15 (ii) One hundred dollars shall be retained by the
16 county and shall be used to carry out the provisions of
17 this subchapter as follows:

18 (A) Fifty dollars shall be used by the sheriff.

19 (B) Fifty dollars shall be forwarded to the
20 local law enforcement agency.

21 (iii) Fifty dollars shall be forwarded to the
22 Commonwealth and shall be appropriated to the Supreme
23 Court for use by county courts and magisterial district
24 courts to carry out their duties under this subchapter.

25 (iv) Any additional money shall be forwarded to the
26 Commonwealth and shall be appropriated to the
27 Pennsylvania State Police and used by it to maintain the
28 Statewide registry established under 23 Pa.C.S. §
29 6105(e).

30 (3) The subject of a firearm restraining order shall not
31 have a right to a jury trial on a charge of indirect criminal
32 contempt. However, the defendant shall be entitled to
33 counsel.

34 (4) Upon conviction for indirect criminal contempt and
35 at the request of the petitioner, the court shall also grant
36 an extension of the firearm restraining order for an
37 additional term.

38 (5) Upon conviction for indirect criminal contempt, the
39 court shall notify the sheriff of the jurisdiction which
40 issued the firearm restraining order of the conviction.

41 (6) The minimum fine required by subsection (b)(1)
42 allocated pursuant to subsection (d)(2)(i) and (iii) shall be
43 used to supplement and not to supplant any other source of
44 funds received for the purpose of carrying out the provisions
45 of this subchapter.

46 (e) Notification upon release.--The appropriate releasing
47 authority or other official as designated by local rule shall
48 use all reasonable means to notify the petitioner sufficiently
49 in advance of the release of the subject of a firearm
50 restraining order from any incarceration imposed under this
51 subchapter. Notification shall be required for work release,

1 furlough, medical leave, community service, discharge, escape
2 and recapture. Notification shall include the terms and
3 conditions imposed on any temporary release from custody. The
4 petitioner must keep the appropriate releasing authority or
5 other official as designated by local rule advised of personal
6 contact information; failure to do so may constitute waiver of
7 any right to notification under this subsection.

8 (f) Multiple remedies.--Disposition of a charge of indirect
9 criminal contempt shall not preclude the prosecution of other
10 criminal charges associated with the incident giving rise to the
11 contempt, nor shall disposition of other criminal charges
12 preclude prosecution of indirect criminal contempt associated
13 with the criminal conduct giving rise to the charges.

14 § 6190.14. Civil contempt for violation of an order.

15 (a) General rule.--A petitioner may file a petition for
16 civil contempt with the issuing court alleging that the subject
17 of a firearm restraining order has violated any provision of an
18 order issued under this subchapter.

19 (b) Civil contempt order.--Upon finding of a violation of a
20 firearm restraining order issued under this subchapter, the
21 court, either pursuant to petition for civil contempt or on its
22 own accord, may hold the subject of the restraining order in
23 civil contempt and restrain him in accordance with law.

24 (c) Sentencing.--A sentence for civil contempt under this
25 subchapter may include imprisonment until the subject of the
26 restraining order complies with provisions of the order or
27 demonstrates the intent to do so, but in no case shall a term of
28 imprisonment under this section exceed a period of six months.

29 (d) Jury trial and counsel.--The subject of a restraining
30 order shall not have a right to a jury trial; however, the
31 defendant shall be entitled to counsel.

32 § 6190.15. Procedures and other remedies.

33 (a) General rule.--Unless otherwise indicated in this
34 subchapter, a proceeding under this subchapter shall be in
35 accordance with applicable general rules and shall be in
36 addition to any other available civil or criminal remedies.

37 (b) Remedies for bad faith.--Notwithstanding any other
38 provision of law, upon finding that an individual commenced a
39 proceeding under this chapter in bad faith, the court shall
40 direct the individual to pay to the subject of the petition or
41 firearm restraining order actual damages and reasonable attorney
42 fees. Failure to prove an allegation of an immediate and present
43 danger to the physical safety of the petitioner, family or
44 household member or other person by a preponderance of the
45 evidence shall not, by itself, result in a finding of bad faith.

46 § 6190.16. Immunity.

47 (a) General rule.--

48 (1) Law enforcement agencies and their employees,
49 including troopers, officers, sheriffs and their deputies,
50 shall, except as provided in subsection (b), be immune from
51 civil liability for actions taken in good faith to carry out

1 their duties relating to the seizure and relinquishment of
2 firearms, other weapons and ammunition as provided for in
3 this subchapter, except for gross negligence, intentional
4 misconduct or reckless, willful or wanton misconduct.

5 (2) No person licensed under the act of July 9, 1987
6 (P.L.220, No.39), known as the Social Workers, Marriage and
7 Family Therapists and Professional Counselors Act, or as a
8 health care practitioner as defined under section 103 of the
9 act of July 19, 1979 (P.L.130, No.48), known as the Health
10 Care Facilities Act, who initiates a proceeding for the
11 issuance of a firearm restraining order in accordance with
12 section 6190.3 shall be held civilly or criminally liable for
13 actions taken pursuant to the provisions of this subchapter,
14 if such person acted in good faith and without malice.

15 (b) Exception.--Law enforcement agencies and their
16 employees, including troopers, officers, sheriffs and their
17 deputies, may be liable to the lawful owner of confiscated,
18 seized or relinquished firearms in accordance with section
19 6105(f) (relating to persons not to possess, use, manufacture,
20 control, sell or transfer firearms) and may be liable to the
21 lawful owner of confiscated, seized or relinquished other
22 weapons or ammunition for any loss, damage or substantial
23 decrease in the value of the other weapons or ammunition that is
24 a direct result of a lack of reasonable care by the law
25 enforcement agency or its employees.

26 § 6190.17. Inability to pay.

27 (a) Order for installment payments.--Upon plea and proof
28 that a person is without the financial means to pay a fine, fee
29 or cost under section 6190.5 (relating to relief) or a cost, the
30 court may order payment of money owed in installments
31 appropriate to the circumstances of the person and shall fix the
32 amounts, times and manner of payment. The failure to make such
33 payments in the amount, time and manner fixed by the court may
34 subject the person to contempt under the applicable provisions
35 of this subchapter.

36 (b) Use of credit cards.--The treasurer of each county may
37 allow the use of credit cards and bank cards in the payment of
38 finances, fees and costs set forth under this subchapter.

39 § 6190.18. Warrantless searches.

40 Except as provided in section 6190.12 (relating to violation
41 of order), nothing in this subchapter shall authorize a
42 warrantless search for firearms, other weapons or ammunition.

43 § 6190.19. Construction.

44 Nothing in this subchapter shall be construed to:

45 (1) Preclude an action for wrongful use of civil process
46 pursuant to 42 Pa.C.S. Ch. 83 Subch. E (relating to wrongful
47 use of civil proceedings) or criminal prosecution for a
48 violation of Chapter 49 (relating to falsification and
49 intimidation).

50 (2) Allow a government agency or law enforcement agency,
51 or an agent or employee of either, or any other person or

1 entity to create, maintain or operate a database or registry
2 of firearm ownership within this Commonwealth. However,
3 information may be retained to ensure compliance with this
4 subchapter and to document the return of relinquished
5 firearms, other weapons and ammunition in accordance with
6 this subchapter.

7 Amend Bill, page 3, line 11, by striking out "2" and

8 inserting

9 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE SANTORA

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(f)(2) of Title 18 of the
6 Pennsylvania Consolidated Statutes is amended and the subsection
7 is amended by adding a paragraph to read:
8 § 6111. Sale or transfer of firearms.

9 * * *

10 (f) Application of section.--

11 * * *

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

18 * * *

19 (5) In the case of a purchase or transfer of a firearm
20 at a lawful gun show, meet or auction, this section shall
21 apply as follows:

22 (i) At a lawful gun show, meet or auction, a
23 potential purchaser or transferee who has submitted and
24 received approval of an application/record of sale
25 through the instantaneous background check system may use
26 the unique approval number from the application/record of
27 sale for later firearm purchases or transfers completed
28 at the same lawful gun show, meet or auction with the
29 same licensed importer, licensed manufacturer, licensed
30 dealer or sheriff within 48 hours of the approval.

31 (ii) When engaging in a later purchase or transfer
32 of a firearm under subparagraph (i), the potential
33 purchaser or transferee may provide the receipt under
34 subsection (b) (5) and valid photo identification to the
35 same licensed importer, licensed manufacturer, licensed
36 dealer or sheriff who conducted the earlier background
37 check as proof that the potential purchaser or transferee

1 is approved to acquire a firearm under subparagraph (i)
2 and is exempt from Federal and State background check
3 requirements in accordance with 18 U.S.C. § 922(t)(3)(A)
4 (relating to unlawful acts) for firearm purchases or
5 transfers completed under subparagraph (i).

6 * * *

7 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
8 reenacted and amended to read:

9 Amend Bill, page 3, by inserting between lines 10 and 11

10 Section 3. The provisions of 37 Pa. Code are abrogated to
11 the extent of any inconsistency with this act.

12 Amend Bill, page 3, line 11, by striking out "2" and

13 inserting

14 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE SANTORA

Printer's No. 3637

1 Amend Bill, page 2, by inserting between lines 16 and 17

2 (a.4) Applicability.--The provisions of subsections (a.2)
3 and (a.3) shall not apply to a city of the first class or a
4 municipality within a county that borders a city of the first
5 class.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person adversely
5 affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of knowingly possessing a firearm in or upon any
9 part of the buildings, grounds, or owned or leased vehicles
10 of any school, college, university or other educational
11 institution, without having the written authorization of the
12 governing officer of the institution.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"

2 licenses, for sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of

4 said lines and inserting

5 Section 1. Sections 6109(c) and 6111(b)(1) of Title 18 of
6 the Pennsylvania Consolidated Statutes are amended to read:
7 § 6109. Licenses.

8 * * *

9 (c) Form of application and content.--The application for a
10 license to carry a firearm shall be uniform throughout this
11 Commonwealth and shall be on a form prescribed by the
12 Pennsylvania State Police. The form may contain provisions, not
13 exceeding one page, to assure compliance with this section.
14 Issuing authorities shall use only the application form
15 prescribed by the Pennsylvania State Police. One of the
16 following reasons for obtaining a firearm license shall be set
17 forth in the application: self-defense, employment, hunting and
18 fishing, target shooting, gun collecting or another proper
19 reason. The application form shall be dated and signed by the
20 applicant and shall contain the following statement:

21 I have never been convicted of a crime that prohibits me
22 from possessing or acquiring a firearm under Federal or
23 State law. I am of sound mind and have never been
24 committed to a mental institution and have never received
25 mental health treatment on an inpatient or outpatient
26 basis. I hereby certify that the statements contained
27 herein are true and correct to the best of my knowledge
28 and belief. I understand that, if I knowingly make any
29 false statements herein, I am subject to penalties
30 prescribed by law. I authorize the sheriff, or his
31 designee, or, in the case of first class cities, the
32 chief or head of the police department, or his designee,
33 to inspect only those records or documents relevant to
34 information required for this application. If I am issued
35 a license and knowingly become ineligible to legally
36 possess or acquire firearms, I will promptly notify the
37 sheriff of the county in which I reside or, if I reside

1 in a city of the first class, the chief of police of that
2 city.

3 * * *

4 § 6111. Sale or transfer of firearms.

5 * * *

6 (b) Duty of seller.--No licensed importer, licensed
7 manufacturer or licensed dealer shall sell or deliver any
8 firearm to another person, other than a licensed importer,
9 licensed manufacturer, licensed dealer or licensed collector,
10 until the conditions of subsection (a) have been satisfied and
11 until he has:

12 (1) For purposes of a firearm as defined in section 6102
13 (relating to definitions), obtained a completed
14 application/record of sale from the potential buyer or
15 transferee to be filled out in triplicate, the original copy
16 to be sent to the Pennsylvania State Police, postmarked via
17 first class mail, within 14 days of the sale, one copy to be
18 retained by the licensed importer, licensed manufacturer or
19 licensed dealer for a period of 20 years and one copy to be
20 provided to the purchaser or transferee. The form of this
21 application/record of sale shall be no more than one page in
22 length and shall be promulgated by the Pennsylvania State
23 Police and provided by the licensed importer, licensed
24 manufacturer or licensed dealer. The application/record of
25 sale shall include the name, address, birthdate, gender,
26 race, physical description and Social Security number of the
27 purchaser or transferee, the date of the application and the
28 caliber, length of barrel, make, model and manufacturer's
29 number of the firearm to be purchased or transferred. The
30 application/record of sale shall also contain the following
31 [question] questions:

32 Are you the actual buyer of the firearm(s), as defined
33 under 18 Pa.C.S. § 6102 (relating to definitions), listed
34 on this application/record of sale? Warning: You are not
35 the actual buyer if you are acquiring the firearm(s) on
36 behalf of another person, unless you are legitimately
37 acquiring the firearm as a gift for any of the following
38 individuals who are legally eligible to own a firearm:

- 39 (1) spouse;
40 (2) parent;
41 (3) child;
42 (4) grandparent; or
43 (5) grandchild.

44 Have you ever received mental health treatment on an
45 inpatient or outpatient basis?

46 * * *

47 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
48 reenacted and amended to read:

49 Amend Bill, page 3, line 11, by striking out "2" and

1 inserting

2 3

**Regular Session 2015 - 2016
Amendment A09861 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person adversely
5 affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of an
8 action which is:

9 (i) taken by a supermajority of the governing body
10 of the county, municipality or township; and

11 (ii) supported by a collective bargaining
12 organization representing law enforcement in the county,
13 municipality or township.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for firearm owner's identification card

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Chapter 61 of Title 18 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E

7 FIREARM OWNER'S IDENTIFICATION CARD

8 Sec.

9 6191. Legislative declaration.

10 6192. Definitions.

11 6193. Firearm owner's identification card.

12 6193.1. Requirements for transfers; background check.

13 6193.2. Competitive shooting event; participation by
14 nonresident.

15 6193.3. Federally licensed firearm dealer, gun show promoter and
16 gun show vendor.

17 6194. Application for firearm owner's identification card.

18 6194.1. Approval of applications.

19 6195. Contents of firearm owner's identification card.

20 6195.1. Altered, forged or counterfeit firearm owner's
21 identification cards.

22 6195.2. Expiration.

23 6196. Denial of application.

24 6196.1. Denial or revocation of firearm owner's identification
25 card.

26 6197. Administrative and judicial review.

27 6198. Construction.

28 6199. Municipal ordinance submission.

29 6199.1. Offenses and penalties.

30 § 6191. Legislative declaration.

31 The General Assembly declares that in order to promote and
32 protect the health, safety and welfare of the public it is
33 necessary and in the public interest to provide a system of
34 identifying persons who are not qualified to acquire or possess
35 firearms and firearm ammunition within this Commonwealth by the
36 establishment of a system of firearm owner's identification
37 cards, thereby establishing a practical and workable system by

1 which law enforcement authorities will be afforded an
2 opportunity to identify those persons who are prohibited under
3 section 6105 (relating to persons not to possess, use,
4 manufacture, control, sell or transfer firearms) from acquiring
5 or possessing firearms and firearm ammunition.
6 § 6192. Definitions.

7 The following words and phrases when used in this subchapter
8 shall have the meanings given to them in this section unless the
9 context clearly indicates otherwise:

10 "Counterfeit." To copy or imitate, without legal authority,
11 with intent to deceive.

12 "Federally licensed firearm dealer." A person who is
13 licensed as a Federal firearms dealer under section 923 of the
14 Federal Gun Control Act of 1968 (Public Law 90-618, 82 Stat.
15 1213).

16 "Firearm." As defined in section 6102 (relating to
17 definitions).

18 "Firearm ammunition." Any self-contained cartridge or
19 shotgun shell, by whatever name known, which is designed to be
20 used or adaptable to use in a firearm. The term does not include
21 the following:

22 (1) Any ammunition exclusively designed for use with a
23 device used exclusively for signaling or safety and required
24 or recommended by the United States Coast Guard or the
25 Interstate Commerce Commission.

26 (2) Any ammunition designed exclusively for use with a
27 stud or rivet driver or other similar industrial ammunition.

28 "Firearm owner's identification card." A card issued to a
29 person in accordance with the provisions of this subchapter
30 indicating that the person has been licensed to carry a firearm
31 in accordance with section 6109 (relating to licenses).

32 "Fund." The Firearm Records Check Fund established in
33 section 6111.3 (relating to Firearm Records Check Fund).

34 "Gun show." An event or function:

35 (1) at which the sale and transfer of firearms is the
36 regular and normal course of business and where 50 or more
37 firearms are displayed, offered or exhibited for sale,
38 transfer or exchange; or

39 (2) at which no fewer than ten gun show vendors display,
40 offer or exhibit for sale, sell, transfer or exchange
41 firearms.

42 The term includes the entire premises provided for a gun show
43 event or function, including parking areas for the event or
44 function that is sponsored to facilitate the purchase, sale,
45 transfer or exchange of firearms. The term does not include
46 training or safety classes, competitive shooting events, such as
47 rifle, shotgun or handgun matches, trap, skeet or sporting clays
48 shoots, dinners, banquets, raffles or any other event where the
49 sale or transfer of firearms is not the primary course of
50 business.

51 "Gun show promoter." A person who organizes or operates a

1 gun show.

2 "Gun show vendor." A person who exhibits, sells, offers for
3 sale, transfers or exchanges any firearm at a gun show,
4 regardless of whether the person arranges with a gun show
5 promoter for a fixed location from which to exhibit, sell, offer
6 for sale, transfer or exchange any firearm.

7 "Has been adjudicated to have a mental defect." A person who
8 is subject to a determination by a court, board, commission or
9 other lawful authority that he, as a result of intellectual
10 disability or mental illness, mental impairment, incompetency,
11 condition or disease:

- 12 (1) is a danger to himself, herself or to others;
13 (2) lacks the mental capacity to manage his own affairs;
14 (3) is not guilty in a criminal case by reason of
15 insanity, mental illness or mental defect;
16 (4) is incompetent to stand trial in a criminal case; or
17 (5) is not guilty by reason of lack of mental
18 responsibility pursuant to Article 50a of the Uniform Code of
19 Military Justice.

20 "Police." The Pennsylvania State Police.

21 "Sanctioned competitive shooting event." A shooting contest
22 officially recognized by a national or State shooting sport
23 association, and includes any sight-in or practice conducted in
24 conjunction with the event.

25 § 6193. Firearm owner's identification card.

26 (a) Firearm owner's identification card required.--

27 (1) Notwithstanding any provision of this chapter, no
28 person who has been issued a license under section 6109
29 (relating to licenses) may acquire or possess any firearm
30 within this Commonwealth without having in his possession a
31 firearm owner's identification card previously issued in his
32 name by the police in accordance with the requirements of
33 this subchapter.

34 (2) No person may acquire or possess firearm ammunition
35 within this Commonwealth without having in his possession a
36 firearm owner's identification card previously issued in his
37 name by the police.

38 (b) Exceptions.--Subsection (a) shall not apply to:

39 (1) United States Marshals, while engaged in their
40 official duties.

41 (2) Members of the armed forces of the United States or
42 the National Guard, while engaged in their official duties.

43 (3) Federal officials required to carry firearms, while
44 engaged in their official duties.

45 (4) Members of bona fide veterans organizations who
46 receive firearms directly from the armed forces of the United
47 States, while using the firearms for ceremonial purposes with
48 blank ammunition.

49 (5) Nonresident hunters during hunting season, with
50 valid nonresident hunting licenses and while in an area where
51 hunting is permitted. However, at all other times and in all

1 other places, these persons must have their firearms unloaded
2 and enclosed in a case.

3 (6) Those hunters exempt from obtaining a hunting
4 license who are required to submit their firearm owner's
5 identification card when hunting on Pennsylvania Game
6 Commission-owned or managed sites.

7 (7) Nonresidents while on a firing or shooting range
8 recognized by the police. However, these persons must at all
9 other times and in all other places, have their firearms
10 unloaded and enclosed in a case.

11 (8) Nonresidents while at a firearm showing or display
12 recognized by the police. However, at all other times and in
13 all other places, these persons must have their firearms
14 unloaded and enclosed in a case.

15 (9) Nonresidents whose firearms are unloaded and
16 enclosed in a case.

17 (10) Nonresidents who are currently licensed or
18 registered to possess a firearm in their state of residence.

19 (11) Unemancipated minors while in the custody and
20 immediate control of their parent or legal guardian or other
21 person in loco parentis to the minor if the parent or legal
22 guardian or other person in loco parentis to the minor has a
23 currently valid firearm owner's identification card.

24 (12) Color guards of bona fide veterans organizations or
25 members of bona fide American Legion bands while using
26 firearms for ceremonial purposes with blank ammunition.

27 (13) Nonresident hunters whose state of residence does
28 not require them to be licensed or registered to possess a
29 firearm and only during hunting season with valid hunting
30 licenses while accompanied by, and using a firearm owned by,
31 a person who possesses a valid firearm owner's identification
32 card and while in an area within regulated hunting grounds
33 licensed in accordance with 34 Pa.C.S. (relating to game)
34 where hunting is permitted and controlled, but in no instance
35 upon sites owned or managed by the Pennsylvania Game
36 Commission.

37 (14) Resident hunters who are properly authorized to
38 hunt and, while accompanied by a person who possesses a valid
39 firearm owner's identification card, hunt in an area within
40 regulated hunting grounds licensed in accordance with the
41 requirements of 34 Pa.C.S. where hunting is permitted and
42 controlled.

43 (15) A person who is otherwise eligible to obtain a
44 firearm owner's identification card under this subchapter and
45 who is under the direct supervision of a holder of a firearm
46 owner's identification card who is 21 years of age or older
47 while the person is on a firing or shooting range or is a
48 participant in a firearms safety and training course
49 recognized by a law enforcement agency or a national or
50 Statewide shooting sports organization.

51 (16) Competitive shooting athletes whose competition

1 firearms are sanctioned by the International Olympic
2 Committee, the International Paralympic Committee, the
3 International Shooting Sport Federation or USA Shooting in
4 connection with such athletes' training for and participation
5 in shooting competitions and sanctioned test events leading
6 up to a competitive shooting competition.

7 (c) Law enforcement.--This section shall not apply to any
8 law enforcement officers.

9 (d) Requirement of new resident persons.--A new resident of
10 this Commonwealth who is not otherwise prohibited from
11 obtaining, possessing or using a firearm, firearm or firearm
12 ammunition shall have 60 calendar days from when he obtained a
13 Pennsylvania driver's license or Pennsylvania State
14 identification card to make application and obtain a firearm
15 owner's identification card. During the 60-day period, a new
16 resident who is not otherwise prohibited may possess a firearm
17 or firearm ammunition but shall not transfer or purchase
18 firearms or ammunition. For the purpose of this subsection, a
19 "new resident" shall mean a person who is not a resident of this
20 Commonwealth but who establishes a true, fixed and permanent
21 legal home in this Commonwealth to which the person intends to
22 return, even though the person may reside elsewhere.

23 (e) Duties of police.--The police shall collaborate with the
24 sheriffs of the counties to develop and implement procedures
25 that will ensure that every person who applies for a license
26 under section 6109 receives an application for a firearm owner's
27 identification card and for the submission of each application
28 by the person to the police.

29 § 6193.1. Requirements for transfers; background check.

30 (a) Transfers.--

31 (1) Except as provided in section 6193.2 (relating to
32 competitive shooting event; participation by nonresident), no
33 person may knowingly transfer, or cause to be transferred,
34 any firearm and firearm ammunition to any person within this
35 Commonwealth unless the transferee with whom he deals
36 displays a currently valid firearm owner's identification
37 card which has previously been issued in his name by the
38 police. In addition, all firearm transfers by federally
39 licensed firearm dealers shall be subject to section 6193.3
40 (relating to federally licensed firearm dealer, gun show
41 promoter and gun show vendor).

42 (2) Any person who is not a federally licensed firearm
43 dealer and who desires to transfer or sell a firearm while
44 that person is on the grounds of a gun show must, before
45 selling or transferring the firearm, request the police to
46 conduct a background check on the prospective recipient of
47 the firearm in accordance with section 6193.3.

48 (b) Records of transfers.--

49 (1) Notwithstanding any other provision of law, any
50 person within this Commonwealth who transfers, or causes to
51 be transferred, any firearm shall keep a record of such

1 transfer for a period of ten years from the date of transfer.
2 Such record shall contain the date of the transfer, the
3 description, serial number or other information identifying
4 the firearm, if no serial number is available, and, if the
5 transfer was completed within this Commonwealth, the
6 transferee's firearm owner's identification card number. The
7 record shall contain the date of application for transfer of
8 the firearm.

9 (2) On demand of a peace officer such transferor shall
10 produce for inspection the record of transfer. If the
11 transfer or sale took place at a gun show, the record shall
12 include the unique identification number. Failure to record
13 the unique identification number shall be a summary offense.

14 (c) Ammunition purchases outside Commonwealth.--Any resident
15 of this Commonwealth may purchase ammunition from a person
16 outside this Commonwealth. Any resident purchasing ammunition
17 outside this Commonwealth must provide the seller with a copy of
18 his firearm owner's identification card and either his
19 Pennsylvania driver's license or Pennsylvania State
20 identification card prior to the shipment of the ammunition. The
21 ammunition may be shipped only to an address on the purchaser's
22 Pennsylvania driver's license or State identification card.

23 (d) Applicability.--The provisions of this section regarding
24 the transfer of firearm ammunition shall not apply to those
25 persons specified in section 6193(b) (relating to firearm
26 owner's identification card).

27 § 6193.2. Competitive shooting event; participation by
28 nonresident.

29 Any nonresident who is participating in a sanctioned
30 competitive shooting event, who is 18 years of age or older and
31 who is not prohibited by the laws of this Commonwealth, the
32 state of his domicile or the United States from obtaining,
33 possessing or using a firearm may purchase or obtain a shotgun
34 or shotgun ammunition in this Commonwealth for the purpose of
35 participating in that event. A person may purchase or obtain a
36 shotgun or shotgun ammunition under this subsection only at the
37 site where the sanctioned competitive shooting event is being
38 held.

39 § 6193.3. Federally licensed firearm dealer, gun show promoter
40 and gun show vendor.

41 (a) Police responses.--

42 (1) Notwithstanding any other provision of this chapter
43 to the contrary, the police shall modify its firearms license
44 validation system or utilize other existing
45 telecommunications technology which will enable it to respond
46 to inquiries from a federally licensed firearm dealer, gun
47 show promoter or gun show vendor who seeks to transfer a
48 firearm under the provisions of this chapter.

49 (2) The police may utilize existing technology which
50 allows the federally licensed firearm dealer, gun show
51 promoter or gun show vendor to be charged a fee not to exceed

1 \$15. Fees collected by the police shall be deposited in the
2 fund and used to administer the provisions of this
3 subchapter.

4 (b) Request to police.--Upon receiving a request from a
5 federally licensed firearm dealer, gun show promoter or gun show
6 vendor, the police shall immediately approve or within the time
7 period established by section 6111 (relating to sale or transfer
8 of firearms) notify the inquiring dealer, gun show promoter or
9 gun show vendor of any objection that would disqualify the
10 transferee from acquiring or possessing a firearm.

11 (c) Criminal history records check.--In conducting the
12 inquiry, the police shall initiate and complete an electronic
13 search of its criminal history record information files and
14 those of the Federal Bureau of Investigation, including the
15 National Instant Criminal Background Check System, to obtain any
16 felony conviction or patient hospitalization information which
17 would disqualify a person from obtaining or requiring revocation
18 of a currently valid firearm owner's identification card.

19 (d) Approvals.--

20 (1) If receipt of a firearm would not violate any
21 provisions of this chapter or Federal law, the police shall:

22 (i) Assign a unique identification number to the
23 transfer.

24 (ii) Provide the licensee, gun show promoter or gun
25 show vendor with the identification number.

26 (2) Approvals issued by the police for the transfer of a
27 firearm under this section shall be valid for 30 days from
28 the date of issue.

29 § 6194. Application for firearm owner's identification card.

30 (a) Application; required content.--Each applicant for a
31 firearm owner's identification card shall:

32 (1) Make application on a form prepared and furnished by
33 the police or by electronic means, if and when made available
34 by the police.

35 (2) Submit all the following evidence to the police
36 that:

37 (i) He is 21 years of age or older, or if he is
38 under 21 years of age, that he has the written consent of
39 his parent or legal guardian to possess and acquire
40 firearms and firearm ammunition and that he has never
41 been convicted of a misdemeanor other than a traffic
42 offense or adjudicated delinquent, provided, however,
43 that such parent or legal guardian is not a person
44 prohibited from having a firearm owner's identification
45 card and files an affidavit with the police as prescribed
46 by it stating that he is not a person prohibited from
47 having a firearm owner's identification card.

48 (ii) He has not been convicted of a felony under the
49 laws of this Commonwealth or any other jurisdiction.

50 (iii) He is not addicted to narcotics.

51 (iv) He has not been a patient in a mental

1 institution within the past seven years and he has not
2 been adjudicated as mentally ill or having a mental
3 defect.

4 (v) He is not intellectually disabled.

5 (vi) He is not a person who is unlawfully present in
6 the United States under the laws of the United States.

7 (vii) He is not subject to an existing order of
8 protection prohibiting him from possessing a firearm.

9 (viii) He has not been convicted within the past
10 seven years of battery, assault, aggravated assault or
11 violation of an order of protection, or a substantially
12 similar offense in another jurisdiction, in which a
13 firearm was used or possessed.

14 (ix) He has not been convicted of domestic violence
15 or a substantially similar offense in another
16 jurisdiction. If the applicant knowingly waives the right
17 to have an offense described in this subparagraph tried
18 by a jury and, by guilty plea or otherwise, it results in
19 a conviction for an offense in which a domestic
20 relationship is not a required element of the offense but
21 in which a determination of the applicability of 18
22 U.S.C. 922(g)(9) (relating to unlawful acts) is made
23 under this title, an entry by the court of a judgment of
24 conviction for that offense shall be grounds for denying
25 the issuance of a firearm owner's identification card
26 under this section.

27 (x) He is not a person who has been admitted to the
28 United States under a nonimmigrant visa, as that term is
29 defined in section 1101(a)(26) of the Immigration and
30 Nationality Act (8 U.S.C. 1101(a)(26)), or that he is a
31 person who has been lawfully admitted to the United
32 States under a nonimmigrant visa if that person is one of
33 the following:

34 (A) Admitted to the United States for lawful
35 hunting or sporting purposes.

36 (B) An official representative of a foreign
37 government who is:

38 (I) accredited to the United States
39 Government or the government's mission to an
40 international organization having its
41 headquarters in the United States; or

42 (II) en route to or from another country to
43 which the person is accredited.

44 (C) An official of a foreign government or
45 distinguished foreign visitor who has been so
46 designated by the United States Department of State.

47 (D) A foreign law enforcement officer of a
48 friendly foreign government entering the United
49 States on official business.

50 (E) One who has received a waiver from the
51 United States Attorney General pursuant to 18 U.S.C.

1 922(y) (3).

2 (xi) He is not a minor subject to a petition filed
3 under under 42 Pa.C.S. Ch. 63 (relating to juvenile
4 matters), alleging that the minor is a delinquent minor
5 for the commission of an offense that if committed by an
6 adult would be a felony.

7 (xii) He is not an adult who had been adjudicated
8 delinquent pursuant to 42 Pa.C.S. Ch. 63 for the
9 commission of an offense that if committed by an adult
10 would be classified as a felony.

11 (xiii) He is a resident of this Commonwealth.

12 (3) Upon request by the police, sign a release on a form
13 prescribed by the police waiving any right to confidentiality
14 and requesting the disclosure to the police of limited mental
15 health facility admission information from another state, the
16 District of Columbia, any other territory of the United
17 States or a foreign jurisdiction concerning the applicant for
18 the sole purpose of determining whether the applicant is or
19 was a patient in a mental health facility and disqualified
20 because of that status from receiving a firearm owner's
21 identification card. No mental health care or treatment
22 records may be requested. The information received shall be
23 destroyed within one year of receipt.

24 (b) Presentation of driver's license.--Each applicant for a
25 firearm owner's identification card who is 18 years of age or
26 older shall furnish to the police either his Pennsylvania
27 driver's license number or Pennsylvania State identification
28 card number, except as provided in subsection (c).

29 (c) Applicability to law enforcement, armed security
30 officers and military employees.--Each applicant for a firearm
31 owner's identification card who is employed as a law enforcement
32 officer, an armed security officer in this Commonwealth, or by
33 the United States military permanently assigned in this
34 Commonwealth and who is not a resident shall furnish to the
35 police his driver's license number or state identification card
36 number from his state of residence. The police may promulgate
37 rules to enforce the provisions of this subsection.

38 (d) Change of address.--If an applicant applying for a
39 firearm owner's identification card moves from the residence
40 address named in the application, he shall immediately notify
41 the police in a form and manner prescribed by the police of that
42 change of address.

43 (e) Photograph required.--

44 (1) Each applicant for a firearm owner's identification
45 card shall furnish to the police his photograph. The
46 photograph shall be obtained from or consistent with the
47 requirements of the Commonwealth photo imaging network.

48 (2) An applicant who is 21 years of age or older seeking
49 a religious exemption to the photograph requirement must
50 furnish with the application an approved copy of United
51 States Department of the Treasury Internal Revenue Service

1 Form 4029. In lieu of a photograph, an applicant regardless
2 of age seeking a religious exemption to the photograph
3 requirement shall submit fingerprints on a form and manner
4 prescribed by the police with his application.

5 (f) Warning required on application form.--Each application
6 form shall include the following statement printed in bold type:
7 Warning: Entering false information on an application for a
8 firearm owner's identification card is punishable as a
9 felony.

10 (g) Liability of parent or guardian.--Upon issuance of
11 written consent in accordance with the applicable provisions of
12 this subchapter, the parent or legal guardian giving such
13 consent shall be liable for any damages resulting from the
14 applicant's use of firearms or firearm ammunition.
15 § 6194.1. Approval of applications.

16 (a) Applications.--The police shall either approve or deny
17 all applications for a firearm owner's identification card
18 within 30 days from the date they are received, and every
19 applicant found qualified pursuant to section 6194 (relating to
20 application for firearm owner's identification card) by the
21 police and who has been issued a license in accordance with
22 section 6109 (relating to licenses) shall be entitled to a
23 firearm owner's identification card upon the payment of a \$25
24 fee.

25 (b) Exemptions.--Any applicant who is an active duty member
26 of the armed forces of the United States, a member of the
27 Pennsylvania National Guard or a member of the reserve forces of
28 the United States is exempt from the application fee.

29 (c) Fees.--Five dollars of the fee derived from the issuance
30 of firearm owner's identification cards, or renewals thereof,
31 shall be deposited in the fund established under 34 Pa.C.S. §
32 521 (relating to establishment and use of Game Fund) and the
33 remainder shall be deposited in the fund established under
34 section 6111.3 (relating to Firearm Records Check Fund).
35 § 6195. Contents of firearm owner's identification card.

36 (a) Required content.--

37 (1) A firearm owner's identification card shall contain
38 the applicant's name, residence, date of birth, sex, physical
39 description, recent photograph and signature. The police
40 shall use a person's digital photograph from his Pennsylvania
41 driver's license or Pennsylvania State identification card,
42 if available.

43 (2) Each firearm owner's identification card must have
44 the expiration date boldly and conspicuously displayed on the
45 face of the card.

46 (3) Each firearm owner's identification card must have
47 printed on it the following:
48 "CAUTION - This card does not permit bearer to UNLAWFULLY
49 carry or use a firearm."

50 (b) Federally licensed dealers.--If a person qualifies for a
51 photograph exemption, in lieu of a photograph, the firearm

1 owner's identification card shall contain a copy of the card
2 holder's fingerprints. Each firearm owner's identification card
3 described in this subsection shall have the following statement
4 printed on it:

5 "This card is only valid for firearm purchases through a
6 federally licensed firearms dealer when presented with
7 photographic identification, as prescribed by 18 U.S.C.
8 922(t)(1)(C)."

9 § 6195.1. Altered, forged or counterfeit firearm owner's
10 identification cards.

11 (a) Forged or altered card.--Any person who forges or
12 materially alters a firearm owner's identification card or who
13 counterfeits a firearm owner's identification card commits a
14 felony of the second degree.

15 (b) Possession of a forged or altered card.--Any person who
16 knowingly possesses a forged or materially altered firearm
17 owner's identification card with the intent to use it commits a
18 felony of the second degree. A person who possesses a firearm
19 owner's identification card with knowledge that it is
20 counterfeit commits a felony of the second degree.

21 § 6195.2. Expiration.

22 (a) Time period of validation.--Except as provided in this
23 section, a firearm owner's identification card issued under the
24 provisions of this subchapter shall be valid for the person to
25 whom it is issued for a period of ten years from the date of
26 issuance.

27 (b) Notice of expiration.--

28 (1) The police shall, 60 days prior to the expiration of
29 a firearm owner's identification card, forward by first class
30 mail to each person whose card is to expire a notification of
31 the expiration of the card and an application which may be
32 used to apply for renewal of the card.

33 (2) It shall be the obligation of the holder of a
34 firearm owner's identification card to notify the police of
35 any address change since the issuance of the firearm owner's
36 identification card.

37 (3) Whenever a person moves from the residence address
38 named on his card, the person shall within 21 calendar days
39 notify the department in a form and manner prescribed by the
40 department of his old and new residence addresses and the
41 card number held by the person. Any person whose legal name
42 has changed from the name on the card that he has been
43 previously issued must apply for a corrected card within 30
44 calendar days after the change. The cost for a corrected card
45 shall be \$10 which shall be deposited into the fund.

46 § 6196. Denial of application.

47 The police have authority to deny an application for or to
48 revoke and seize a firearm owner's identification card
49 previously issued under this subchapter only if it finds that
50 the applicant or the person to whom such card was issued is or
51 was at the time of issuance:

1 (1) A person described under section 6105 (relating to
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms) or a person adjudicated delinquent.

4 (2) A person under 21 years of age who does not have the
5 written consent of his parent or guardian to acquire and
6 possess firearms and firearm ammunition, or whose parent or
7 guardian has revoked such written consent or where such
8 parent or guardian does not qualify to have a firearm owner's
9 identification card.

10 (3) A person convicted of a felony under the laws of any
11 other jurisdiction.

12 (4) A person addicted to a controlled substance as
13 defined in the act of April 14, 1972 (P.L.233, No.64), known
14 as The Controlled Substance, Drug, Device and Cosmetic Act.

15 (5) A person who has been a patient of a mental
16 institution within the past ten years or has been adjudicated
17 to have a mental defect or is mentally ill.

18 (6) A person whose mental condition is of such a nature
19 that it poses a clear and present danger to the applicant,
20 any other person or persons or the community.
21 For the purposes of this paragraph, "mental condition" means
22 a state of mind manifested by violent, suicidal, threatening
23 or assaultive behavior.

24 (7) A person who is intellectually disabled.

25 (8) A person who intentionally makes a false statement
26 in the firearm owner's identification card application.

27 (9) A person who is unlawfully present in the United
28 States under the laws of the United States.

29 (10) A person who has been admitted to the United States
30 under a nonimmigrant visa, as that term is defined in section
31 1101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
32 1101(a)(26)), except that this paragraph shall not apply to
33 any person who has been lawfully admitted to the United
34 States under a nonimmigrant visa if that person is:

35 (i) admitted to the United States for lawful hunting
36 or sporting purposes; or

37 (ii) an official representative of a foreign
38 government who is:

39 (A) accredited to the United States Government
40 or the government's mission to an international
41 organization having its headquarters in the United
42 States;

43 (B) en route to or from another country to which
44 that person is accredited;

45 (C) an official of a foreign government or
46 distinguished foreign visitor who has been so
47 designated by the United States Department of State;

48 (D) a foreign law enforcement officer of a
49 friendly foreign government entering the United
50 States on official business; or

51 (E) one who has received a waiver from the

1 Attorney General of the United States pursuant to 18
2 U.S.C. 922(y) (3).

3 (11) A person who has been convicted within the past ten
4 years for a violation of section 2701 (relating to simple
5 assault), 2702 (relating to aggravated assault), 2702.1
6 (relating to assault of law enforcement officer), 2705
7 (relating to recklessly endangering another person), 2706
8 (relating to terroristic threats) or 2709.1 (relating to
9 stalking) or a violation of an active protection from abuse
10 order issued pursuant to 23 Pa.C.S. § 6108 (relating to
11 relief), or a substantially similar offense in another
12 jurisdiction, in which a firearm was used or possessed.

13 (12) A person who has been convicted of domestic
14 violence, aggravated domestic violence or a substantially
15 similar offense in another jurisdiction, if the applicant or
16 person who has been previously issued a firearm owner's
17 identification card under this subchapter knowingly waives
18 the right to have an offense described in this paragraph
19 tried by a jury and by guilty plea or otherwise results in a
20 conviction for an offense in which a domestic relationship is
21 not a required element of the offense but in which a
22 determination of the applicability of 18 U.S.C. 922(g) (9) is
23 made, an entry by the court of a judgment of conviction for
24 that offense shall be grounds for denying an application for
25 and for revoking and seizing a firearm owner's identification
26 card previously issued to the person under this subchapter.

27 (13) A person who is prohibited from acquiring or
28 possessing firearms or firearm ammunition under any Federal
29 law or under the laws of this Commonwealth.

30 (14) An adult who had been adjudicated delinquent under
31 42 Pa.C.S. Ch. 63 (relating to juvenile matters) for the
32 commission of an offense that if committed by an adult would
33 be a felony.

34 (15) A person who is not a resident of this
35 Commonwealth, except as provided in section 6194(c) (relating
36 to application for firearm owner's identification card).

37 (16) A person who fails to report the loss or theft of a
38 firearm to the local law enforcement agency within 72 hours
39 after learning that the firearm has been lost or stolen. If a
40 person who possesses a valid firearm owner's identification
41 card and who possesses or acquires a firearm thereafter loses
42 or misplaces the firearm, or if the firearm is stolen from
43 the person, the person must report the loss or theft to the
44 local law enforcement agency within 72 hours after learning
45 or obtaining knowledge of the loss or theft.

46 § 6196.1. Denial or revocation of firearm owner's
47 identification card.

48 (a) Automatic denial.--The police shall deny an application
49 or shall revoke and seize a firearm owner's identification card
50 previously issued under this subchapter if it finds that the
51 applicant or person to whom such card was issued is or was at

1 the time of issuance subject to an existing order of protection
2 from abuse issued pursuant to 23 Pa.C.S. § 6108 (relating to
3 relief).

4 (b) Notice of denial.--Every person whose application for a
5 firearm owner's identification card is denied, and every holder
6 of such a card whose card is revoked or seized, shall receive a
7 written notice from the police stating specifically the grounds
8 upon which his application has been denied or upon which his
9 firearm owner's identification card has been revoked.

10 (c) Appeal of decision to deny, hearings.--

11 (1) Whenever an application for a firearm owner's
12 identification card is denied, whenever the police fail to
13 act on an application within 45 days of its receipt or
14 whenever such a card is revoked or seized, the aggrieved
15 party may appeal to the police for a hearing upon such
16 denial, revocation or seizure.

17 (2) An aggrieved person may petition the court in
18 writing in the county of his residence for a hearing if a
19 decision to deny, revoke or seize a firearm owner's
20 identification card was based upon any of the following:

21 (i) Commission of an offense enumerated in section
22 6105(b) (relating to persons not to possess, use,
23 manufacture, control, sell or transfer firearms).

24 (ii) A violation of the act of April 14, 1972
25 (P.L.233, No.64), known as The Controlled Substance,
26 Drug, Device and Cosmetic Act.

27 (iii) Domestic violence.

28 (iv) Any adjudication as a delinquent for the
29 commission of an offense that if committed by an adult
30 would be a felony.

31 (d) Hearings.--

32 (1) At least 30 days before any court hearing, the
33 petitioner shall serve the relevant district attorney with a
34 copy of the petition. The district attorney may object to the
35 petition and present evidence.

36 (2) At the hearing conducted in accordance with
37 subsection (c)(2), the court shall determine whether
38 substantial justice has been done. Should the court determine
39 that substantial justice has not been done, the court shall
40 issue an order directing the police to issue a firearm
41 owner's identification card to the petitioner, except that
42 the court shall not issue the order if the petitioner is
43 otherwise prohibited from obtaining, possessing or using a
44 firearm under Federal law.

45 (e) Review by court.--The court shall review the denial of
46 an application or the revocation of a firearm owner's
47 identification card of a person who has been adjudicated
48 delinquent for an offense that if committed by an adult would be
49 a felony if an application for relief has been filed at least
50 ten years after the adjudication of delinquency and the court
51 determines that the applicant should be granted relief from

1 disability to obtain a firearm owner's identification card. If
2 the court grants relief, the court shall notify the police that
3 the disability has been removed and that the applicant is
4 eligible to obtain a firearm owner's identification card.

5 (f) Application for relief.--

6 (1) Any person who is subject to the disabilities of 18
7 U.S.C. 922(d) (4) and 922(g) (4) of the Federal Gun Control Act
8 of 1968 because of an adjudication or commitment that
9 occurred under the laws of this Commonwealth or who was
10 determined to be subject to the provisions of section 6196
11 (5), (6) and (7) (relating to denial of application) may
12 apply to the police requesting relief from that prohibition.

13 (2) The police shall grant the relief if it is
14 established by a preponderance of the evidence that the
15 person will not be likely to act in a manner dangerous to
16 public safety and that granting relief would not be contrary
17 to the public interest. In making this determination, the
18 police shall receive evidence concerning all of the
19 following:

20 (i) The circumstances regarding the firearms
21 disabilities from which relief is sought.

22 (ii) The petitioner's mental health and criminal
23 history records, if any.

24 (iii) The petitioner's reputation, developed at a
25 minimum through character witness statements, testimony
26 or other character evidence.

27 (iv) Changes in the petitioner's condition or
28 circumstances since the disqualifying events relevant to
29 the relief sought. If relief is granted under this
30 subsection or by order of a court under this section, the
31 police shall as soon as practicable, but in no case later
32 than 15 business days, update, correct, modify or remove
33 the person's record in any database that the police make
34 available to the National Instant Criminal Background
35 Check System and notify the United States Attorney
36 General that the basis for the record being made
37 available no longer applies. The police shall adopt and
38 promulgate regulations for the administration of this
39 subsection.

40 § 6197. Administrative and judicial review.

41 (a) Administrative review.--All final administrative
42 decisions of the department under this subchapter, except final
43 administrative decisions of the police to deny a person's
44 application for relief under section 6196.1(f) (relating to
45 denial or revocation of firearm owner's identification card),
46 shall be subject to judicial review under the applicable
47 provisions of 2 Pa.C.S. (relating to administrative law and
48 procedure), all amendments and modifications thereof and the
49 rules adopted pursuant thereto.

50 (b) Judicial review.--Any final administrative decision by
51 the police to deny a person's application for relief under

1 section 6196.1(f) shall be subject to de novo judicial review by
2 the court, and any party may offer evidence that is otherwise
3 proper and admissible without regard to whether that evidence is
4 part of the administrative record.

5 § 6198. Construction.

6 Nothing in this subchapter shall be construed to:

7 (1) Apply to the passing or transfer of any firearm or
8 firearm ammunition upon the death of the owner to his heir or
9 legatee or to the passing or transfer of any firearm or
10 firearm ammunition incident to any legal proceeding or action
11 until 60 days after such passing or transfer.

12 (2) Make lawful the acquisition or possession of
13 firearms or firearm ammunition which is otherwise prohibited
14 under this title.

15 (3) Nullify any municipal ordinance. Notwithstanding any
16 other provision of law, the provisions of any ordinance
17 enacted by any municipality which requires registration or
18 imposes greater restrictions or limitations on the
19 acquisition, possession and transfer of firearms than are
20 imposed under this subchapter shall remain in effect and
21 shall not be invalidated or affected by the provisions of
22 this subchapter.

23 § 6199. Municipal ordinance submission.

24 Within six months after the effective date of this
25 subchapter, every municipality must submit to the police a copy
26 of every ordinance adopted by the municipality that regulates
27 the acquisition, possession, sale or transfer of firearms within
28 the municipality and must submit, 30 days after adoption, every
29 such ordinance adopted after its initial submission of
30 ordinances under this section. The police shall compile, and
31 periodically update its compilation, these ordinances and
32 publish them on its Internet website.

33 § 6199.1. Offenses and penalties.

34 (a) Expired.--A person found in possession of a firearm when
35 his firearm owner's identification card has expired but who is
36 not otherwise disqualified from renewing the card commits a
37 misdemeanor, except that such person commits a summary offense
38 when his firearm owner's identification card is expired but the
39 person is not otherwise disqualified from owning, purchasing or
40 possessing a firearm, if the card was expired for six months or
41 less from its expiration date. A second or subsequent offense
42 shall be a misdemeanor of the third degree.

43 (b) Ammunition.--A person who acquires or possesses or
44 attempts to acquire or possess ammunition without having in his
45 possession a valid firearm owner's identification card issued by
46 the police but who is otherwise eligible for such card under
47 this subchapter commits a misdemeanor of the third degree.

48 (c) Felony.--An offense under paragraphs (1) and (2) shall
49 be a felony when:

50 (1) the person's firearm owner's identification card is
51 revoked or subject to revocation under section 6196.1

1 (relating to denial or revocation of firearm owner's
2 identification card);

3 (2) the person's firearm owner's identification card is
4 expired and not otherwise eligible for renewal under this
5 subchapter; or

6 (3) the person does not possess a currently valid
7 firearm owner's identification card and the person is not
8 otherwise eligible under this subchapter.

9 (d) Misdemeanor.--A person found in violation of section
10 6193.1(a)(1) (relating to requirements for transfers; background
11 check) commits a misdemeanor of the first degree. A second or
12 subsequent offense shall be a felony.

13 (e) False information.--Any person who knowingly enters
14 false information on an application for a firearm owner's
15 identification card, who knowingly gives a false answer to any
16 question on the application or who knowingly submits false
17 evidence in connection with an application commits a felony.

18 (f) Failure to report.--A person whose firearm owner's
19 identification card is revoked due to his failure to report a
20 lost or stolen firearm commits a misdemeanor of the second
21 degree.

22 (g) General penalty.--Except as provided in this subchapter,
23 any other violation of this subchapter shall be a misdemeanor.

24 Amend Bill, page 3, line 11, by striking out "2" and
25 inserting

26 3

**Regular Session 2015 - 2016
Amendment A09866 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DeLISSIO

Printer's No. 3637

- 1 Amend Bill, page 2, by inserting between lines 26 and 27
- 2 "Membership organization." A group with at least four
- 3 members, which has bylaws and which has membership dues.

**Regular Session 2015 - 2016
Amendment A09869 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"
 2 in general principles of justification, further providing for
 3 definitions, for use of force in self-protection, for use of
 4 force for the protection of property and for use of force by
 5 persons with special responsibility for care, discipline or
 6 safety of others; and,

7 Amend Bill, page 1, lines 7 through 9, by striking out all of
 8 said lines and inserting

9 Section 1. Section 501 of Title 18 of the Pennsylvania
 10 Consolidated Statutes is amended by adding a definition to read:
 11 § 501. Definitions.

12 Subject to additional definitions contained in subsequent
 13 provisions of this chapter which are applicable to specific
 14 provisions of this chapter, the following words and phrases,
 15 when used in this chapter shall have, unless the context clearly
 16 indicates otherwise, the meanings given to them in this section:

17 * * *

18 "Public safety dispatcher." An individual that has fulfilled
 19 all minimum training and certification standards for emergency
 20 dispatchers, call takers and supervisors who work for 911
 21 emergency communications centers or remote dispatch points in
 22 this Commonwealth in accordance with 4 Pa. Code Ch. 120c
 23 (relating to training and certification standards for 911
 24 emergency communications personnel).

25 * * *

26 Section 2. Section 505(b) (1), (2), (2.2), (2.3) and (2.4) of
 27 Title 18 are amended to read:

28 § 505. Use of force in self-protection.

29 * * *

30 (b) Limitations on justifying necessity for use of force.--

31 (1) The use of force is not justifiable under this
 32 section:

33 (i) to resist an arrest which the actor knows is
 34 being made by a peace officer, although the arrest is
 35 unlawful; [or]

36 (ii) to resist force used by the occupier or
 37 possessor of property or by another person on his behalf,

1 where the actor knows that the person using the force is
2 doing so under a claim of right to protect the property,
3 except that this limitation shall not apply if:

4 (A) the actor is a public officer acting in the
5 performance of his duties or a person lawfully
6 assisting him therein or a person making or assisting
7 in a lawful arrest;

8 (B) the actor has been unlawfully dispossessed
9 of the property and is making a reentry or recaption
10 justified by section 507 of this title (relating to
11 use of force for the protection of property); or

12 (C) the actor believes that such force is
13 necessary to protect himself against death or serious
14 bodily injury[.];

15 (iii) if the actor knows that he can avoid the
16 necessity of using such force with complete safety by
17 retreating; or

18 (iv) if the actor was instructed by a peace officer
19 or public safety dispatcher to not pursue another person.

20 (2) The use of deadly force is not justifiable under
21 this section unless the actor believes that such force is
22 necessary to protect himself against death, serious bodily
23 injury, kidnapping or sexual intercourse compelled by force
24 or threat; nor is it justifiable if:

25 (i) the actor, with the intent of causing death or
26 serious bodily injury, provoked the use of force against
27 himself in the same encounter; [or]

28 (ii) the actor knows that he can avoid the necessity
29 of using such force with complete safety by retreating[,
30 except the actor is not obliged to retreat from his
31 dwelling or place of work, unless he was the initial
32 aggressor or is assailed in his place of work by another
33 person whose place of work the actor knows it to be.]; or

34 (iii) the actor was instructed by a peace officer or
35 a public safety dispatcher to not pursue another person.

36 * * *

37 (2.2) The presumption set forth in paragraph (2.1) does
38 not apply if:

39 (i) the person against whom the force is used has
40 the right to be in or is a lawful resident of the
41 dwelling, residence or vehicle, such as an owner or
42 lessee;

43 (ii) the person sought to be removed is a child or
44 grandchild or is otherwise in the lawful custody or under
45 the lawful guardianship of the person against whom the
46 protective force is used;

47 (iii) the actor is engaged in a criminal activity or
48 is using the dwelling, residence or occupied vehicle to
49 further a criminal activity; [or]

50 (iv) the person against whom the force is used is a
51 peace officer acting in the performance of his official

1 duties and the actor using force knew or reasonably
2 should have known that the person was a peace officer[.]
3 (v) the actor knows that he can avoid the necessity
4 of using such force with complete safety by retreating;
5 or
6 (vi) the actor was instructed by a peace officer or
7 public safety dispatcher to not pursue another person.

8 [(2.3) An actor who is not engaged in a criminal
9 activity, who is not in illegal possession of a firearm and
10 who is attacked in any place where the actor would have a
11 duty to retreat under paragraph (2)(ii) has no duty to
12 retreat and has the right to stand his ground and use force,
13 including deadly force, if:

14 (i) the actor has a right to be in the place where
15 he was attacked;

16 (ii) the actor believes it is immediately necessary
17 to do so to protect himself against death, serious bodily
18 injury, kidnapping or sexual intercourse by force or
19 threat; and

20 (iii) the person against whom the force is used
21 displays or otherwise uses:

22 (A) a firearm or replica of a firearm as defined
23 in 42 Pa.C.S. § 9712 (relating to sentences for
24 offenses committed with firearms); or

25 (B) any other weapon readily or apparently
26 capable of lethal use.

27 (2.4) The exception to the duty to retreat set forth
28 under paragraph (2.3) does not apply if the person against
29 whom the force is used is a peace officer acting in the
30 performance of his official duties and the actor using force
31 knew or reasonably should have known that the person was a
32 peace officer.]

33 * * *

34 Section 3. Section 507(c) of Title 18 is amended by adding
35 paragraphs to read:

36 § 507. Use of force for the protection of property.

37 * * *

38 (c) Limitations on justifiable use of force.--

39 * * *

40 (3.1) The use of force to prevent or terminate a
41 trespass is not justifiable under this section if:

42 (i) the actor knows that he can avoid the necessity
43 of using such force with complete safety by retreating;
44 or

45 (ii) the actor was instructed by a peace officer or
46 public safety dispatcher to not pursue another person.

47 * * *

48 (5) The use of deadly force is not justifiable under
49 this section if:

50 (i) the actor knows that he can avoid the necessity
51 of using such force with complete safety by retreating;

1 or

2 (ii) the actor was instructed by a peace officer or
3 public safety dispatcher to not pursue another person.

4 * * *

5 Section 4. Section 509 of Title 18 is amended to read:

6 § 509. Use of force by persons with special responsibility for
7 care, discipline or safety of others.

8 (a) Justifiable use of force.--The use of force upon or
9 toward the person of another is justifiable if:

10 (1) The actor is the parent or guardian or other person
11 similarly responsible for the general care and supervision of
12 a minor or a person acting at the request of such parent,
13 guardian or other responsible person and:

14 (i) the force is used for the purpose of
15 safeguarding or promoting the welfare of the minor,
16 including the preventing or punishment of his misconduct;
17 and

18 (ii) the force used is not designed to cause or
19 known to create a substantial risk of causing death,
20 serious bodily injury, disfigurement, extreme pain or
21 mental distress or gross degradation.

22 (2) The actor is a teacher or person otherwise entrusted
23 with the care or supervision for a special purpose of a minor
24 and:

25 (i) the actor believes that the force used is
26 necessary to further such special purpose, including the
27 maintenance of reasonable discipline in a school, class
28 or other group, and that the use of such force is
29 consistent with the welfare of the minor; and

30 (ii) the degree of force, if it had been used by the
31 parent or guardian of the minor, would not be
32 unjustifiable under paragraph (1)(ii).

33 (3) The actor is the guardian or other person similarly
34 responsible for the general care and supervision of an
35 incapacitated, mentally ill or mentally retarded person; and:

36 (i) the force is used for the purpose of
37 safeguarding or promoting the welfare of the
38 incapacitated, mentally ill or mentally retarded person,
39 including the prevention of his misconduct, and there is
40 no reasonable alternative to the use of such force; and

41 (ii) the force used is not designed to cause or
42 known to create a substantial risk of causing death,
43 bodily injury, disfigurement, unnecessary pain, mental
44 distress, or humiliation.

45 (4) The actor is a doctor or other therapist or a person
46 assisting him at his direction; and:

47 (i) the force is used for the purpose of
48 administering a recognized form of treatment not
49 prohibited by law of this Commonwealth which the actor
50 believes to be adapted to promoting the physical or
51 mental health of the patient; and

1 (ii) the treatment is administered with the consent
2 of the patient, or, if the patient is a minor or an
3 incapacitated person with the consent of his parent or
4 guardian or other person legally competent to consent in
5 his behalf, or the treatment is administered in an
6 emergency when the actor believes that no one competent
7 to consent can be consulted and that a reasonable person,
8 wishing to safeguard the welfare of the patient, would
9 consent.

10 (5) The actor is a warden or other authorized official
11 of a correctional institution; and:

12 (i) he believes that the force used is necessary for
13 the purpose of enforcing the lawful rules or procedures
14 of the institution, unless his belief in the lawfulness
15 of the rule or procedure sought to be enforced is
16 erroneous and his error is due to ignorance or mistake as
17 to the provisions of this title, any other provision of
18 the criminal law or the law governing the administration
19 of the institution;

20 (ii) the nature or degree of force used is not
21 forbidden by law; and

22 (iii) if deadly force is used, its use is otherwise
23 justifiable under this chapter.

24 (6) The actor is a person responsible for the safety of
25 a vessel or an aircraft or a person acting at his direction;
26 and:

27 (i) he believes that the force used is necessary to
28 prevent interference with the operation of the vessel or
29 aircraft or obstruction of the execution of a lawful
30 order, unless his belief in the lawfulness of the order
31 is erroneous and his error is due to ignorance or mistake
32 as to the law defining his authority; and

33 (ii) if deadly force is used, its use is otherwise
34 justifiable under this chapter.

35 (7) The actor is a person who is authorized or required
36 by law to maintain order or decorum in a vehicle, train or
37 other carrier or in a place where others are assembled; and:

38 (i) he believes that the force used is necessary for
39 such purpose; and

40 (ii) the force used is not designed to cause death,
41 or known to create a substantial risk of causing death,
42 bodily injury, or extreme mental distress.

43 (b) Use of force not justifiable.--The use of force upon or
44 toward the person of another is not justifiable if:

45 (1) the actor knows that he can avoid the necessity of
46 using such force with complete safety by retreating; or

47 (2) the actor was instructed by a peace officer or
48 public safety dispatcher to not pursue another person.

49 Section 5. Section 6120(a.2), (a.3) and (b) of Title 18 are
50 reenacted and amended to read:

1 Amend Bill, page 3, line 11, by striking out "2" and
2 inserting
3 6

**Regular Session 2015 - 2016
Amendment A09873 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for firearms not to be carried without license, for licenses
3 and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6106(b)(15) introductory paragraph of
7 Title 18 of the Pennsylvania Consolidated Statutes is amended to
8 read:

9 § 6106. Firearms not to be carried without a license.

10 * * *

11 (b) Exceptions.--The provisions of subsection (a) shall not
12 apply to:

13 * * *

14 (15) Any person who is not a resident of this
15 Commonwealth and who possesses a valid and lawfully issued
16 license or permit to carry a firearm which has been issued
17 under the laws of another state, regardless of whether a
18 reciprocity agreement exists between the Commonwealth and the
19 state under section 6109(k), provided:

20 * * *

21 Section 2. Section 6109(d)(4) and (5) and (k)(1) of Title 18
22 are amended and subsections (d) and (e) are amended by adding
23 paragraphs to read:

24 § 6109. Licenses.

25 * * *

26 (d) Sheriff to conduct investigation.--The sheriff to whom
27 the application is made shall:

28 * * *

29 (4) investigate whether the applicant would be precluded
30 from receiving a license under subsection (e)(1) or section
31 6105(h) (relating to persons not to possess, use,
32 manufacture, control, sell or transfer firearms); [and]

33 (5) conduct a criminal background, juvenile delinquency
34 and mental health check following the procedures set forth in
35 section 6111 (relating to sale or transfer of firearms),
36 receive a unique approval number for that inquiry and record
37 the date and number on the application; and

1 (6) verify that the applicant has demonstrated
2 competence with a firearm through completion of a firearms
3 safety or training course or through equivalent military or
4 law enforcement experience.

5 (e) Issuance of license.--

6 * * *

7 (2) In making a determination of character or reputation
8 under subsection (d)(2) or paragraph (1)(i), the following
9 apply:

10 (i) A sheriff may not consider any of the following:

11 (A) Information that the applicant was charged
12 with or convicted of a summary offense under Title
13 75.

14 (B) Information that the applicant was a party
15 to a bankruptcy proceeding or civil action.

16 (ii) Nothing in this paragraph shall prohibit a
17 sheriff from considering an action filed or arising under
18 Title 23 (relating to domestic relations).

19 * * *

20 (k) Reciprocity.--

21 (1) The Attorney General shall have the power and duty
22 to enter into reciprocity agreements with other states
23 providing for the mutual recognition of a license to carry a
24 firearm issued by the Commonwealth and a license or permit to
25 carry a firearm issued by the other state. To carry out this
26 duty, the Attorney General is authorized to negotiate
27 reciprocity agreements and grant recognition of a license or
28 permit to carry a firearm issued by another state. A license
29 or permit issued by another state to a resident of this
30 Commonwealth shall not be recognized unless the individual
31 also has a license under this section.

32 * * *

33 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are
34 reenacted and amended to read:

35 Amend Bill, page 3, line 11, by striking out "2" and
36 inserting

37 4

**Regular Session 2015 - 2016
Amendment A09876 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DeLISSIO

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"

2 sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of

4 said lines and inserting

5 Section 1. Section 6111(a) of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended by adding a paragraph to read:
7 § 6111. Sale or transfer of firearms.

8 (a) Time and manner of delivery.--

9 * * *

10 (3) The following shall apply:

11 (i) No seller shall deliver a pistol or revolver to
12 the purchaser or transferee thereof unless the purchaser
13 or transferee demonstrates accreditation in a pistol or
14 revolver safety education program approved by the
15 commissioner. This paragraph shall not apply to any of
16 the following:

17 (A) A purchaser or transferee who is an
18 individual authorized by law to enforce the law when
19 acting within the scope of employment.

20 (B) A person who meets all of the following:

21 (I) Is a member of the active or reserve
22 components of the Army, Navy, Air Force, Marine
23 Corps or Coast Guard of the United States or a
24 member of the National Guard or the National
25 Guard of any state.

26 (II) Is on active duty.

27 (C) A person with a concealed pistol or revolver
28 permit.

29 (D) A person who demonstrates in a manner
30 approved by the commissioner that purchase or
31 transfer of the pistol or revolver is a second or
32 subsequent purchase or transfer.

33 (E) A person that needs a pistol or revolver for
34 an immediate personal safety threat, as demonstrated
35 by the production of written proof from a State or
36 local law enforcement agency.

37 (ii) For the purposes of this paragraph, the term

1 "pistol or revolver" shall mean any pistol or revolver
2 with a barrel length less than 15 inches or any pistol or
3 revolver with an overall length of less than 26 inches.
4 The barrel length of a pistol or revolver shall be
5 determined by measuring from the muzzle of the barrel to
6 the face of the closed action, bolt or cylinder,
7 whichever is applicable.

8 * * *

9 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
10 reenacted and amended to read:

11 Amend Bill, page 3, line 11, by striking out "2" and
12 inserting

13 3

**Regular Session 2015 - 2016
Amendment A09883 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09885 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 7, by striking out "6120(a.2)" and
2 inserting

3 6120(a), (a.2)

4 Amend Bill, page 1, by inserting between lines 11 and 12

5 (a) General rule.--[No]

6 (1) Except as set forth in paragraph (2), no county,
7 municipality or township may in any manner regulate the
8 lawful ownership, possession, transfer or transportation of
9 firearms, ammunition or ammunition components when carried or
10 transported for purposes not prohibited by the laws of this
11 Commonwealth.

12 (2) A city of the first class may adopt an ordinance
13 making it unlawful for a person that is not a licensed
14 firearms dealer to own, use, possess or transfer an assault
15 weapon or any accessory or ammunition for an assault weapon.
16 An ordinance adopted under this paragraph may not take effect
17 until the local electorate ratifies it by referendum at the
18 next general, municipal or primary election to be held after
19 its adoption.

**Regular Session 2015 - 2016
Amendment A09888 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE YOUNGBLOOD

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for handgun safety standards

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Chapter 61 of Title 18 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E
7 HANDGUN SAFETY STANDARDS

8 Sec.

9 6191. Definitions.

10 6192. Safety standard.

11 6193. Enforcement.

12 6194. Exemptions.

13 6195. Penalties.

14 § 6191. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Antique firearm." Either of the following:

19 (1) A firearm, including a firearm with a matchlock,
20 flintlock, percussion cap or similar type of ignition system,
21 manufactured in or before 1898.

22 (2) A replica of a firearm described in paragraph (1) if
23 the replica:

24 (i) is not designed or redesigned for using rimfire
25 or conventional center fire fixed ammunition; or

26 (ii) uses rimfire or conventional center fire fixed
27 ammunition which is no longer manufactured in the United
28 States and which is not readily available in the ordinary
29 channels of commercial trade.

30 "Authorized user." A person who owns a handgun or a person
31 to whom the owner has given consent to use the handgun.

32 "Handgun." A firearm which has a short stock and is designed
33 to be held and fired by the use of a single hand and any
34 combination of parts from which a firearm can be assembled.

35 "Handgun manufacturer." A person engaged in the business of
36 manufacturing handguns for the purpose of sale or distribution.

37 "Pawnbroker." A person whose business or occupation includes

1 the taking or receiving, by the way of pledge or pawn, any
2 firearm as security for the payment or repayment of money.

3 "Person." An individual, corporation, company, association,
4 firm, partnership, society or joint stock company.

5 "Safety standard." The handgun safety performance standard
6 described in section 6192 (relating to safety standard).

7 "Seller" or "dealer." A person:

8 (1) engaged in the business of selling firearms at
9 wholesale or retail;

10 (2) engaged in the business of repairing firearms or of
11 making or fitting special barrels, stocks or trigger
12 mechanisms to firearms; or

13 (3) who is a pawnbroker.

14 § 6192. Safety standard.

15 (a) Scope.--This section applies to all handguns
16 manufactured, possessed, sold, offered for sale, traded,
17 transferred, shipped, leased, distributed or acquired within
18 this Commonwealth.

19 (b) Requirements.--The Pennsylvania State Police shall
20 promulgate regulations prescribing a handgun safety performance
21 standard. The safety standard shall include the following
22 requirements:

23 (1) A handgun shall be personalized so that it can only
24 be fired when operated by that handgun's authorized user or
25 users.

26 (2) The technology establishing personalized handguns
27 shall be incorporated into the design of a handgun and be
28 part of its original equipment and not an accessory.

29 (3) No personalized handgun may be manufactured to
30 permit the personalized characteristics to be readily
31 deactivated.

32 (c) Formulation of testing procedures.--The Pennsylvania
33 State Police shall formulate the necessary testing procedure to
34 determine if a handgun complies with the safety standard.

35 (d) Designation of testing laboratories.--The Commissioner
36 of the Pennsylvania State Police shall designate one or more
37 independent laboratories for determining whether handguns comply
38 with the safety standard. The laboratories shall use the test
39 method formulated by the Pennsylvania State Police to determine
40 compliance.

41 (e) Handgun manufacturer's compliance.--

42 (1) In accordance with subsection (b), handgun
43 manufacturers wishing to manufacture, sell, offer for sale or
44 transfer handguns in this Commonwealth shall submit a
45 prototype of the handgun model for testing, at the
46 manufacturer's cost, to one of the independent laboratories
47 designated by the Pennsylvania State Police.

48 (2) The laboratory shall issue a report directly to the
49 Pennsylvania State Police and a copy to the manufacturer
50 indicating whether the submitted handgun met or did not meet
51 the safety standard. If the submitted handgun did not meet

1 the safety standard, the report shall describe the reasons
2 therefor.

3 (3) If the handgun model fails to meet the safety
4 standard it shall be unlawful for it to be manufactured,
5 possessed, sold, offered for sale, traded, transferred,
6 shipped, leased, distributed or acquired by anyone in this
7 Commonwealth until:

8 (i) It has been modified to meet the safety
9 standard.

10 (ii) It has passed the independent laboratory test
11 on resubmission.

12 (4) If the handgun model meets the safety standard, the
13 Pennsylvania State Police shall issue a certificate stating
14 that the handgun model meets the safety standard; and the
15 words, "certified personalized handgun" or an equivalent
16 label, as established by the Pennsylvania State Police, shall
17 be imprinted on the approved handguns at the manufacturer's
18 expense.

19 (5) If a handgun model is deemed to meet the safety
20 standard, the manufacturer, seller or possessor may not alter
21 the design of the handgun in any manner affecting the safety
22 of the handgun.

23 § 6193. Enforcement.

24 (a) Noncompliant handguns prohibited.--On or after four
25 years from the date of the adoption of the original safety
26 standard by the Pennsylvania State Police, no handgun that fails
27 to meet the standard may be manufactured, possessed, sold,
28 offered for sale, traded, transferred, shipped, leased,
29 distributed or acquired in this Commonwealth.

30 (b) Seizure.--If a police officer, during the course of
31 official duties and operating within existing constitutional
32 constraints on police searches and seizures, discovers a handgun
33 which under the provisions of this subchapter does not meet the
34 safety standard, the officer shall take possession of the
35 handgun. The handgun shall be forfeited to the Commonwealth and
36 shall be destroyed.

37 (c) Enjoining violators.--The Attorney General shall bring
38 an action on behalf of the Commonwealth against a seller,
39 manufacturer or possessor of handguns to enjoin further
40 violations of this subchapter and for such other relief as may
41 be appropriate.

42 § 6194. Exemptions.

43 The following handguns are exempt from this subchapter:

44 (1) Antique handguns legally purchased or acquired in
45 accordance with current laws.

46 (2) Handguns manufactured prior to four years from the
47 date of the adoption of the original safety standard.
48 However, such handguns may not be sold, offered for sale,
49 traded, transferred, shipped, leased or distributed by
50 dealers after four years from the date of the adoption of the
51 original safety standard.

1 (3) Handguns purchased by police departments, sheriffs
2 and law enforcement officers and members of the armed forces
3 of the United States and all components of the armed forces,
4 including reserve and Pennsylvania National Guard forces.

5 (4) Handguns possessed by law enforcement officers on
6 official assignment in this Commonwealth from any state which
7 by agreement permits police officers from this Commonwealth
8 while on assignment in that state to carry firearms without
9 registration.

10 (5) Handguns that are a part of the official equipment
11 of any Federal agency.

12 § 6195. Penalties.

13 (a) Penalty for violation.--A person that violates this
14 subchapter by manufacturing, possessing, selling, offering for
15 sale, trading, transferring or acquiring a handgun which has not
16 been certified by an independent testing laboratory as meeting
17 the safety standard and is not subject to section 6194 (relating
18 to exemptions) commits a felony of the third degree.

19 (b) Penalty for altering personalized handguns.--A person
20 that violates this subchapter by altering the personalized
21 characteristics of a handgun manufactured, possessed, sold,
22 offered for sale, traded, transferred, shipped, leased,
23 distributed or acquired, after four years from the date of the
24 adoption of the original safety standard, commits a felony of
25 the third degree.

26 (c) Entities subject to penalty.--The penalties set forth in
27 this section apply to all public and private manufacturers,
28 possessors, sales, offers for sale, trades, transfers,
29 shipments, leases, distributions or acquisitions of handguns.

30 Amend Bill, page 3, line 11, by striking out "2" and
31 inserting

32 3

**Regular Session 2015 - 2016
Amendment A09890 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of an
8 action which is taken by a supermajority of the governing
9 body of the county, municipality or township.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

- 1 Amend Bill, page 2, by inserting between lines 19 and 20
- 2 "Adversely affected." The denial of liberty or property.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for child firearm safety locks

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Chapter 61 of Title 18 is amended by adding a
5 subchapter to read:

6 SUBCHAPTER E
7 CHILD FIREARM SAFETY LOCKS

8 Sec.

9 6191. Purposes.

10 6192. Definitions.

11 6193. Locking device for firearms.

12 6194. Exceptions.

13 6195. Penalty.

14 § 6191. Purposes.

15 The purposes of this subchapter are as follows:

16 (1) To promote the safe storage and use of handguns by
17 consumers.

18 (2) To prevent unauthorized persons from gaining access
19 to or use of a handgun, including children who may not be in
20 possession of a handgun.

21 (3) To avoid hindering industry from supplying law-
22 abiding citizens with firearms for all lawful purposes,
23 including hunting, self-defense, collecting and competitive
24 or recreational shooting.

25 § 6192. Definitions.

26 As used in this subchapter, the following words and phrases
27 shall have the meanings given to them in this section:

28 "Licensee." Any licensed manufacturer, importer or dealer of
29 firearms.

30 "Locking device." A device that, if installed on a firearm
31 and secured by means of a key or a mechanically, electronically
32 or electromechanically operated combination lock, prevents the
33 firearm from being discharged without first deactivating or
34 removing the device or a locking mechanism incorporated into the
35 design of a firearm that prevents discharge of the firearm by
36 any person who does not have access to the key or other device
37 designed to unlock the mechanism.

1 § 6193. Locking device for firearms.

2 It shall be unlawful for any licensee to sell, deliver or
3 transfer any firearm to any person other than another licensee
4 unless the transferee is provided with or purchases a locking
5 device for that firearm.

6 § 6194. Exceptions.

7 The following firearms are not subject to the provisions of
8 this subchapter:

9 (1) Firearms for transfer to or possession by any law
10 enforcement officer employed by any Federal, State or local
11 government entity or rail police employed and certified by a
12 rail carrier as a police officer whether on or off duty.

13 (2) Firearms for transfer to any person if the firearm
14 qualifies as an antique firearm under section 6118 (relating
15 to antique firearms).

16 (3) Firearms for transfer to any person for which a
17 safety device is temporarily unavailable, provided that the
18 licensed manufacturer, licensed importer or licensed dealer
19 delivers to the transferee within 14 calendar days of the
20 original date of the delivery of the firearm a safety device
21 for the firearm.

22 § 6195. Penalty.

23 A person who fails to comply with the provisions of this
24 subchapter commits a misdemeanor of the third degree.

25 Amend Bill, page 3, line 11, by striking out "2" and
26 inserting

27 3

**Regular Session 2015 - 2016
Amendment A09894 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles, "
2 providing for firearms or other weapons in educational
3 institutions and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6110.3. Firearms or other weapons in educational
9 institutions.

10 (a) General rule.--No person shall knowingly have in his
11 possession an imitation firearm in or upon any part of the
12 buildings, grounds or vehicles, regardless of whether such
13 vehicles are owned or leased, of any school, college, university
14 or other educational institution, without having the written
15 authorization of the governing officer of the institution.

16 (b) Penalty.--A person who violates this section commits a
17 summary offense, irrespective of whether the person possesses a
18 valid permit to carry a firearm.

19 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
20 reenacted and amended to read:

21 Amend Bill, page 3, line 11, by striking out "2" and
22 inserting

23 3

**Regular Session 2015 - 2016
Amendment A09896 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of an
8 action which:

9 (i) bans firearms in polling places; and

10 (ii) is taken by a supermajority of the governing
11 body of the county, municipality or township.

**Regular Session 2015 - 2016
Amendment A09898 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2709.1 (relating to stalking).

25 Section 2716 (relating to weapons of mass destruction).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 2910 (relating to luring a child into a motor
29 vehicle or structure).

30 Section 3121 (relating to rape).

31 Section 3123 (relating to involuntary deviate sexual
32 intercourse).

33 Section 3125 (relating to aggravated indecent assault).

34 Section 3301 (relating to arson and related offenses).

35 Section 3302 (relating to causing or risking
36 catastrophe).

37 Section 3502 (relating to burglary).

1 Section 3503 (relating to criminal trespass) if the
2 offense is graded a felony of the second degree or higher.

3 Section 3701 (relating to robbery).

4 Section 3702 (relating to robbery of motor vehicle).

5 Section 3921 (relating to theft by unlawful taking or
6 disposition) upon conviction of the second felony offense.

7 Section 3923 (relating to theft by extortion) when the
8 offense is accompanied by threats of violence.

9 Section 3925 (relating to receiving stolen property) upon
10 conviction of the second felony offense.

11 Section 4906 (relating to false reports to law
12 enforcement authorities) if the fictitious report involved
13 the theft of a firearm as provided in section 4906(c)(2).

14 Section 4912 (relating to impersonating a public servant)
15 if the person is impersonating a law enforcement officer.

16 Section 4952 (relating to intimidation of witnesses or
17 victims).

18 Section 4953 (relating to retaliation against witness,
19 victim or party).

20 Section 5121 (relating to escape).

21 Section 5122 (relating to weapons or implements for
22 escape).

23 Section 5501(3) (relating to riot).

24 Section 5515 (relating to prohibiting of paramilitary
25 training).

26 Section 5516 (relating to facsimile weapons of mass
27 destruction).

28 Section 6110.1 (relating to possession of firearm by
29 minor).

30 Section 6301 (relating to corruption of minors).

31 Section 6302 (relating to sale or lease of weapons and
32 explosives).

33 Any offense equivalent to any of the above-enumerated
34 offenses under the prior laws of this Commonwealth or any
35 offense equivalent to any of the above-enumerated offenses
36 under the statutes of any other state or of the United
37 States.

38 Any conviction under section 901 (relating to criminal
39 attempt), 902 (relating to criminal solicitation) or 903
40 (relating to criminal conspiracy) to commit any of the above-
41 enumerated offenses or any offense equivalent to section 901,
42 902 or 903 to commit any of the above-enumerated offenses
43 under the statutes of any other state or of the United
44 States.

45 * * *

46 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
47 reenacted and amended to read:

48 Amend Bill, page 3, line 11, by striking out "2" and
49 inserting

**Regular Session 2015 - 2016
Amendment A09900 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 53 (Municipalities Generally)

6 Amend Bill, page 1, line 3, by inserting after "articles,"

7 providing for limit on handgun purchases and sales in cities of

8 the first class, establishing the Violence Prevention Fund

9 and

10 Amend Bill, page 1, line 4, by inserting after "ammunition"

11 ; and, in general provisions, further providing for limitation

12 on municipal powers

13 Amend Bill, page 1, lines 7 through 9, by striking out all of

14 said lines and inserting

15 Section 1. Title 18 of the Pennsylvania Consolidated

16 Statutes is amended by adding a section to read:

17 § 6111.6. Limit on handgun purchases and sales in cities of the

18 first class.

19 (a) Purchase of handgun.--No person may purchase more than

20 one handgun in a city of the first class within any 30-day

21 period.

22 (b) Sale of handgun.--No person may sell or cause to be sold

23 to a person in a city of the first class more than one handgun

24 within any 30-day period.

25 (c) Exceptions.--This section shall not apply to the

26 following:

27 (1) A licensed firearm dealer who is purchasing the

28 handguns in the ordinary course of business.

29 (2) A licensed firearm collector.

30 (3) A law enforcement agency or an agency authorized to

31 perform law enforcement duties.

32 (4) State and local correctional facilities.

1 (5) A private security company licensed to do business
2 within this Commonwealth.

3 (6) The purchase or sale of antique firearms.

4 (7) A person whose handgun is stolen or irretrievably
5 lost if:

6 (i) the person provides the seller with an official
7 copy of the police report of the lost or stolen handgun
8 or a summary of the report on a form provided by the
9 Pennsylvania State Police;

10 (ii) the police report or summary contains the name
11 and address of the handgun owner, the description of the
12 handgun, the location of the loss or theft, the date of
13 the loss or theft and the date the loss or theft was
14 reported to the law enforcement agency;

15 (iii) the date of the loss or theft as reflected on
16 the police report or summary occurred within 30 days of
17 the person's attempt to replace the handgun; and

18 (iv) the seller attaches an official copy of the
19 police report or summary of the report to the original
20 sales receipt or other document evidencing the original
21 sale and retains it for a period prescribed by regulation
22 of the Pennsylvania State Police.

23 (d) Grading.--

24 (1) Except as set forth in paragraph (2), a person who
25 is convicted of violating subsection (a) or (b) commits a
26 misdemeanor of the third degree.

27 (2) A second or subsequent offense under subsection (a)
28 or (b) shall constitute a felony of the third degree.

29 (e) Disposition of fines collected.--The court imposing and
30 collecting a fine under subsection (d) shall transfer the fines
31 collected to the State Treasurer for deposit in the Violence
32 Prevention Fund under subsection (f).

33 (f) Violence Prevention Fund.--There is established in the
34 General Fund a nonlapsing, restricted receipt account to be
35 known as the Violence Prevention Fund. Money in the fund is
36 hereby appropriated to the Pennsylvania Commission on Crime and
37 Delinquency solely for purposes of violence prevention and youth
38 violence prevention, including youth education and activities
39 designed to prevent violence and grants to law enforcement
40 agencies for equipment and training designed to prevent gun-
41 related injuries.

42 (g) Notice.--A seller shall notify each prospective
43 purchaser that the purchase of more than one handgun in a 30-day
44 period is prohibited under this section and of the applicable
45 penalties.

46 (h) Handgun purchase history check.--In addition to any
47 other duty prescribed by this section, a seller of a handgun
48 shall request the Pennsylvania State Police to conduct a handgun
49 purchase history check to investigate whether the prospective
50 handgun purchaser is in compliance with this section. A handgun
51 purchase history check shall be conducted in accordance with the

1 procedures governing other background checks under this
2 subchapter. A handgun purchase history check shall be conducted
3 at the same time any criminal history, juvenile delinquency or
4 mental health records check is required for a firearm purchase
5 under this subchapter. Information related to a handgun purchase
6 provided to the Pennsylvania State Police by a seller may be
7 retained by the Pennsylvania State Police as necessary to
8 monitor compliance with this section.

9 (i) Expiration.--This section shall expire seven years after
10 it takes effect unless extended by statute.

11 (j) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Handgun." Either of the following:

15 (1) A firearm which has a short stock and is designed to
16 be held and fired by the use of a single hand.

17 (2) Any combination of parts from which a firearm
18 described under paragraph (1) can be assembled.

19 "Licensed firearm collector." A person who collects firearms
20 and is licensed as a collector under 18 U.S.C. § 923 (relating
21 to licensing).

22 "Licensed firearm dealer." A person who is licensed as a
23 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

24 "Purchase." The term does not include the exchange or
25 replacement of a handgun by a seller for a handgun purchased
26 from the seller by the same person seeking the exchange or
27 replacement within the 30-day period immediately preceding the
28 date of exchange or replacement.

29 Section 2. Section 6120(a), (a.2), (a.3) and (b) of Title 18
30 are reenacted and amended and the section is amended by adding a
31 subsection to read:

32 Amend Bill, page 1, by inserting between lines 11 and 12

33 (a) General rule.--[No] Except as set forth in subsection
34 (a.4) and notwithstanding 53 Pa.C.S. § 2962(g) (relating to
35 limitation on municipal powers), no county, municipality or
36 township may in any manner regulate the lawful ownership,
37 possession, transfer or transportation of firearms, ammunition
38 or ammunition components when carried or transported for
39 purposes not prohibited by the laws of this Commonwealth.

40 Amend Bill, page 2, by inserting between lines 16 and 17

41 (a.4) Exception.--

42 (1) The governing body of a municipality may enact an
43 ordinance that adopts the provisions of section 6111.6
44 (relating to limit on handgun purchases and sales in cities
45 of the first class).

46 (2) Prior to adopting the ordinance, the governing body
47 shall adopt a proposed ordinance which shall include all of
48 the following information:

1 (i) The provisions of section 6111.6.

2 (ii) The content of the ordinance that will be
3 enacted, including the effective date.

4 (iii) A statement that the proposed ordinance is
5 being adopted pursuant to and subject to the requirements
6 of this section.

7 (3) The governing body must give public notice of its
8 intent to adopt the proposed ordinance and hold at least one
9 public hearing on the proposed ordinance prior to adoption.
10 Publication of the notice shall be made by advertisement once
11 a week for three weeks in a newspaper of general circulation
12 within the municipality if there is such a newspaper and, if
13 there is not, then the publication shall be made in a
14 newspaper of general circulation within the county in which
15 the advertising municipality is located.

16 (4) For purposes of this subsection, the term
17 "municipality" shall mean a city, borough or township. The
18 term shall not include a city of the first class.

19 Amend Bill, page 3, by inserting between lines 10 and 11

20 Section 3. Section 2962(g) of Title 53 is amended to read:
21 § 2962. Limitation on municipal powers.

22 * * *

23 (g) Regulation of firearms.--[A] Except as set forth in 18
24 Pa.C.S. § 6120(a.4) (relating to limitation on the regulation of
25 firearms and ammunition), a municipality shall not enact any
26 ordinance or take any other action dealing with the regulation
27 of the transfer, ownership, transportation or possession of
28 firearms.

29 * * *

30 Amend Bill, page 3, line 11, by striking out "2" and
31 inserting

32 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for licenses and

3 Amend Bill, page 1, line 4, by inserting after "ammunition"
4 and providing for recovery clearinghouse

5 Amend Bill, page 1, lines 7 through 9, by striking out all of
6 said lines and inserting

7 Section 1. Section 6109 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 6109. Licenses.

10 * * *

11 (b.1) Safety courses.--No license to carry a firearm shall
12 be issued unless the applicant presents evidence of successful
13 completion of a firearms safety class or course of a type
14 approved by the commissioner or has received such training
15 through law enforcement or military service. The course or class
16 may be offered by the National Rifle Association, a State or
17 local law enforcement agency, junior college, college,
18 university, firearms training school or any other entity
19 approved by the Commissioner of Pennsylvania State Police. The
20 Commissioner of Pennsylvania State Police shall prescribe the
21 manner and form of the evidence of qualification an applicant is
22 required to present pursuant to this subsection.

23 * * *

24 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
25 reenacted and amended to read:

26 Amend Bill, page 3, by inserting between lines 10 and 11

27 Section 3. Title 18 is amended by adding a section to read:
28 § 6143. Recovery clearinghouse.--

29 (a) Establishment.--The Attorney General shall establish and
30 maintain within the Pennsylvania State Police a criminal firearm
31 recovery clearinghouse as a central repository of information
32 regarding all firearms seized, forfeited, found or otherwise
33 coming into the possession of any State or local law enforcement
34 agency which are believed to have been used in the commission of

1 a crime. The purpose of this program is to interdict firearms
2 and components of firearms entering this Commonwealth which have
3 been used in a crime, with a particular focus on those states
4 from which substantial numbers of firearms enter.

5 (b) Trace.--In any case where a State or local law
6 enforcement agency investigates the commission of a crime in
7 this Commonwealth in which a specific firearm is known to have
8 been used, that agency shall submit a request to the
9 Pennsylvania State Police, which will document the request,
10 trace the movement of that firearm and provide the local law
11 enforcement agency with the results of the trace.

12 (c) Data.--The firearm recovery data collected through the
13 clearinghouse, specifically information relating to the name,
14 address and registration number, as appropriate, of the Federal
15 or State firearm licensee responsible for the first retail sale
16 of the firearm, shall be made available annually in the
17 Pennsylvania Uniform Crime Report.

18 (d) Regulations and strategies.--

19 (1) The Attorney General shall promulgate regulations
20 prescribing mandatory reporting procedures for State or local
21 law enforcement agencies, including the form for reporting
22 such information. In addition to any other information which
23 the Attorney General may request, the form shall require:

24 (i) Identifying information on the firearm, if
25 available, such as the firearm's make and model, caliber,
26 manufacturer's serial number, and the finish.

27 (ii) A brief description of the circumstances under
28 which the firearm came into possession of the law
29 enforcement agency, including the crime which was or may
30 have been committed with the firearm.

31 (2) The Attorney General, in cooperation with the United
32 States Department of Justice's Bureau of Alcohol, Tobacco,
33 Firearms and Explosives, shall develop and implement a
34 strategy for the interdiction of firearms which have been
35 used in the commission of a crime. The strategy shall include
36 identifying firearms traffickers and suppliers of such
37 firearms who may or may not be violating Federal, State or
38 local laws, and cooperating with appropriate law enforcement
39 agencies in other states in the investigation and enforcement
40 of such laws.

41 Amend Bill, page 3, line 11, by striking out "2" and
42 inserting

43 4

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 4, by striking out the period after
2 "ammunition" and inserting
3 ; providing for large capacity ammunition magazine permit and
4 for large capacity ammunition magazine prohibition;
5 authorizing the Attorney General to issue permits; and
6 imposing penalties.

7 Amend Bill, page 3, by inserting between lines 10 and 11

8 Section 2. Title 18 is amended by adding sections to read:

9 § 6121.1. Large capacity ammunition magazine permit.

10 Upon showing good cause, the Attorney General may issue a
11 permit for the sale, offering or exposing for sale, use,
12 purchase, possession or control of a large capacity ammunition
13 magazine to a person seeking to qualify for an exception to the
14 prohibition under section 6121.2 (relating to large capacity
15 ammunition magazines prohibition).

16 § 6121.2. Large capacity ammunition magazines prohibition.

17 (a) Offense defined.--Except as set forth in subsection (b),
18 a person commits an offense if the person does the following:

19 (1) sells, offers or exposes for sale a large capacity
20 ammunition magazine; or

21 (2) uses, purchases, possesses or otherwise controls a
22 large capacity ammunition magazine.

23 (b) Exceptions.--Subsection (a) does not apply to the
24 following:

25 (1) the use, possession and control of a large capacity
26 ammunition magazine by a person who legally possessed the
27 large capacity ammunition magazine prior to the effective
28 date of this section;

29 (2) the sale, offering or exposing for sale, use,
30 purchase, possession and control of a large capacity
31 ammunition magazine by a person who is a government officer,
32 agent or employee, or a member of the armed forces of the
33 United States, the National Guard or a peace officer, to the
34 extent that the person is authorized by the government to
35 sell, offer or expose for sale, use, purchase, possess or
36 control a large capacity ammunition magazine and, consistent
37 with the authorization, does so while acting within the scope

1 of the person's duties;

2 (3) the purchase, possession and control of a large
3 capacity ammunition magazine by a Federal, State or local
4 historical society, museum or institutional collection that
5 is open to the public provided the large capacity ammunition
6 magazine is properly housed, secured from unauthorized
7 handling and unloaded;

8 (4) the possession and control of a large capacity
9 ammunition magazine by a person who finds a large capacity
10 ammunition magazine, if the person is not prohibited from
11 possessing firearms or ammunition under Federal or State law,
12 and the person possesses or controls the large capacity
13 magazine no longer than is necessary to deliver or transport
14 the same to a law enforcement agency for the agency's
15 disposition according to law;

16 (5) the sale, offering or exposing for sale, use,
17 purchase, possession and control of a large capacity
18 ammunition magazine by a person who:

19 (i) is authorized under the laws of the United
20 States and this Commonwealth to sell firearms; and

21 (ii) possesses a valid permit issued under section
22 6121.1 (relating to large capacity ammunition magazine
23 permit) authorizing the person to use, purchase, possess
24 and control a large capacity ammunition magazine for the
25 use and benefit of the person's business and to sell,
26 offer or expose for sale a large capacity ammunition
27 magazine to a person permitted to sell, offer or expose
28 for sale, use, purchase, possess or control a large
29 capacity ammunition magazine;

30 (6) the sale, offering or exposing for sale, use,
31 purchase, possession and control of a large capacity
32 ammunition magazine by a person who:

33 (i) is authorized under the laws of the United
34 States and this Commonwealth to manufacture a large
35 capacity ammunition magazine; and

36 (ii) possesses a valid permit issued under section
37 6121.1 authorizing the person to sell, offer or expose
38 for sale, use, purchase, possess and control a large
39 capacity ammunition magazine for the use and benefit of
40 the person's business;

41 (7) the use, purchase, possession and control of a large
42 capacity ammunition magazine by an armored vehicle business
43 that possesses a valid permit issued under section 6121.1
44 authorizing the business to use, purchase, possess and
45 control a large capacity ammunition magazine for purposes
46 pertaining to the armored vehicle business if the activity
47 authorized under the permit is conducted by either:

48 (i) a person who operates an armored vehicle
49 business under the laws of this Commonwealth; or

50 (ii) an authorized employee of the person under
51 subparagraph (i), while in the course and scope of

1 employment, for purposes pertaining to the armored
2 vehicle business;

3 (8) the use, purchase, possession and control of a large
4 capacity ammunition magazine by a private forensic laboratory
5 and an authorized employee of the laboratory, while in the
6 course and scope of employment, for purposes pertaining to
7 the forensic activities of the laboratory, provided the
8 private forensic laboratory possesses a valid permit issued
9 under section 6121.1 authorizing the laboratory to use,
10 purchase, possess and control a large capacity ammunition
11 magazine for purposes pertaining to the forensic activities
12 of the laboratory;

13 (9) the use, possession and control of a large capacity
14 ammunition magazine by a gunsmith who possesses a valid
15 permit issued under section 6121.1 authorizing the gunsmith
16 to use, possess and control a large capacity ammunition
17 magazine for the purposes of maintenance, repair or
18 modification of the large capacity ammunition magazine;

19 (10) (i) the use, purchase, possession and control of a
20 large capacity ammunition magazine by a motion picture or
21 television production company as a prop in a motion
22 picture or television production provided the motion
23 picture or television production company possesses a
24 valid permit issued under section 6121.1 authorizing the
25 production company to use, purchase, possess or control a
26 large capacity ammunition magazine as a prop; and

27 (ii) the use, possession and control of the large
28 capacity ammunition magazine as a prop by an employee of
29 the motion picture or television production company while
30 in the course and scope of the employee's employment;

31 (11) the purchase, possession and control of a large
32 capacity ammunition magazine by a for-profit or not-for-
33 profit shooting range that possesses a valid permit issued
34 under section 6121.1 authorizing the shooting range to
35 purchase, possess and control a large capacity ammunition
36 magazine in order to make the magazine available to a patron
37 or member of the shooting range who has written authorization
38 from the shooting range to use, possess and control the
39 magazine while at the shooting range provided that, when not
40 in use, the large capacity ammunition magazine is properly
41 housed, secured from unauthorized handling and unloaded; or

42 (12) the use, possession and control of a large capacity
43 ammunition magazine by a patron or member of a shooting range
44 that satisfied the grounds for exception under paragraph (11)
45 who is authorized in writing by the shooting range to use,
46 possess and control the range's large capacity ammunition
47 magazine while at the shooting range.

48 (c) Penalty.--

49 (1) An offense under subsection (a)(1) is a misdemeanor
50 of the second degree.

51 (2) An offense under subsection (a)(2) shall be graded

1 as follows:

2 (i) A first offense is a misdemeanor punishable by
3 up to six months of imprisonment and a fine of \$300.

4 (ii) A second or subsequent offense under this
5 section is a misdemeanor of the second degree.

6 (d) Definition.--As used in this section, the term "large
7 capacity ammunition magazine" means a box, drum, tube, feed
8 strip, container or other device that is capable of accepting or
9 may be readily restored or converted to accept more than 15
10 rounds of ammunition or five shotgun shells to be fed
11 continuously and directly from the device into a firearm. The
12 term does not include a device that:

13 (1) has been permanently altered so that it may not
14 accommodate more than 15 rounds of ammunition or more than
15 five shotgun shells; or

16 (2) is a tubular magazine device that is contained or
17 used in a lever-action firearm or single-action-only firearm.

18 Amend Bill, page 3, line 11, by striking out "2" and

19 inserting

20 3

**Regular Session 2015 - 2016
Amendment A09904 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09905 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09906 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DONATUCCI

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) and (c)(7) and (8) of Title 18 of
7 the Pennsylvania Consolidated Statutes are amended and
8 subsection (c) is amended by adding paragraphs to read:
9 § 6105. Persons not to possess, use, manufacture, control, sell
10 or transfer firearms.

11 * * *

12 (b) Enumerated offenses.--The following offenses shall apply
13 to subsection (a):

14 Section 908 (relating to prohibited offensive weapons).

15 Section 911 (relating to corrupt organizations).

16 Section 912 (relating to possession of weapon on school
17 property).

18 Section 2502 (relating to murder).

19 Section 2503 (relating to voluntary manslaughter).

20 Section 2504 (relating to involuntary manslaughter) if
21 the offense is based on the reckless use of a firearm.

22 Section 2507 (relating to criminal homicide of law
23 enforcement officer).

24 Section 2702 (relating to aggravated assault).

25 Section 2702.1 (relating to assault of law enforcement
26 officer).

27 Section 2703 (relating to assault by prisoner).

28 Section 2704 (relating to assault by life prisoner).

29 Section 2709.1 (relating to stalking).

30 Section 2716 (relating to weapons of mass destruction).

31 Section 2901 (relating to kidnapping).

32 Section 2902 (relating to unlawful restraint).

33 Section 2910 (relating to luring a child into a motor
34 vehicle or structure).

35 Section 3121 (relating to rape).

36 Section 3123 (relating to involuntary deviate sexual
37 intercourse).

1 Section 3125 (relating to aggravated indecent assault).
2 Section 3301 (relating to arson and related offenses).
3 Section 3302 (relating to causing or risking
4 catastrophe).
5 Section 3502 (relating to burglary).
6 Section 3503 (relating to criminal trespass) if the
7 offense is graded a felony of the second degree or higher.
8 Section 3701 (relating to robbery).
9 Section 3702 (relating to robbery of motor vehicle).
10 Section 3921 (relating to theft by unlawful taking or
11 disposition) upon conviction of the second felony offense.
12 Section 3923 (relating to theft by extortion) when the
13 offense is accompanied by threats of violence.
14 Section 3925 (relating to receiving stolen property) upon
15 conviction of the second felony offense.
16 Section 4906 (relating to false reports to law
17 enforcement authorities) if the fictitious report involved
18 the theft of a firearm as provided in section 4906(c)(2).
19 Section 4912 (relating to impersonating a public servant)
20 if the person is impersonating a law enforcement officer.
21 Section 4952 (relating to intimidation of witnesses or
22 victims).
23 Section 4953 (relating to retaliation against witness,
24 victim or party).
25 Section 5121 (relating to escape).
26 Section 5122 (relating to weapons or implements for
27 escape).
28 Section 5501(3) (relating to riot).
29 Section 5515 (relating to prohibiting of paramilitary
30 training).
31 Section 5516 (relating to facsimile weapons of mass
32 destruction).
33 Section 6110.1 (relating to possession of firearm by
34 minor).
35 Section 6301 (relating to corruption of minors).
36 Section 6302 (relating to sale or lease of weapons and
37 explosives).
38 Any offense equivalent to any of the above-enumerated
39 offenses under the prior laws of this Commonwealth or any
40 offense equivalent to any of the above-enumerated offenses
41 under the statutes of any other state or of the United
42 States.
43 (c) Other persons.--In addition to any person who has been
44 convicted of any offense listed under subsection (b), the
45 following persons shall be subject to the prohibition of
46 subsection (a):
47 * * *
48 (2.1) A person who has been convicted of attempt,
49 solicitation or conspiracy to commit a violation of section
50 2507 or 2702.1.
51 * * *

1 (7) A person who was adjudicated delinquent by a court
2 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
3 under any equivalent Federal statute or statute of any other
4 state as a result of conduct which if committed by an adult
5 would constitute an offense under sections 2502, 2503, 2507,
6 2702, 2702.1, 2703 [(relating to assault by prisoner)], 2704,
7 2901, 3121, 3123, 3301, 3502, 3701 and 3923.

8 (7.1) A person who was adjudicated delinquent by a court
9 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal
10 statute or statute of any other state as a result of conduct
11 which, if committed by an adult, would constitute attempt,
12 solicitation or conspiracy to commit a violation of section
13 2507 or 2702.1.

14 (8) A person who was adjudicated delinquent by a court
15 pursuant to 42 Pa.C.S. § 6341 or under any equivalent Federal
16 statute or statute of any other state as a result of conduct
17 which if committed by an adult would constitute an offense
18 enumerated in subsection (b) with the exception of those
19 crimes set forth in [paragraph (7)] paragraphs (2.1), (7) and
20 (7.1). This prohibition shall terminate 15 years after the
21 last applicable delinquent adjudication or upon the person
22 reaching the age of 30, whichever is earlier.

23 * * *

24 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
25 reenacted and amended to read:

26 Amend Bill, page 3, line 11, by striking out "2" and
27 inserting

28 3

**Regular Session 2015 - 2016
Amendment A09910 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of an
8 action which is supported by a collective bargaining
9 organization representing law enforcement in the county,
10 municipality or township.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE J. HARRIS

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for encoded ammunition

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Title 18 is amended by adding a section to read:
5 § 6128. Encoded ammunition.

6 (a) Manufacturers.--

7 (1) A manufacturer shall encode ammunition provided for
8 retail sale for regulated firearms in a manner that the
9 commissioner establishes, so that all of the following are
10 accomplished:

11 (i) The base of the bullet and the inside of the
12 cartridge casings of each round in a box of ammunition
13 are encoded with the same serial number.

14 (ii) Each serial number is encoded in such a manner
15 that it is highly likely to permit identification after
16 ammunition discharge and bullet impact.

17 (iii) The outside of each box of ammunition is
18 labeled with the name of the manufacturer and the same
19 serial number used on the cartridge casings and bases of
20 bullets contained in the box.

21 (2) Ammunition contained in one ammunition box may not
22 be labeled with the same serial number as the ammunition
23 contained in any other ammunition box from the same
24 manufacturer.

25 (b) Duty of owner to dispose of ammunition.--By January 1,
26 2016, an owner of ammunition for use in a regulated firearm
27 which is not encoded by the manufacturer in accordance with
28 subsection (a) shall dispose of the ammunition.

29 (c) Encoded ammunition database.--

30 (1) One year after the effective date of this section,
31 the commissioner shall establish and maintain an encoded
32 ammunition database.

33 (2) A manufacturer that does business in this
34 Commonwealth shall provide the commissioner for inclusion in
35 the database all of the following:

36 (i) Name and address of the manufacturer.

37 (ii) Serial numbers of the ammunition offered for

1 sale for regulated firearms in this Commonwealth.

2 (iii) Other information the commissioner considers
3 necessary.

4 (3) A seller shall provide the commissioner for
5 inclusion in the database all of the following information:

6 (i) Date of each ammunition purchase.

7 (ii) Name and date of birth of each purchaser of
8 ammunition.

9 (iii) Driver's license number of the purchaser or
10 other number issued to the purchaser by the Federal or
11 State government.

12 (iv) Serial numbers of all ammunition for regulated
13 firearms bought by the purchaser.

14 (v) Other information the commissioner considers
15 necessary.

16 (d) Seller recordkeeping requirement.--A seller shall
17 maintain copies of all records submitted to the commissioner
18 under subsection (c) for at least three years after the date of
19 sale.

20 (e) Criminal penalties.--

21 (1) A seller that violates this section commits a
22 misdemeanor of the third degree.

23 (2) An individual who intentionally destroys or
24 otherwise renders unreadable the information encoded on
25 ammunition required under this section commits a misdemeanor
26 of the third degree.

27 (f) Administrative penalties.--

28 (1) A manufacturer that violates this section is subject
29 to an administrative penalty to be imposed by the
30 commissioner not to exceed:

31 (i) \$1,000 for a first violation;

32 (ii) \$5,000 for a second violation; and

33 (iii) \$10,000 for a third or subsequent violation.

34 (2) This subsection is subject to 2 Pa.C.S. Chs. 5
35 Subch. A (relating to practice and procedure of Commonwealth
36 agencies) and 7 Subch. A (relating to judicial review of
37 Commonwealth agency action).

38 Amend Bill, page 3, line 11, by striking out "2" and
39 inserting

40 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for definitions, for persons not to possess, use, manufacture,
3 control, sell or transfer firearms, for sale or transfer of
4 firearms and for Pennsylvania State Police and

5 Amend Bill, page 1, lines 7 through 9, by striking out all of
6 said lines and inserting

7 Section 1. Section 6102 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a definition to read:
9 § 6102. Definitions.

10 Subject to additional definitions contained in subsequent
11 provisions of this subchapter which are applicable to specific
12 provisions of this subchapter, the following words and phrases,
13 when used in this subchapter shall have, unless the context
14 clearly indicates otherwise, the meanings given to them in this
15 section:

16 * * *

17 "Terrorist screening database." A list compiled by the
18 Federal Bureau of Investigation and used by various agencies to
19 consolidate and screen information relating to individuals who
20 are known or suspected as being international terrorists and
21 domestic terrorists.

22 Section 2. Section 6105(c) of Title 18 is amended by adding
23 a paragraph to read:

24 § 6105. Persons not to possess, use, manufacture, control, sell
25 or transfer firearms.

26 * * *

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

31 * * *

32 (10) A person whose name is included on the terrorist
33 screening database.

34 * * *

35 Section 3. Sections 6111(b)(3) and (6) and (g)(3) and
36 6111.1(b)(1) of Title 18 are amended to read:

37 § 6111. Sale or transfer of firearms.

1 * * *

2 (b) Duty of seller.--No licensed importer, licensed
3 manufacturer or licensed dealer shall sell or deliver any
4 firearm to another person, other than a licensed importer,
5 licensed manufacturer, licensed dealer or licensed collector,
6 until the conditions of subsection (a) have been satisfied and
7 until he has:

8 * * *

9 (3) Requested by means of a telephone call that the
10 Pennsylvania State Police conduct a criminal history,
11 juvenile delinquency history, terrorist screening database
12 and a mental health record check. The purchaser and the
13 licensed dealer shall provide such information as is
14 necessary to accurately identify the purchaser. The requester
15 shall be charged a fee equivalent to the cost of providing
16 the service but not to exceed \$2 per buyer or transferee.

17 * * *

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

27 * * *

28 (g) Penalties.--

29 * * *

30 (3) Any person, licensed dealer, licensed manufacturer
31 or licensed importer who knowingly and intentionally requests
32 a criminal history, juvenile delinquency, terrorist screening
33 database or mental health record check or other confidential
34 information from the Pennsylvania State Police under this
35 chapter for any purpose other than compliance with this
36 chapter or knowingly and intentionally disseminates any
37 criminal history, juvenile delinquency or mental health
38 record or other confidential information to any person other
39 than the subject of the information commits a felony of the
40 third degree.

41 * * *

42 § 6111.1. Pennsylvania State Police.

43 * * *

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

45 (1) Upon receipt of a request for a criminal history,
46 juvenile delinquency history, terrorist screening database
47 and mental health record check of the potential purchaser or
48 transferee, the Pennsylvania State Police shall immediately
49 during the licensee's call or by return call forthwith:

50 (i) review the Pennsylvania State Police criminal
51 history and fingerprint records to determine if the

1 potential purchaser or transferee is prohibited from
2 receipt or possession of a firearm under Federal or State
3 law and determine whether the name of the potential
4 purchaser or transferee is included on the terrorist
5 screening database;

6 (ii) review the juvenile delinquency and mental
7 health records of the Pennsylvania State Police to
8 determine whether the potential purchaser or transferee
9 is prohibited from receipt or possession of a firearm
10 under Federal or State law; and

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

12 (A) that the potential purchase or transfer is
13 prohibited; or

14 (B) provide the licensee with a unique approval
15 number.

16 * * *

17 Section 4. Section 6120(a.2), (a.3) and (b) of Title 18 are
18 reenacted and amended to read:

19 Amend Bill, page 3, line 11, by striking out "2" and

20 inserting

21 5

**Regular Session 2015 - 2016
Amendment A09915 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09916 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FREEMAN

Printer's No. 3637

1 Amend Bill, page 2, line 4, by inserting after "court."

2 Any act by the governing body in the form of a resolution in
3 which the sole purpose is expression is exempt from the
4 provisions of this subsection.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE J. HARRIS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 carrying firearms on public streets or public property in
3 Philadelphia and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6108 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6108. Carrying firearms on public streets or public property
9 [in Philadelphia].

10 (a) Prohibition.--No person shall carry a firearm, rifle
11 [or], shotgun, stun gun, taser or other electric or electronic
12 incapacitation device at any time upon the public streets or
13 upon any public property in [a city of the first class] this
14 Commonwealth unless:

15 (1) such person is licensed to carry a firearm; or

16 (2) such person is exempt from licensing under section
17 6106(b) of this title (relating to firearms not to be carried
18 without a license).

19 (b) Definition.--As used in this section, the term "electric
20 or electronic incapacitation device" shall have the meaning
21 given to it under section 908.1 (relating to use or possession
22 of electric or electronic incapacitation device).

23 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
24 reenacted and amended to read:

25 Amend Bill, page 3, line 11, by striking out "2" and
26 inserting

27 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE COOK-ARTIS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 persons not to possess, manufacture, control, sell or transfer
3 firearms and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2701 (relating to simple assault).

22 Section 2702 (relating to aggravated assault).

23 Section 2703 (relating to assault by prisoner).

24 Section 2704 (relating to assault by life prisoner).

25 Section 2709.1 (relating to stalking).

26 Section 2716 (relating to weapons of mass destruction).

27 Section 2901 (relating to kidnapping).

28 Section 2902 (relating to unlawful restraint).

29 Section 2910 (relating to luring a child into a motor
30 vehicle or structure).

31 Section 3121 (relating to rape).

32 Section 3123 (relating to involuntary deviate sexual
33 intercourse).

34 Section 3125 (relating to aggravated indecent assault).

35 Section 3301 (relating to arson and related offenses).

36 Section 3302 (relating to causing or risking
37 catastrophe).

1 Section 3502 (relating to burglary).
2 Section 3503 (relating to criminal trespass) if the
3 offense is graded a felony of the second degree or higher.
4 Section 3701 (relating to robbery).
5 Section 3702 (relating to robbery of motor vehicle).
6 Section 3921 (relating to theft by unlawful taking or
7 disposition) upon conviction of the second felony offense.
8 Section 3923 (relating to theft by extortion) when the
9 offense is accompanied by threats of violence.
10 Section 3925 (relating to receiving stolen property) upon
11 conviction of the second felony offense.
12 Section 4906 (relating to false reports to law
13 enforcement authorities) if the fictitious report involved
14 the theft of a firearm as provided in section 4906(c)(2).
15 Section 4912 (relating to impersonating a public servant)
16 if the person is impersonating a law enforcement officer.
17 Section 4952 (relating to intimidation of witnesses or
18 victims).
19 Section 4953 (relating to retaliation against witness,
20 victim or party).
21 Section 5121 (relating to escape).
22 Section 5122 (relating to weapons or implements for
23 escape).
24 Section 5501(3) (relating to riot).
25 Section 5515 (relating to prohibiting of paramilitary
26 training).
27 Section 5516 (relating to facsimile weapons of mass
28 destruction).
29 Section 6110.1 (relating to possession of firearm by
30 minor).
31 Section 6301 (relating to corruption of minors).
32 Section 6302 (relating to sale or lease of weapons and
33 explosives).
34 Any offense equivalent to any of the above-enumerated
35 offenses under the prior laws of this Commonwealth or any
36 offense equivalent to any of the above-enumerated offenses
37 under the statutes of any other state or of the United
38 States.
39 * * *
40 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
41 reenacted and amended to read:
42 Amend Bill, page 3, line 11, by striking out "2" and
43 inserting
44 3

**Regular Session 2015 - 2016
Amendment A09922 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09923 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FREEMAN

Printer's No. 3637

1 Amend Bill, page 2, line 4, by inserting after "court."

2 Any act by the governing body in the form of a resolution in
3 which the sole purpose is to express the opinion of the
4 governing body is exempt from the provisions of this subsection.

**Regular Session 2015 - 2016
Amendment A09925 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, lines 1 through 4, by striking out all of
2 said lines and inserting

3 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
4 Consolidated Statutes, in firearms and other dangerous
5 articles, further providing for persons not to possess, use,
6 manufacture, control, sell or transfer firearms, for sale or
7 transfer of firearms and for Pennsylvania State Police.

8 Amend Bill, page 1, lines 7 through 15; page 2, lines 1
9 through 30; page 3, lines 1 through 11; by striking out all of
10 said lines on said pages and inserting

11 Section 1. Sections 6105(f)(1) and (j) and 6111(f)(2) of
12 Title 18 of the Pennsylvania Consolidated Statutes are amended
13 to read:

14 § 6105. Persons not to possess, use, manufacture, control, sell
15 or transfer firearms.

16 * * *

17 (f) Other exemptions and proceedings.--

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

24 (1) (i) Any person subject to the prohibitions under
25 subsection (c)(4), or who is prohibited from possessing
26 firearms under 18 U.S.C. § 922(d)(4) or (g)(4) (relating
27 to unlawful acts) as a result of actions taken under the
28 laws of this Commonwealth, may apply to the court of
29 common pleas for relief. The court shall grant relief if
30 the court determines by clear and convincing evidence and
31 makes findings that the applicant does not present a risk
32 of harm to the applicant or any other person, will not be
33 likely to act in a manner dangerous to public safety and
34 that the granting of the relief would not be contrary to
35 the public interest. The court order, whether denying or

1 granting relief, shall also be supported by findings of
2 fact and conclusions of law. In making its decision, the
3 court shall receive and consider evidence relating to the
4 following:

5 (A) The circumstances of the original
6 commitment, appointment of a guardian or other
7 finding of incompetency or incapacity.

8 (B) The applicant's mental health records,
9 including the original commitment application and any
10 related order, or other finding of incompetency or
11 incapacity and medical records relating to any
12 hospitalization resulting from the involuntary
13 commitment, if any.

14 (C) The applicant's criminal history record.

15 (D) The applicant's character and reputation.

16 (E) Changes in the applicant's condition or
17 circumstances relevant to the relief sought.

18 (ii) The application shall be made to the court of
19 common pleas in either the applicant's county of
20 residence or the county of adjudication or commitment.
21 The applicant shall bear the burden of proof. No
22 application may be made until two years have elapsed from
23 date of the imposition of the disability. The application
24 shall be served upon the following parties, who shall
25 have standing to appear and contest the application:

26 (A) The district attorney of the county where
27 the application is filed.

28 (B) The Firearms Division of the Pennsylvania
29 State Police.

30 (C) The county mental health agency where the
31 commitment or adjudication occurred.

32 (iii) Any party shall have the right of appeal to
33 Superior Court. Appeal shall be subject to a de novo
34 standard of review. A person may only file a subsequent
35 application under this paragraph after three years have
36 elapsed from the conclusion of the prior proceeding,
37 including any appeal, which resulted in a denial under
38 this paragraph.

39 (iv) Notwithstanding any law to the contrary, the
40 judges of the courts of common pleas, mental health
41 review officers and county mental health and mental
42 retardation administrators shall disclose to the district
43 attorney of the county where the application is filed and
44 to the Pennsylvania State Police any records in their
45 possession which are to be received by a court consistent
46 with subparagraph (i) when such request is made in
47 conjunction with a proceeding under this paragraph. The
48 district attorney of the county where the application is
49 filed and the Pennsylvania State Police may, in their
50 discretion, disclose the information to any person or
51 entity whenever necessary in accordance with this

1 paragraph.

2 * * *

3 (j) Copy of order to State Police.--

4 (1) If [the court grants relief from the disabilities
5 imposed under this section] a court grants any relief
6 authorized by this section, a copy of the order shall be sent
7 by the prothonotary or Clerk of Court within ten days of the
8 entry of the order to the Pennsylvania State Police and shall
9 include the name, date of birth and Social Security number of
10 the individual.

11 (2) In all cases of relief authorized under this
12 section, the Pennsylvania State Police shall, upon the
13 expiration of any applicable appeal period, take all steps
14 necessary to comply with the order, including, when required,
15 notifying the Attorney General of the United States, the
16 Federal Bureau of Investigation and the National Instant
17 Check System, regarding the order.

18 § 6111. Sale or transfer of firearms.

19 * * *

20 (f) Application of section.--

21 * * *

22 [(2) The provisions contained in subsections (a) and (c)
23 shall only apply to pistols or revolvers with a barrel length
24 of less than 15 inches, any shotgun with a barrel length of
25 less than 18 inches, any rifle with a barrel length of less
26 than 16 inches or any firearm with an overall length of less
27 than 26 inches.]

28 * * *

29 Section 2. Section 6111.1(f) (3) of Title 18 is reenacted and
30 amended to read:

31 § 6111.1. Pennsylvania State Police.

32 * * *

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

35 * * *

36 (3) Notwithstanding any law to the contrary, the
37 Pennsylvania State Police [may] shall, within 48 hours of
38 receipt, disclose, electronically or otherwise, to the United
39 States Attorney General or a designee, any record relevant to
40 a determination of whether a person is disqualified from
41 possessing or receiving a firearm under 18 U.S.C. § 922 (g)
42 (3) or (4) or an applicable state statute.

43 * * *

44 Section 3. This act shall take effect in 60 days.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for "
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms, for sale or transfer of firearms, for
4 Pennsylvania State Police and for
5 Amend Bill, page 1, lines 7 through 9, by striking out all of
6 said lines and inserting

7 Section 1. Sections 6105(f)(1) and (j) and 6111(f)(2) of
8 Title 18 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 6105. Persons not to possess, use, manufacture, control, sell
11 or transfer firearms.

12 * * *

13 (f) Other exemptions and proceedings.--

14 [(1) Upon application to the court of common pleas under
15 this subsection by an applicant subject to the prohibitions
16 under subsection (c)(4), the court may grant such relief as
17 it deems appropriate if the court determines that the
18 applicant may possess a firearm without risk to the applicant
19 or any other person.]

20 (1) (i) Any person subject to the prohibitions under
21 subsection (c)(4), or who is prohibited from possessing
22 firearms under 18 U.S.C. § 922(d)(4) or (g)(4) (relating
23 to unlawful acts) as a result of actions taken under the
24 laws of this Commonwealth, may apply to the court of
25 common pleas for relief. The court shall grant relief if
26 the court determines by clear and convincing evidence and
27 makes findings that the applicant does not present a risk
28 of harm to the applicant or any other person, will not be
29 likely to act in a manner dangerous to public safety and
30 that the granting of the relief would not be contrary to
31 the public interest. The court order, whether denying or
32 granting relief, shall also be supported by findings of
33 fact and conclusions of law. In making its decision, the
34 court shall receive and consider evidence relating to the
35 following:

36 (A) The circumstances of the original
37 commitment, appointment of a guardian or other

1 finding of incompetency or incapacity.

2 (B) The applicant's mental health records,
3 including the original commitment application and any
4 related order, or other finding of incompetency or
5 incapacity and medical records relating to any
6 hospitalization resulting from the involuntary
7 commitment, if any.

8 (C) The applicant's criminal history record.

9 (D) The applicant's character and reputation.

10 (E) Changes in the applicant's condition or
11 circumstances relevant to the relief sought.

12 (ii) The application shall be made to the court of
13 common pleas in either the applicant's county of
14 residence or the county of adjudication or commitment.

15 The applicant shall bear the burden of proof. No
16 application may be made until two years have elapsed from
17 date of the imposition of the disability. The application
18 shall be served upon the following parties, who shall
19 have standing to appear and contest the application:

20 (A) The district attorney of the county where
21 the application is filed.

22 (B) The Firearms Division of the Pennsylvania
23 State Police.

24 (C) The county mental health agency where the
25 commitment or adjudication occurred.

26 (iii) Any party shall have the right of appeal to
27 Superior Court. Appeal shall be subject to a de novo
28 standard of review. A person may only file a subsequent
29 application under this paragraph after three years have
30 elapsed from the conclusion of the prior proceeding,
31 including any appeal, which resulted in a denial under
32 this paragraph.

33 (iv) Notwithstanding any law to the contrary, the
34 judges of the courts of common pleas, mental health
35 review officers and county mental health and mental
36 retardation administrators shall disclose to the district
37 attorney of the county where the application is filed and
38 to the Pennsylvania State Police any records in their
39 possession which are to be received by a court consistent
40 with subparagraph (i) when such request is made in
41 conjunction with a proceeding under this paragraph. The
42 district attorney of the county where the application is
43 filed and the Pennsylvania State Police may, in their
44 discretion, disclose the information to any person or
45 entity whenever necessary in accordance with this
46 paragraph.

47 * * *

48 (j) Copy of order to State Police.--

49 (1) If [the court grants relief from the disabilities
50 imposed under this section] a court grants any relief
51 authorized by this section, a copy of the order shall be sent

1 by the prothonotary or Clerk of Court within ten days of the
2 entry of the order to the Pennsylvania State Police and shall
3 include the name, date of birth and Social Security number of
4 the individual.

5 (2) In all cases of relief authorized under this
6 section, the Pennsylvania State Police shall, upon the
7 expiration of any applicable appeal period, take all steps
8 necessary to comply with the order, including, when required,
9 notifying the Attorney General of the United States, the
10 Federal Bureau of Investigation and the National Instant
11 Check System, regarding the order.

12 § 6111. Sale or transfer of firearms.

13 * * *

14 (f) Application of section.--

15 * * *

16 [(2) The provisions contained in subsections (a) and (c)
17 shall only apply to pistols or revolvers with a barrel length
18 of less than 15 inches, any shotgun with a barrel length of
19 less than 18 inches, any rifle with a barrel length of less
20 than 16 inches or any firearm with an overall length of less
21 than 26 inches.]

22 * * *

23 Section 2. Sections 6111.1(f)(3) and 6120(a.2), (a.3) and
24 (b) of Title 18 are reenacted and amended to read:

25 § 6111.1. Pennsylvania State Police.

26 * * *

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

29 * * *

30 (3) Notwithstanding any law to the contrary, the
31 Pennsylvania State Police [may] shall, within 48 hours of
32 receipt, disclose, electronically or otherwise, to the United
33 States Attorney General or a designee, any record relevant to
34 a determination of whether a person is disqualified from
35 possessing or receiving a firearm under 18 U.S.C. § 922 (g)
36 (3) or (4) or an applicable state statute.

37 * * *

38 Amend Bill, page 1, line 13, by inserting a bracket before

39 "A"

40 Amend Bill, page 2, line 4, by inserting after "court."

41] The provisions of 42 Pa.C.S. Ch. 85 Subch. C (relating to
42 actions against local parties) shall apply to an action brought
43 against a county, municipality or township by any person
44 adversely affected by an ordinance, resolution, regulation,
45 rule, practice or any other action promulgated or enforced by
46 the county, municipality or township prohibited under subsection
47 (a) or 53 Pa.C.S. § 2962(g) (relating to limitation on municipal

1 powers).

2 [

3 Amend Bill, page 2, line 5, by striking out the bracket
4 before "A"

5 Amend Bill, page 2, lines 5 through 8, by striking out "] If
6 a person adversely" in line 5, all of lines 6 and 7 and "the" in
7 line 8

8 Amend Bill, page 2, line 16, by inserting a bracket after
9 "court."

10 Amend Bill, page 3, line 8, by inserting a bracket before
11 ""Reasonable"

12 Amend Bill, page 3, line 10, by inserting a bracket after
13 "income."

14 Amend Bill, page 3, line 11, by striking out "2" and
15 inserting

16 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 4, by striking out the period after

7 "ammunition" and inserting

8 ; establishing the Bureau of Illegal Firearms Trafficking within

9 the Office of Attorney General, providing for powers and

10 duties and requiring an annual report to the General

11 Assembly; and, in judicial boards and commissions, further

12 providing for powers and duties of Pennsylvania Commission on

13 Sentencing.

14 Amend Bill, page 3, by inserting between lines 10 and 11

15 Section 2 Title 18 is amended by adding a section to read:

16 § 6128. Bureau of Illegal Firearms Trafficking.

17 (a) Establishment.--There is established in the Office of

18 Attorney General a bureau to be known as the Bureau of Illegal

19 Firearms Trafficking. The bureau shall be under the direction of

20 the Attorney General or his designee.

21 (b) Duties.--The bureau shall:

22 (1) Investigate potential violations of this title

23 relating to illegal firearms trafficking.

24 (2) Bring prosecutions relating to illegal firearms

25 trafficking.

26 (c) Duties of Attorney General.--The Attorney General or his

27 designee shall:

28 (1) Receive complaints from individuals concerning

29 illegal firearms trafficking.

30 (2) Investigate and assist in county prosecutions

31 relating to illegal firearms trafficking and, as necessary,

32 coordinate with Federal, State and local law enforcement

33 agencies in the investigation of similar crimes.

1 (d) Report to General Assembly.--Commencing in 2017, the
2 Attorney General or his designee shall report to the General
3 Assembly on an annual basis, on or before January 31, detailing
4 the activities engaged in by the bureau under this section.

5 (e) Commencement of activities.--The bureau shall commence
6 its duties under this section not later than 90 days after the
7 effective date of this section.

8 (f) Definitions.--The following words and phrases when used
9 in this section shall have the meanings given to them in this
10 subsection unless the context clearly indicates otherwise:

11 "Bureau." The Bureau of Illegal Firearms Trafficking within
12 the Office of Attorney General.

13 "State agency." An administrative department, board or
14 commission and an independent administrative department, board
15 or commission of the executive branch.

16 Section 3. Section 2153(b) of Title 42 is amended to read:
17 § 2153. Powers and duties.

18 * * *

19 (b) Annual reports.--The commission shall report annually to
20 the General Assembly, the Administrative Office of Pennsylvania
21 Courts and the Governor on [the]:

22 (1) The activities of the commission.

23 (2) The extent to which the Bureau of Illegal Firearms
24 Trafficking has satisfied its duties under 18 Pa.C.S. § 6128
25 (relating to Bureau of Illegal Firearms Trafficking).

26 * * *

27 Amend Bill, page 3, line 11, by striking out "2" and
28 inserting

29 4

**Regular Session 2015 - 2016
Amendment A09929 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09931 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for trigger locks and for ballistics identifiers

3 Amend Bill, page 3, by inserting between lines 10 and 11

4 Section 2. Title 18 is amended by adding sections to read:
5 § 6128. Trigger locks.

6 (a) Requirement.--Every handgun except an antique handgun
7 shall be equipped with a trigger lock.

8 (b) Penalty.--A person that possesses a handgun in violation
9 of subsection (a) commits a misdemeanor of the third degree.

10 (c) Definition.--As used in this section, the term "trigger
11 lock" means a metallic device operated with a key or combination
12 lock which prevents a firearm from being discharged while the
13 device is attached to the firearm. The term includes a device
14 which obstructs the barrel or cylinder of the firearm and a
15 device which immobilizes the trigger.

16 § 6129. Ballistics identifiers.

17 (a) Requirement.--No person registered or licensed as a
18 manufacturer, wholesale dealer of firearms or retail dealer of
19 firearms may transport into this Commonwealth, sell, expose for
20 sale, possess with the intent of selling, assign or otherwise
21 transfer a handgun other than an antique handgun unless a
22 ballistics identifier for that handgun has been obtained and
23 made part of a qualified database.

24 (b) Penalties.--A person that violates the provisions of
25 subsection (a) shall be subject to a civil penalty of not less
26 than \$7,500 nor more than \$15,000 and a fine of not less than
27 \$500 nor more than \$1,000 for each handgun.

28 (c) Regulations.--The Attorney General shall promulgate
29 regulations to carry out this section.

30 (d) Definitions.--As used in this section, the following
31 words and phrases shall have the meanings given to them in this
32 subsection unless the context clearly indicates otherwise:

33 "Ballistics identifier." A digitized or electronic image of
34 a bullet and shell casing fired by a handgun which:

35 (1) clearly shows the distinctive firing pin, ejection,
36 extraction and land marks for that particular handgun; and

37 (2) can be utilized, through comparative computer

1 analysis, for investigative and prosecutorial purposes by law
2 enforcement agencies.
3 "Qualified database." A database established and maintained
4 by a Federal or State law enforcement agency which:
5 (1) contains individual handgun information, such as the
6 handgun's make, model, caliber, manufacturer's serial number
7 and ballistics identifier; and
8 (2) is made available to, and may be utilized by, law
9 enforcement agencies in this Commonwealth for investigative
10 and prosecutorial purposes.

11 Amend Bill, page 3, line 11, by striking out "2" and
12 inserting

13 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 2, by inserting after "Statutes, "
2 in inchoate crimes, further providing for corrupt organizations;
3 and,

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 911(h)(1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 911. Corrupt organizations.

9 * * *

10 (h) Definitions.--As used in this section:

11 (1) "Racketeering activity" means all of the following:

12 (i) An act which is indictable under any of the
13 following provisions of this title:

14 Chapter 25 (relating to criminal homicide)

15 Section 2706 (relating to terroristic threats)

16 Chapter 29 (relating to kidnapping)

17 Chapter 30 (relating to trafficking of persons)

18 Chapter 33 (relating to arson, criminal mischief
19 and other property destruction)

20 Chapter 37 (relating to robbery)

21 Chapter 39 (relating to theft and related
22 offenses)

23 Section 4108 (relating to commercial bribery and
24 breach of duty to act disinterestedly)

25 Section 4109 (relating to rigging publicly
26 exhibited contest)

27 Section 4117 (relating to insurance fraud)

28 Chapter 47 (relating to bribery and corrupt
29 influence)

30 Chapter 49 (relating to falsification and
31 intimidation)

32 Section 5111 (relating to dealing in proceeds of
33 unlawful activities)

34 Section 5512 (relating to lotteries, etc.)

35 Section 5513 (relating to gambling devices,
36 gambling, etc.)

37 Section 5514 (relating to pool selling and

1 bookmaking)

2 Chapter 59 (relating to public indecency).

3 (ii) An offense indictable under section 13 of the
4 act of April 14, 1972 (P.L.233, No.64), known as The
5 Controlled Substance, Drug, Device and Cosmetic Act
6 [(relating to the sale and dispensing of narcotic
7 drugs)].

8 (iii) A conspiracy to commit any of the offenses set
9 forth in [subparagraph] subparagraphs (i), (ii) and (v).

10 (iv) The collection of any money or other property
11 in full or partial satisfaction of a debt which arose as
12 the result of the lending of money or other property at a
13 rate of interest exceeding 25% per annum or the
14 equivalent rate for a longer or shorter period, where not
15 otherwise authorized by law.

16 (v) An offense indictable under 4 Pa.C.S. Pt. II
17 (relating to gaming).

18 (vi) Knowingly and intentionally selling, delivering
19 or transferring a firearm, as defined in section 6102
20 (relating to definitions), to any person, purchaser or
21 transferee who is unqualified or ineligible to control,
22 possess or use a firearm under Chapter 61 (relating to
23 firearms and other dangerous articles).

24 An act which otherwise would be considered racketeering
25 activity by reason of the application of this paragraph,
26 shall not be excluded from its application solely because the
27 operative acts took place outside the jurisdiction of this
28 Commonwealth, if such acts would have been in violation of
29 the law of the jurisdiction in which they occurred.

30 * * *

31 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
32 reenacted and amended to read:

33 Amend Bill, page 3, line 11, by striking out "2" and
34 inserting

35 3

**Regular Session 2015 - 2016
Amendment A09934 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09935 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09936 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE COOK-ARTIS

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the possession of a firearm by an individual
9 convicted of an offense under section 2701 (relating to
10 simple assault).

**Regular Session 2015 - 2016
Amendment A09938 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2709.1 (relating to stalking).

25 Section 2716 (relating to weapons of mass destruction).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 2910 (relating to luring a child into a motor
29 vehicle or structure).

30 Section 3121 (relating to rape).

31 Section 3123 (relating to involuntary deviate sexual
32 intercourse).

33 Section 3125 (relating to aggravated indecent assault).

34 Section 3301 (relating to arson and related offenses).

35 Section 3302 (relating to causing or risking
36 catastrophe).

37 Section 3502 (relating to burglary).

1 Section 3503 (relating to criminal trespass) if the
2 offense is graded a felony of the second degree or higher.

3 Section 3701 (relating to robbery).

4 Section 3702 (relating to robbery of motor vehicle).

5 Section 3921 (relating to theft by unlawful taking or
6 disposition) upon conviction of the second felony offense.

7 Section 3923 (relating to theft by extortion) when the
8 offense is accompanied by threats of violence.

9 Section 3925 (relating to receiving stolen property) upon
10 conviction of the second felony offense.

11 Section 4304 (relating to endangering welfare of
12 children).

13 Section 4305 (relating to dealing in infant children).

14 Section 4906 (relating to false reports to law
15 enforcement authorities) if the fictitious report involved
16 the theft of a firearm as provided in section 4906(c)(2).

17 Section 4912 (relating to impersonating a public servant)
18 if the person is impersonating a law enforcement officer.

19 Section 4952 (relating to intimidation of witnesses or
20 victims).

21 Section 4953 (relating to retaliation against witness,
22 victim or party).

23 Section 5121 (relating to escape).

24 Section 5122 (relating to weapons or implements for
25 escape).

26 Section 5501(3) (relating to riot).

27 Section 5515 (relating to prohibiting of paramilitary
28 training).

29 Section 5516 (relating to facsimile weapons of mass
30 destruction).

31 Section 6110.1 (relating to possession of firearm by
32 minor).

33 Section 6301 (relating to corruption of minors).

34 Section 6302 (relating to sale or lease of weapons and
35 explosives).

36 Any offense equivalent to any of the above-enumerated
37 offenses under the prior laws of this Commonwealth or any
38 offense equivalent to any of the above-enumerated offenses
39 under the statutes of any other state or of the United
40 States.

41 * * *

42 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
43 reenacted and amended to read:

44 Amend Bill, page 3, line 11, by striking out "2" and
45 inserting

46 3

**Regular Session 2015 - 2016
Amendment A09940 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the possession of a firearm by an individual
9 convicted of an offense under section 4304 (relating to
10 endangering welfare of children) or 4305 (relating to dealing
11 in infant children).

**Regular Session 2015 - 2016
Amendment A09942 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE McCARTER

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2706 (relating to terroristic threats).

25 Section 2709.1 (relating to stalking).

26 Section 2715 (relating to threat to use weapons of mass
27 destruction).

28 Section 2716 (relating to weapons of mass destruction).

29 Section 2901 (relating to kidnapping).

30 Section 2902 (relating to unlawful restraint).

31 Section 2910 (relating to luring a child into a motor
32 vehicle or structure).

33 Section 3121 (relating to rape).

34 Section 3123 (relating to involuntary deviate sexual
35 intercourse).

36 Section 3125 (relating to aggravated indecent assault).

37 Section 3301 (relating to arson and related offenses).

1 Section 3302 (relating to causing or risking
2 catastrophe).

3 Section 3502 (relating to burglary).

4 Section 3503 (relating to criminal trespass) if the
5 offense is graded a felony of the second degree or higher.

6 Section 3701 (relating to robbery).

7 Section 3702 (relating to robbery of motor vehicle).

8 Section 3921 (relating to theft by unlawful taking or
9 disposition) upon conviction of the second felony offense.

10 Section 3923 (relating to theft by extortion) when the
11 offense is accompanied by threats of violence.

12 Section 3925 (relating to receiving stolen property) upon
13 conviction of the second felony offense.

14 Section 4906 (relating to false reports to law
15 enforcement authorities) if the fictitious report involved
16 the theft of a firearm as provided in section 4906(c)(2).

17 Section 4912 (relating to impersonating a public servant)
18 if the person is impersonating a law enforcement officer.

19 Section 4952 (relating to intimidation of witnesses or
20 victims).

21 Section 4953 (relating to retaliation against witness,
22 victim or party).

23 Section 5121 (relating to escape).

24 Section 5122 (relating to weapons or implements for
25 escape).

26 Section 5501(3) (relating to riot).

27 Section 5515 (relating to prohibiting of paramilitary
28 training).

29 Section 5516 (relating to facsimile weapons of mass
30 destruction).

31 Section 6110.1 (relating to possession of firearm by
32 minor).

33 Section 6301 (relating to corruption of minors).

34 Section 6302 (relating to sale or lease of weapons and
35 explosives).

36 Any offense equivalent to any of the above-enumerated
37 offenses under the prior laws of this Commonwealth or any
38 offense equivalent to any of the above-enumerated offenses
39 under the statutes of any other state or of the United
40 States.

41 * * *

42 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
43 reenacted and amended to read:

44 Amend Bill, page 3, line 11, by striking out "2" and
45 inserting

46 3

**Regular Session 2015 - 2016
Amendment A09944 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE McCARTER

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the possession of a firearm by an individual
9 convicted of an offense under section 2706 (relating to
10 terroristic threats) or 2715 (relating to threat to use
11 weapons of mass destruction).

**Regular Session 2015 - 2016
Amendment A09946 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for firearms or other weapons in educational
3 institutions and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6110.3. Firearms or other weapons in educational
9 institutions.

10 (a) General rule.--No person shall knowingly have in his
11 possession a firearm in or upon any part of the buildings,
12 grounds or vehicles, regardless of whether such vehicles are
13 owned or leased, of any school, college, university or other
14 educational institution, without having the written
15 authorization of the governing officer of the institution.

16 (b) Penalty.--A person who violates this section commits a
17 felony of the second degree, irrespective of whether he
18 possesses a valid permit to carry the firearm.

19 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
20 reenacted and amended to read:

21 Amend Bill, page 3, line 11, by striking out "2" and
22 inserting

23 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE O'BRIEN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 sale or transfer of firearms, for Pennsylvania State Police and
3 for altering or obliterating marks of identification,
4 providing for destruction of confiscated or recovered
5 firearms and further providing for

6 Amend Bill, page 1, lines 7 through 9, by striking out all of
7 said lines and inserting

8 Section 1. Sections 6111(c) and 6111.1(b) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended to read:

10 § 6111. Sale or transfer of firearms.

11 * * *

12 (c) Duty of other persons.--Any person who is not a licensed
13 importer, manufacturer or dealer and who desires to sell or
14 transfer a firearm to another unlicensed person shall do so only
15 upon the place of business of a licensed importer, manufacturer,
16 dealer or county sheriff's office, the latter of whom shall
17 follow the procedure set forth in this section as if he were the
18 seller of the firearm. The provisions of this section shall not
19 apply to transfers between spouses or to transfers between a
20 parent and child or to transfers between grandparent and
21 grandchild. Nothing in this subsection may be construed to
22 authorize the Pennsylvania State Police or any local law
23 enforcement agency to sell or transfer any confiscated firearm
24 in the possession of the Pennsylvania State Police or local law
25 enforcement agency.

26 * * *

27 § 6111.1. Pennsylvania State Police.

28 * * *

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

30 (1) Upon receipt of a request for a criminal history,
31 juvenile delinquency history and mental health record check
32 of the potential purchaser or transferee, the Pennsylvania
33 State Police shall immediately during the licensee's call or
34 by return call forthwith:

35 (i) review the Pennsylvania State Police criminal
36 history and fingerprint records to determine if the
37 potential purchaser or transferee is prohibited from

1 receipt or possession of a firearm under Federal or State
2 law;

3 (ii) review the juvenile delinquency and mental
4 health records of the Pennsylvania State Police to
5 determine whether the potential purchaser or transferee
6 is prohibited from receipt or possession of a firearm
7 under Federal or State law; and

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

9 (A) that the potential purchase or transfer is
10 prohibited; or

11 (B) provide the licensee with a unique approval
12 number.

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

28 (3) The Pennsylvania State Police shall fully comply,
29 execute and enforce the directives of this section as
30 follows:

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

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

37 (A) the date of publication of the notice under
38 section 6111(a)(2); or

39 (B) December 31, 1998.

40 (4) The Pennsylvania State Police and any local law
41 enforcement agency shall make all reasonable efforts to
42 determine the lawful owner of any firearm confiscated or
43 recovered by the Pennsylvania State Police or any local law
44 enforcement agency and return said firearm to its lawful
45 owner if the owner is not otherwise prohibited from
46 possessing the firearm. If the reasonable efforts of the
47 Pennsylvania State Police and the local law enforcement
48 agency fail to identify the lawful owner of the confiscated
49 or recovered firearm within 120 days after the Pennsylvania
50 State Police or local law enforcement agency comes into
51 possession of the firearm, or if the lawful owner of the

1 firearm is identified but otherwise prohibited from
2 possessing the firearm, the Pennsylvania State Police or
3 local law enforcement agency shall destroy the firearm under
4 section 6117.1 (relating to destruction of confiscated or
5 recovered firearms). When a court of law has determined that
6 the Pennsylvania State Police or any local law enforcement
7 agency have failed to exercise the duty under this
8 subsection, reasonable attorney fees shall be awarded to any
9 lawful owner of said firearm who has sought judicial
10 enforcement of this subsection.

11 * * *

12 Section 2. Section 6117 of Title 18 is amended by adding a
13 subsection to read:

14 § 6117. Altering or obliterating marks of identification.

15 * * *

16 (e) Nonapplicability.--This section shall not apply to a
17 firearm destroyed under section 6117.1 (relating to destruction
18 of confiscated or recovered firearms).

19 Section 3. Title 18 is amended by adding a section to read:
20 § 6117.1. Destruction of confiscated or recovered firearms.

21 (a) General rule.--Notwithstanding any other provision of
22 law to the contrary, the Pennsylvania State Police or a local
23 law enforcement agency shall destroy all confiscated or
24 recovered firearms in its possession if the reasonable efforts
25 of the Pennsylvania State Police and the local law enforcement
26 agency required under section 6111.1(b)(4) (relating to
27 Pennsylvania State Police) fail to identify the lawful owner of
28 the firearm or if the lawful owner of the firearm is identified
29 but otherwise prohibited from possessing the firearm.

30 (b) Exception.--No confiscated or recovered firearm may be
31 destroyed under this section if the firearm is evidence in an
32 ongoing investigation or in a criminal prosecution or civil
33 litigation. Confiscated or recovered firearms under this
34 subsection shall only be destroyed when the investigation is
35 complete or a court of competent jurisdiction issues an order
36 authorizing the destruction of the firearm.

37 (c) Method of destruction.--Confiscated or recovered
38 firearms subject to destruction under this section shall be
39 melted at smelting plants located within this Commonwealth.

40 (d) Procedure prior to destruction.--The following shall
41 apply to confiscated or recovered firearms subject to
42 destruction under this section:

43 (1) The Pennsylvania State Police and each local law
44 enforcement agency shall place all firearms in sealed
45 containers and in a secure environment with access limited to
46 individuals directly responsible for maintaining the official
47 registry under paragraph (2).

48 (2) The Pennsylvania State Police or each local law
49 enforcement agency shall establish a registry for purposes of
50 cataloging all confiscated or recovered firearms in its
51 possession. The Pennsylvania State Police and each local law

1 enforcement agency shall designate one or more individuals
2 who shall be responsible for maintaining the registry.

3 (3) Each firearm shall be individually cataloged in the
4 official registry required under paragraph (2). The registry
5 shall contain the following information relating to the
6 firearm:

7 (i) The serial number of the firearm.

8 (ii) The make and model of the firearm.

9 (iii) The date the firearm came into the possession
10 of the Pennsylvania State Police or the local law
11 enforcement agency.

12 (iv) The earliest date on which the firearm can be
13 destroyed under this section.

14 (v) The date the lawful owner of the confiscated
15 firearm was identified and the date the firearm was
16 returned to the lawful owner, if applicable.

17 (vi) The date the firearm was destroyed.

18 (4) Firearms subject to destruction shall be transported
19 in sealed containers.

20 (e) Time period for destruction.--Except as otherwise
21 provided in this subsection, firearms subject to destruction
22 under this section shall be destroyed as promptly as possible
23 but no less than quarterly. The Pennsylvania State Police or
24 each local law enforcement agency may maintain confiscated or
25 recovered firearms in its possession until it has accumulated a
26 sufficient number of firearms to defray the costs associated
27 with this section, provided that each firearm subject to
28 destruction under this section shall be destroyed no later than
29 180 days after it comes into the possession of the Pennsylvania
30 State Police or a local law enforcement agency.

31 Section 4. Section 6120(a.2), (a.3) and (b) of Title 18 are
32 reenacted and amended to read:

33 Amend Bill, page 3, line 11, by striking out "2" and
34 inserting

35 5

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2709.1 (relating to stalking).

25 Section 2716 (relating to weapons of mass destruction).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 2910 (relating to luring a child into a motor
29 vehicle or structure).

30 Section 3121 (relating to rape).

31 Section 3123 (relating to involuntary deviate sexual
32 intercourse).

33 Section 3125 (relating to aggravated indecent assault).

34 Section 3126 (relating to indecent assault).

35 Section 3127 (relating to indecent exposure).

36 Section 3301 (relating to arson and related offenses).

37 Section 3302 (relating to causing or risking

1 catastrophe).
2 Section 3502 (relating to burglary).
3 Section 3503 (relating to criminal trespass) if the
4 offense is graded a felony of the second degree or higher.
5 Section 3701 (relating to robbery).
6 Section 3702 (relating to robbery of motor vehicle).
7 Section 3921 (relating to theft by unlawful taking or
8 disposition) upon conviction of the second felony offense.
9 Section 3923 (relating to theft by extortion) when the
10 offense is accompanied by threats of violence.
11 Section 3925 (relating to receiving stolen property) upon
12 conviction of the second felony offense.
13 Section 4906 (relating to false reports to law
14 enforcement authorities) if the fictitious report involved
15 the theft of a firearm as provided in section 4906(c)(2).
16 Section 4912 (relating to impersonating a public servant)
17 if the person is impersonating a law enforcement officer.
18 Section 4952 (relating to intimidation of witnesses or
19 victims).
20 Section 4953 (relating to retaliation against witness,
21 victim or party).
22 Section 5121 (relating to escape).
23 Section 5122 (relating to weapons or implements for
24 escape).
25 Section 5501(3) (relating to riot).
26 Section 5515 (relating to prohibiting of paramilitary
27 training).
28 Section 5516 (relating to facsimile weapons of mass
29 destruction).
30 Section 5901 (relating to open lewdness).
31 Section 6110.1 (relating to possession of firearm by
32 minor).
33 Section 6301 (relating to corruption of minors).
34 Section 6302 (relating to sale or lease of weapons and
35 explosives).

36 Any offense equivalent to any of the above-enumerated
37 offenses under the prior laws of this Commonwealth or any
38 offense equivalent to any of the above-enumerated offenses
39 under the statutes of any other state or of the United
40 States.
41 * * *

42 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
43 reenacted and amended to read:

44 Amend Bill, page 3, line 11, by striking out "2" and
45 inserting

46 3

**Regular Session 2015 - 2016
Amendment A09951 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09952 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the possession of a firearm by an individual
9 convicted of an offense under section 3126 (relating to
10 indecent assault), 3127 (relating to indecent exposure) or
11 5901 (relating to open lewdness).

**Regular Session 2015 - 2016
Amendment A09954 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE SIMS

Printer's No. 3637

1 Amend Bill, page 1, lines 7 through 9, by striking out all of
2 said lines and inserting

3 Section 1. Section 6120(a.2) and (b) of Title 18 of the
4 Pennsylvania Consolidated Statutes are reenacted and amended,
5 subsection (a.3) is repealed and the section is amended by
6 adding a subsection to read:

7 Amend Bill, page 2, line 5, by inserting a bracket before
8 "(a.3) "

9 Amend Bill, page 2, line 5, by striking out the bracket
10 before "A"

11 Amend Bill, page 2, lines 5 through 8, by striking out "] If
12 a person adversely" in line 5, all of lines 6 and 7 and "the" in
13 line 8

14 Amend Bill, page 2, line 8, by striking out the bracket
15 before "a"

16 Amend Bill, page 2, line 8, by striking out "] the"

17 Amend Bill, page 2, line 16, by inserting after "court."

18]
19 (a.4) Court costs.--

20 (1) A court shall award reasonable expenses to the
21 person adversely affected in an action under subsection (a.2)
22 for any of the following:

23 (i) A final determination by the court is granted in
24 favor of the person adversely affected.

25 (ii) The regulation in question is rescinded,
26 repealed or otherwise abrogated after suit has been filed
27 under subsection (a.2) but before the final determination

1 by the court.

2 (2) A court shall award a political subdivision that
3 prevails in an action under subsection (a.2) all of the
4 following:

5 (i) Costs associated with the litigation to defend
6 the ordinance.

7 (ii) Attorney fees.

8 (iii) Other costs or damages the court finds
9 reasonably necessary.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE COOK-ARTIS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for duty to report lost or stolen weapon; and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Title 18 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:
7 § 6111.7. Duty to report lost or stolen weapon.

8 (a) Duty to designate.--A school entity and institution of
9 higher education shall designate a person or persons to whom a
10 lost or stolen weapon is to be reported as required by
11 subsection (b).

12 (b) Duty to report.--If a weapon that the parent or guardian
13 owns, possesses or has custody or control over is lost or
14 stolen, the parent, guardian or other person having control or
15 charge of a student who is enrolled in a school entity or
16 institution of higher education shall report the loss or theft
17 to:

18 (1) a person designated under subsection (a) at the
19 school entity or institution of higher education in which the
20 student is enrolled; and

21 (2) the municipal police force or, if the municipality
22 does not have a police force, the Pennsylvania State Police.

23 (c) Liability.--Notwithstanding the monetary limits of
24 liability specified in 23 Pa.C.S. § 5505 (relating to monetary
25 limits of liability), a parent, guardian or other person who has
26 control or charge of a student and who fails to report as
27 required by subsection (b) shall be liable, without monetary
28 limitation, for the injuries sustained by another student or a
29 professional or other employee of the school entity or
30 institution of higher education in which the student is enrolled
31 as a result of the failure to report if the student:

32 (1) inflicted the injuries with the lost or stolen
33 weapon; or

34 (2) permitted another person to inflict the injuries
35 with the lost or stolen weapon.

36 (d) Applicability and presumption.--The following apply:

37 (1) This section shall not apply to a parent, guardian,

1 or other person having control or charge of a student
2 enrolled at an institution of higher education where the
3 student is emancipated from the parent, custodian or other
4 person.

5 (2) It shall be presumed that a student is emancipated
6 from a parent if a court has issued an order or otherwise
7 determined that the parent is not responsible for the
8 postsecondary educational costs of the student under 23
9 Pa.C.S. § 4327 (relating to postsecondary educational costs).

10 (e) Regulations.--The Secretary of Education shall
11 promulgate regulations to carry out the provisions of this
12 section.

13 (f) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection unless the context clearly indicates otherwise:

16 "Institution of higher education." As defined in section 118
17 of the act of March 10, 1949 (P.L.30, No.14), known as the
18 Public School Code of 1949.

19 "School entity." As defined in section 1301-A of the Public
20 School Code of 1949.

21 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
22 reenacted and amended to read:

23 Amend Bill, page 3, line 11, by striking out "2" and
24 inserting

25 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding subsections

3 Amend Bill, page 2, by inserting between lines 16 and 17

4 (a.4) Exception.--This section may not be construed to
5 prevent a political subdivision from enacting and enforcing an
6 ordinance pertaining to mandatory reporting of lost or stolen
7 firearms if the ordinance provides:

8 (1) That an owner or other person lawfully in possession
9 of a firearm who suffers the loss or theft of a weapon shall,
10 within 24 hours of the discovery of the loss or theft, report
11 the facts and circumstances of the loss or theft to the
12 police department having jurisdiction where the loss or theft
13 occurred. The person making the report shall provide the
14 following information:

15 (i) name and permanent address of the owner;

16 (ii) name of the manufacturer and importer;

17 (iii) model;

18 (iv) type of action;

19 (v) caliber or gauge;

20 (vi) serial number; and

21 (vii) other information deemed necessary by the
22 officer or police department receiving the report.

23 (2) When a person reports the loss or theft of a firearm
24 to a police department, the officer or department receiving
25 the report shall forward notice of the loss or theft with the
26 information obtained under paragraph (1) to the Pennsylvania
27 State Police.

28 (a.5) Offense.--Notwithstanding any other provision of law,
29 a person who violates subsection (a.2)(1) commits a summary
30 offense punishable by a fine not to exceed \$500.

31 (a.6) Duty.--The Pennsylvania State Police shall receive,
32 collect and file the information forwarded to it under
33 subsection (a.2)(2). The Pennsylvania State Police shall
34 cooperate and undertake to furnish or make the information
35 available to all law enforcement agencies in this Commonwealth,
36 for the purpose of coordinating law enforcement efforts to
37 locate the weapons.

**Regular Session 2015 - 2016
Amendment A09958 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09959 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09960 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KRUEGER-BRANEKY

Printer's No. 3637

1 Amend Bill, page 1, lines 2 and 3, by striking out "in
2 firearms and other dangerous articles, further providing" and
3 inserting

4 in falsification and intimidation, further providing for the
5 offense of unsworn falsification to authorities; and, in
6 firearms and other dangerous articles, further providing for
7 persons not to possess, use, manufacture, control, sell or
8 transfer firearms, for licenses, for sales or transfer of
9 firearms and

10 Amend Bill, page 1, lines 7 through 9, by striking out all of
11 said lines and inserting

12 Section 1. Section 4904(b) of Title 18 of the Pennsylvania
13 Consolidated Statutes is amended to read:

14 § 4904. Unsworn falsification to authorities.

15 * * *

16 (b) Statements "under penalty".--[A]

17 (1) Except as provided in paragraph (2), a person
18 commits a misdemeanor of the third degree if he makes a
19 written false statement which he does not believe to be true,
20 on or pursuant to a form bearing notice, authorized by law,
21 to the effect that false statements made therein are
22 punishable.

23 (2) A person commits a felony of the third degree if he
24 makes a written false statement which he does not believe to
25 be true on or pursuant to a form bearing notice, authorized
26 by law, relating to the purchase, delivery or transfer of a
27 firearm under section 6111 (relating to sale or transfer of
28 firearms) or relating to an application to carry a firearm
29 under section 6109 (relating to licenses). A second or
30 subsequent conviction for a violation of this paragraph shall
31 be a felony of the second degree punishable by a mandatory
32 minimum sentence of imprisonment of five years.

33 * * *

34 Section 2. Section 6105 heading of Title 18 is amended,
35 subsection (a) is amended by adding a paragraph and subsection

1 (a.1) is amended to read:

2 § 6105. Persons not to possess, use, manufacture, control, sell
3 or transfer firearms; attempt.

4 (a) Offense defined.--

5 * * *

6 (1.1) A person who knows that he is prohibited from
7 possessing, using, controlling, selling, transferring or
8 manufacturing a firearm in this Commonwealth under paragraph
9 (1) shall not attempt to purchase a firearm or attempt to
10 obtain a license to carry a firearm in this Commonwealth.

11 * * *

12 (a.1) Penalty.--

13 (1) A person convicted of a felony enumerated under
14 subsection (b) or a felony under the act of April 14, 1972
15 (P.L.233, No.64), known as The Controlled Substance, Drug,
16 Device and Cosmetic Act, or any equivalent Federal statute or
17 equivalent statute of any other state, who violates
18 subsection [(a)] (a)(1) commits a felony of the second
19 degree.

20 (1.1) A person who violates subsection (a)(1.1) commits
21 a felony of the third degree. A conviction for a second or
22 subsequent violation of subsection (a)(1.1) shall be a felony
23 of the second degree punishable by a mandatory minimum
24 sentence of imprisonment of five years. The penalty under
25 this paragraph shall be in addition to any penalties imposed
26 for a conviction under section 6111(g)(4) (relating to sale
27 or transfer of firearms).

28 (2) A person who is the subject of an active protection
29 from abuse order issued pursuant to 23 Pa.C.S. § 6108
30 (relating to relief), which order provided for the
31 relinquishment of firearms, other weapons or ammunition
32 during the period of time the order is in effect, commits a
33 misdemeanor of the first degree if he intentionally or
34 knowingly fails to relinquish a firearm, other weapon or
35 ammunition to the sheriff as required by the order unless, in
36 lieu of relinquishment, he provides an affidavit which lists
37 the firearms, other weapons or ammunition to the sheriff in
38 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
39 (relating to relinquishment for consignment sale, lawful
40 transfer or safekeeping) or 6108.3 (relating to
41 relinquishment to third party for safekeeping).

42 (3) (i) A person commits a misdemeanor of the third
43 degree if he intentionally or knowingly accepts
44 possession of a firearm, other weapon or ammunition from
45 a person he knows is the subject of an active protection
46 from abuse order issued pursuant to 23 Pa.C.S. § 6108,
47 which order provided for the relinquishment of the
48 firearm, other weapon or ammunition during the period of
49 time the order is in effect.

50 (ii) This paragraph shall not apply to:

51 (A) a third party who accepts possession of a

1 firearm, other weapon or ammunition relinquished
2 pursuant to 23 Pa.C.S. § 6108.3; or
3 (B) a dealer licensed pursuant to section 6113
4 (relating to licensing of dealers) or subsequent
5 purchaser from a dealer licensed pursuant to section
6 6113, who accepts possession of a firearm, other
7 weapon or ammunition relinquished pursuant to 23
8 Pa.C.S. § 6108.2.

9 (4) It shall be an affirmative defense to any
10 prosecution under paragraph (3) that the person accepting
11 possession of a firearm, other weapon or ammunition in
12 violation of paragraph (3):

13 (i) notified the sheriff as soon as practicable that
14 he has taken possession; and

15 (ii) relinquished possession of any firearm, other
16 weapon or ammunition possessed in violation of paragraph
17 (3) as directed by the sheriff.

18 (5) A person who has accepted possession of a firearm,
19 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3
20 commits a misdemeanor of the first degree if he intentionally
21 or knowingly returns a firearm, other weapon or ammunition to
22 a defendant or intentionally or knowingly allows a defendant
23 to have access to the firearm, other weapon or ammunition
24 prior to either of the following:

25 (i) The sheriff accepts return of the safekeeping
26 permit issued to the party pursuant to 23 Pa.C.S. §
27 6108.3(d) (1) (i).

28 (ii) The issuance of a court order pursuant to
29 subsection (f) (2) or 23 Pa.C.S. § 6108.1(b) (relating to
30 return of relinquished firearms, other weapons and
31 ammunition and additional relief) which modifies a valid
32 protection from abuse order issued pursuant to 23 Pa.C.S.
33 § 6108, which order provided for the relinquishment of
34 the firearm, other weapon or ammunition by allowing the
35 defendant to take possession of the firearm, other weapon
36 or ammunition that had previously been ordered
37 relinquished.

38 * * *

39 Section 3. Section 6109 of Title 18 is amended by adding a
40 subsection to read:

41 § 6109. Licenses.

42 * * *

43 (c.1) False information on application.--A person commits a
44 felony of the third degree if he makes a false statement on the
45 application for a license to carry a firearm under subsection
46 (c). A second or subsequent conviction for a violation of this
47 paragraph shall be a felony of the second degree punishable by a
48 mandatory minimum sentence of imprisonment of five years.

49 * * *

50 Section 4. Section 6111(g) (4) of Title 18 is amended to
51 read:

1 § 6111. Sale or transfer of firearms.

2 * * *

3 (g) Penalties.--

4 * * *

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 under this chapter, he
8 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 A second or subsequent conviction for a violation of this
17 paragraph shall be a felony of the second degree punishable
18 by a mandatory minimum sentence of imprisonment of five
19 years.

20 * * *

21 Section 5. Section 6120(a.2), (a.3) and (b) of Title 18 are
22 reenacted and amended to read:

23 Amend Bill, page 3, line 11, by striking out "2" and

24 inserting

25 6

**Regular Session 2015 - 2016
Amendment A09964 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE WHEATLEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as provided in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) shall not apply to an ordinance, a
8 resolution, regulation, rule, practice or any other action
9 promulgated or enforced by a city of the second class before
10 the effective date of this paragraph.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 8, by inserting after "amended"

2 and the section is amended by adding a subsection

3 Amend Bill, page 2, by inserting between lines 16 and 17

4 (a.4) Exception.--This section may not be construed to
5 prevent a political subdivision from enacting and enforcing an
6 ordinance pertaining to a limit on handgun purchases where the
7 ordinance provides that:

8 (1) No person may purchase more than one handgun in this
9 Commonwealth within any 30-day period.

10 (2) No person may sell or cause to be sold to a person
11 in this Commonwealth more than one handgun within any 30-day
12 period.

13 (3) A seller shall notify each prospective purchaser
14 that the purchase of more than one handgun in a 30-day period
15 is prohibited under this subsection and of the applicable
16 penalties.

17 (4) In addition to any other duty prescribed by this
18 subsection, a seller of a handgun shall request the
19 Pennsylvania State Police to conduct a handgun purchase
20 history check to investigate whether the prospective handgun
21 purchaser is in compliance with this subsection.

22 (5) This subsection shall not apply to the following:

23 (i) A licensed firearm dealer.

24 (ii) A licensed firearm collector.

25 (iii) A law enforcement agency or an agency
26 authorized to perform law enforcement duties.

27 (iv) State and local correctional facilities.

28 (v) A private security company licensed to do
29 business within this Commonwealth.

30 (vi) The purchase or sale of antique firearms.

31 (vii) A person whose handgun is stolen or
32 irretrievably lost if:

33 (A) the person provides the seller with an
34 official copy of the police report of the lost or
35 stolen handgun, or a summary of the report on a form
36 provided by the Pennsylvania State Police;

37 (B) the police report or summary contains the

1 name and address of the handgun owner, the
2 description of the handgun, the location of the loss
3 or theft, the date of the loss or theft and the date
4 the loss or theft was reported to the law enforcement
5 agency;

6 (C) the date of the loss or theft as reflected
7 on the police report or summary occurred within 30
8 days of the person's attempt to replace the handgun;
9 and

10 (D) the seller attaches an official copy of the
11 police report or summary of the report to the
12 original sales receipt or other document evidencing
13 the original sale and retain it for the period
14 prescribed by regulation of the Pennsylvania State
15 Police.

16 (a.5) Offense.--The following shall apply:

17 (1) Except as set forth in paragraph (2), a person that
18 is convicted of violating subsection (a.4)(1) or (2) commits
19 a misdemeanor of the third degree.

20 (2) A person that, after being sentenced under paragraph
21 (1), is convicted of violating subsection (a.4)(1) or (2)
22 commits a felony of the third degree.

23 (a.6) Transfer.--The court imposing and collecting a fine
24 under subsection(a.3) shall transfer the fines collected to the
25 State Treasurer for deposit in the Violence Prevention Fund.

26 (a.7) Violence Prevention Fund.--There is established in the
27 General Fund a nonlapsing, restricted receipt account to be
28 known as the Violence Prevention Fund. Money in the fund is
29 appropriated to the Pennsylvania Commission on Crime and
30 Delinquency solely for purposes of violence prevention and youth
31 violence prevention, including youth education and activities
32 designed to prevent violence and grants to law enforcement
33 agencies for equipment and training designed to prevent gun-
34 related injuries.

35 (a.8) Duty.--A handgun purchase history check shall be
36 conducted by the Pennsylvania State Police upon request under
37 subsection (a.4)(4) in accordance with the procedures governing
38 other background checks under this subchapter. A handgun
39 purchase history shall be conducted at the same time any
40 criminal history, juvenile delinquency or mental health records
41 check is required for a firearm purchase under this subchapter.
42 Information related to a handgun purchase provided to the
43 Pennsylvania State Police by a seller may be retained by the
44 Pennsylvania State Police as necessary to monitor compliance
45 with this section.

46 Amend Bill, page 2, line 19, by inserting after "subsection"
47 unless the context clearly indicates otherwise

48 Amend Bill, page 2, by inserting between lines 26 and 27

1 "Handgun." Either of the following:

2 (1) A firearm which has a short stock and is designed to
3 be held and fired by the use of a single hand.

4 (2) Any combination of parts from which a firearm
5 described under paragraph (1) can be assembled.

6 "Licensed firearm collector." A person who collects firearms
7 and is licensed as a collector under 18 U.S.C. § 923 (relating
8 to licensing).

9 "Licensed firearm dealer." A person who is licensed as a
10 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

11 Amend Bill, page 3, by inserting between lines 7 and 8

12 "Purchase." The term does not include the exchange or
13 replacement of a handgun by a seller for a handgun purchased
14 from the seller by the same person seeking the exchange or
15 replacement within the 30-day period immediately preceding the
16 date of exchange or replacement.

**Regular Session 2015 - 2016
Amendment A09967 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(c) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:
8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (c) Other persons.--In addition to any person who has been
12 convicted of any offense listed under subsection (b), the
13 following persons shall be subject to the prohibition of
14 subsection (a):

15 * * *

16 (10) A person who is charged with a felony under one of
17 the following offenses:

- 18 Section 2502 (relating to murder).
- 19 Section 2503 (relating to voluntary manslaughter).
- 20 Section 2702 (relating to aggravated assault).
- 21 Section 2703 (relating to assault by prisoner).
- 22 Section 2901 (relating to kidnapping).
- 23 Section 3121 (relating to rape).
- 24 Section 3123 (relating to involuntary deviate sexual
- 25 intercourse).
- 26 Section 3301 (relating to arson and related
- 27 offenses).
- 28 Section 3502 (relating to burglary).
- 29 Section 3701 (relating to robbery).
- 30 Section 3702 (relating to robbery of motor vehicle).
- 31 Section 3923 (relating to theft by extortion) when
- 32 the offense is accompanied by threats of violence.
- 33 Section 4952 (relating to intimidation of witnesses
- 34 or victims).
- 35 Section 4953 (relating to retaliation against
- 36 witness, victim or party).
- 37 Any offense equivalent to any of the offenses listed in this

1 paragraph under the prior laws of this Commonwealth or any
2 offense equivalent to any of the offenses enumerated in this
3 paragraph under the statutes of any other state or of the
4 United States.

5 * * *

6 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
7 reenacted and amended to read:

8 Amend Bill, page 3, line 11, by striking out "2" and

9 inserting

10 3

**Regular Session 2015 - 2016
Amendment A09969 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09970 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for firearms not to be carried without a license, for licenses
3 and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Sections 6106(b)(15) introductory paragraph and
7 6109(k)(1) of Title 18 of the Pennsylvania Consolidated Statutes
8 are amended to read:

9 § 6106. Firearms not to be carried without a license.

10 * * *

11 (b) Exceptions.--The provisions of subsection (a) shall not
12 apply to:

13 * * *

14 (15) Any person who is not a resident of this
15 Commonwealth and who possesses a valid and lawfully issued
16 license or permit to carry a firearm which has been issued
17 under the laws of another state, regardless of whether a
18 reciprocity agreement exists between the Commonwealth and the
19 state under section 6109(k), provided:

20 * * *

21 § 6109. Licenses.

22 * * *

23 (k) Reciprocity.--

24 (1) The Attorney General shall have the power and duty
25 to enter into reciprocity agreements with other states
26 providing for the mutual recognition of a license to carry a
27 firearm issued by the Commonwealth and a license or permit to
28 carry a firearm issued by the other state. To carry out this
29 duty, the Attorney General is authorized to negotiate
30 reciprocity agreements and grant recognition of a license or
31 permit to carry a firearm issued by another state. A license
32 or permit issued by another state to a resident of this
33 Commonwealth shall not be recognized unless the individual
34 also has a license under this section.

35 * * *

36 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
37 reenacted and amended to read:

1 Amend Bill, page 3, line 11, by striking out "2" and
2 inserting
3 3

**Regular Session 2015 - 2016
Amendment A09972 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 4, by inserting after "ammunition"

7 ; and, in sentencing, providing for sentences for carrying a

8 firearm without a license

9 Amend Bill, page 3, by inserting between lines 10 and 11

10 Section 2. Title 42 is amended by adding a section to read:

11 § 9712.2. Sentences for carrying firearm without a license.

12 (a) Mandatory sentence.--

13 (1) A person who is convicted of a violation of 18
14 Pa.C.S. § 6106(a)(1) (relating to firearms not to be carried
15 without a license) shall be sentenced to a minimum sentence
16 of at least two years of total confinement.

17 (2) A person who is convicted of a violation of 18
18 Pa.C.S. § 6106(a)(2) shall be sentenced to a minimum sentence
19 of at least six months of total confinement.

20 (b) Authority of court in sentencing.--There shall be no
21 authority in any court to impose on an offender to which this
22 section is applicable any lesser sentence than provided for
23 under subsection (a) or to place such offender on probation or
24 to suspend sentence. Nothing in this section may prevent the
25 sentencing court from imposing a sentence greater than that
26 provided under this section. Sentencing guidelines promulgated
27 by the Pennsylvania Commission on Sentencing shall not supersede
28 the mandatory sentences provided under this section.

29 (c) Appeal by Commonwealth.--If a sentencing court refuses
30 to apply this section where applicable, the Commonwealth shall
31 have the right to appellate review of the action of the
32 sentencing court. The appellate court shall vacate the sentence
33 and remand the case to the sentencing court for imposition of a
34 sentence in accordance with this section if it finds that the

1 sentence was imposed in violation of this section.

2 Amend Bill, page 3, line 11, by striking out "2" and

3 inserting

4 3

**Regular Session 2015 - 2016
Amendment A09974 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE GAINEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as provided in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) This paragraph shall not apply to an ordinance, a
8 resolution, regulation, rule, practice or any other action
9 promulgated or enforced by a political subdivision before the
10 effective date of this paragraph.

**Regular Session 2015 - 2016
Amendment A09976 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 3, by inserting after "providing"

7 for firearms not to be carried without a license, establishing

8 the Slain Law Enforcement Officers Funeral Expense Fund and

9 further providing

10 Amend Bill, page 1, line 4, by striking out the period after

11 "ammunition" and inserting

12 ; and, in judicial boards and commissions, further providing for

13 powers and duties of Pennsylvania Commission on Sentencing.

14 Amend Bill, page 1, lines 7 through 9, by striking out all of

15 said lines and inserting

16 Section 1. Section 6106 of Title 18 of the Pennsylvania

17 Consolidated Statutes is amended by adding a subsection to read:

18 § 6106. Firearms not to be carried without a license.

19 * * *

20 (a.1) Additional fine.--In addition to any other penalty, a
21 person sentenced under subsection (a) shall be sentenced to pay
22 a fine of \$25 to fund the program under section 6106.2 (relating
23 to Slain Law Enforcement Officers Funeral Expense Fund).

24 * * *

25 Section 2. Title 18 is amended by adding a section to read:

26 § 6106.2. Slain Law Enforcement Officers Funeral Expense Fund.

27 (a) Establishment.--The Slain Law Enforcement Officers

28 Funeral Expense Fund is established in the State Treasury.

29 (b) Sources.--The following are the sources of the fund:

30 (1) Appropriations.

31 (2) Fines under section 6106(a.1) (relating to firearms

1 not to be carried without a license).

2 (3) Return on money in the fund.

3 (c) Use.--The Pennsylvania Commission on Crime and
4 Delinquency shall use the fund as follows:

5 (1) To make grants under subsection (d).

6 (2) To administer this section. Not more than 5% of the
7 money in the fund may be used for administration in a fiscal
8 year.

9 (d) Grants.--

10 (1) The commission shall make grants to municipalities
11 or their affiliated law enforcement labor organizations for
12 the purpose of providing reimbursement for expenses incurred
13 in relation to funeral costs for law enforcement officers who
14 are killed as a result of the performance of their official
15 duties.

16 (2) A grant under this subsection:

17 (i) is contingent upon the availability of money in
18 the fund; and

19 (ii) shall not exceed 50% of the total documented
20 funeral costs for an individual officer incurred by a
21 municipality or affiliated law enforcement labor
22 organization.

23 (3) The commission shall establish procedures related to
24 the application process for and distribution of funds to
25 municipalities and affiliated law enforcement labor
26 organizations.

27 (e) Continuing appropriation.--The money in the fund is
28 continuously appropriated into the fund.

29 (f) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this
31 subsection unless the context clearly indicates otherwise:

32 "Affiliated law enforcement labor organization." A labor
33 organization that directly or indirectly represents law
34 enforcement officers in the same municipality as a deceased law
35 enforcement officer in this Commonwealth.

36 "Funeral costs." Costs directly related to the funeral of a
37 deceased law enforcement officer. The term includes costs
38 incurred in the staging, organization, transportation and
39 security at funeral or memorial services.

40 "Law enforcement officer." Any of the following:

41 (1) A municipal police officer as defined in 42 Pa.C.S.
42 § 8951 (relating to definitions).

43 (2) A uniformed member of the Pennsylvania State Police.

44 (3) A public employee who has the power and duty to
45 arrest under:

46 (i) the provisions of 61 Pa.C.S. § 6152 (relating to
47 status as peace officers); or

48 (ii) section 211 of the act of April 12, 1951
49 (P.L.90, No.21), known as the Liquor Code.

50 (4) A public employee:

51 (i) whose principal duty is to enforce the drug laws

1 of this Commonwealth; and
2 (ii) whose power and duty to arrest is authorized by
3 the Attorney General under section 201(c) of the act of
4 October 15, 1980 (P.L.950, No.164), known as the
5 Commonwealth Attorneys Act.

6 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are
7 reenacted and amended to read:

8 Amend Bill, page 3, by inserting between lines 10 and 11

9 Section 4. Section 2153(b) of Title 42 is amended to read:

10 § 2153. Powers and duties.

11 * * *

12 (b) Annual reports.--The commission shall report annually to
13 the General Assembly, the Administrative Office of Pennsylvania
14 Courts and the Governor on [the]:

15 (1) The activities of the commission.

16 (2) The Slain Law Enforcement Officers Funeral Expense
17 Fund and the grants awarded from the fund pursuant to 18
18 Pa.C.S. § 6106.2 (relating to Slain Law Enforcement Officers
19 Funeral Expense Fund), including the average dollar amount of
20 the grants, the total number of grant applications received
21 and approved and the ability of the fund to meet the demand
22 of applications received.

23 * * *

24 Amend Bill, page 3, line 11, by striking out "2" and

25 inserting

26 5

**Regular Session 2015 - 2016
Amendment A09978 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for firearm registration and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Title 18 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:
7 § 6111.6. Firearm registration.

8 (a) General rule.--All firearms in this Commonwealth shall
9 be registered in accordance with this section. It shall be the
10 duty of a person owning or possessing any firearm to cause the
11 firearm to be registered. No person within this Commonwealth may
12 possess, harbor, have under the person's control, transfer,
13 offer for sale, sell, give, deliver or accept any firearm unless
14 the person is the holder of a valid registration certificate for
15 the firearm. No person within this Commonwealth may possess,
16 harbor, have under the person's control, transfer, offer for
17 sale, sell, deliver or accept any firearm which is
18 unregisterable under this section.

19 (b) Nonapplicability.--This section shall not apply to:

20 (1) Firearms owned or under the direct control or
21 custody of any Federal, State or local governmental authority
22 maintained in the course of its official duties.

23 (2) Duty-related firearms owned and possessed by law
24 enforcement officers who are not residents of this
25 Commonwealth.

26 (3) Duty-related firearms owned and possessed by
27 corrections officers who are not residents of this
28 Commonwealth.

29 (4) Firearms owned, manufactured or processed by
30 licensed manufacturers of firearms, bulk transporters or
31 licensed sellers of firearms at wholesale or retail, provided
32 that such persons have all licenses required by law.

33 (5) Any nonresident of this Commonwealth participating
34 in any lawful recreational firearm-related activity in this
35 Commonwealth, or on the way to or from the firearm-related
36 activity in another jurisdiction, provided that the
37 possession or control of the firearm is lawful in the

1 jurisdiction in which the individual resides and that the
2 weapon is either:

3 (i) Broken down in a nonfunctioning state.

4 (ii) Unloaded and enclosed in a case, firearm-
5 carrying box, shipping box or other container.

6 (6) Private security personnel who possess or control
7 any firearm or ammunition within this Commonwealth. Firearms
8 under this paragraph shall be owned and maintained by the
9 security firm employing the security personnel and shall be
10 registered by the security firm in accordance with this
11 section.

12 (c) Insurance.--No registration certificate shall be issued
13 to any person unless the person:

14 (1) Has not been convicted of a crime of violence.

15 (2) Has not been convicted within the five years prior
16 to the application of any violation of any law relating to
17 the use, possession or sale of any narcotic or dangerous
18 drug.

19 (3) Is not otherwise ineligible to possess a firearm
20 under any Federal or State law.

21 (d) Application.--Every person who is required to register a
22 firearm under this section shall obtain an application for
23 registration of the firearm from the Pennsylvania State Police.
24 The application shall be in writing and sworn under oath and
25 shall require the following information:

26 (1) The name, home and business address, telephone
27 number, date of birth and Social Security number of the
28 applicant.

29 (2) The age, sex and citizenship of the applicant.

30 (3) The name of the manufacturer, the caliber or gauge,
31 the model, type and serial number of each firearm to be
32 registered.

33 (4) Two photographs taken within 30 days immediately
34 prior to the date of filing the application equivalent to
35 passport size showing the full face, head and shoulders of
36 the applicant in a clear and distinguishing manner.

37 (5) Additional information as the Pennsylvania State
38 Police may deem necessary to process the application.

39 (e) Fingerprinting.--The applicant or registrant shall
40 submit to fingerprinting by the Pennsylvania State Police in
41 accordance with procedures and regulations prescribed by the
42 Pennsylvania State Police.

43 (f) Records.--The Pennsylvania State Police shall cause to
44 be kept an accurate record of each application received and
45 acted upon together with all other information and data
46 pertaining to the application on all applications for owner's
47 registration certificates issued or denied under this section.
48 Applications for owner's registration certificates shall be
49 numbered in consecutive numbers as filed, and each certificate
50 issued shall be identified with the duplicate number of the
51 application upon which it was issued and shall expire

1 automatically one year from the date of issuance.

2 (g) Background check.--The Pennsylvania State Police shall
3 conduct a criminal background check on the applicant to ensure
4 compliance with this section. No application may be approved
5 until and unless a criminal background check is completed.

6 (h) Procedure.--Within 30 days of receipt of an application,
7 the Pennsylvania State Police, after consideration of the
8 application for an owner's registration certificate and all
9 information obtained relative to the application, shall either
10 approve or deny the application and notify the applicant in
11 writing of the determination.

12 (i) Approval.--In the event the application is approved, the
13 Pennsylvania State Police shall issue to the applicant an
14 owner's registration certificate which shall contain the
15 applicant's name, residence, date of birth, photograph and other
16 personal information as may be required by the Pennsylvania
17 State Police. The owner's registration certificate shall not be
18 transferable and shall be carried simultaneously with the
19 firearm and exhibited to any police officer upon demand for
20 inspection. Registration shall not make lawful the carrying or
21 possessing of a firearm if prohibited by law.

22 (j) Denial.--In the event the application is denied, the
23 Pennsylvania State Police shall inform the applicant in writing
24 of the denial. Any applicant who believes that the applicant's
25 application is wrongfully denied may, within 10 days after
26 receiving notice of the denial, file a written appeal of the
27 denial in accordance with 2 Pa.C.S. (relating to administrative
28 law and procedure). Within three days after notification of a
29 decision unfavorable to the applicant and all time for appeal
30 having expired, the applicant shall surrender to the
31 Pennsylvania State Police the firearm for which the applicant
32 was denied registration.

33 (k) Renewal.--Each registrant must renew registration
34 annually. Applications for renewal shall be made by a registrant
35 60 days prior to the expiration of the current registration
36 certificate.

37 (l) Additional duties of registrant.--Each person holding a
38 registration certificate shall:

39 (1) Notify the Pennsylvania State Police of:

40 (i) The loss, theft or destruction of the
41 registration certificate or of a registered firearm
42 within 48 hours of the discovery of the loss, theft or
43 destruction.

44 (ii) A change in any of the information appearing on
45 the registration certificate within 48 hours.

46 (iii) The sale, transfer or other disposition of the
47 firearm not less than 48 hours prior to delivery.

48 (2) Return to the Pennsylvania State Police the
49 registrant's copy of the registration certificate for any
50 firearm which is lost, stolen, destroyed or otherwise
51 disposed of within 48 hours.

1 (3) Keep any firearm in the registrant's possession
2 unloaded and disassembled or bound by a trigger lock, gun
3 safe or similar device unless the firearm is in the
4 registrant's immediate possession and control while at the
5 registrant's place of residence or business or while being
6 used for lawful recreational purposes within this
7 Commonwealth. This paragraph shall not apply to law
8 enforcement personnel or security personnel while in the
9 course of their employment.

10 (m) Application fee.--A nonrefundable fee of \$10 per firearm
11 shall accompany each application for registration of a firearm
12 and renewal of registration of a firearm.

13 (n) Penalty.--A person who violates this section commits a
14 summary offense.

15 (o) Regulations.--The Pennsylvania State Police shall
16 promulgate rules and regulations for the implementation of this
17 section.

18 (p) Acquisition or possession prohibited by law.--Nothing in
19 this section shall make lawful the acquisition or possession of
20 firearms or firearm accessories which is otherwise prohibited by
21 law.

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

25 "Antique firearm." Includes:

26 (1) Any firearm, including any firearm with a matchlock,
27 flintlock, percussion cap or similar type of ignition system,
28 manufactured in or before 1898.

29 (2) Any replica of any firearm described in paragraph
30 (1) if the replica:

31 (i) is not designed or redesigned for using rimfire
32 or conventional center fire fixed ammunition; or

33 (ii) uses rimfire or conventional center fire
34 ammunition that is no longer manufactured in the United
35 States and that is not readily available in the ordinary
36 channels of commercial trade.

37 (3) Any firearm, other than a machine gun, which,
38 although designed as a weapon, the Pennsylvania State Police
39 finds by reason of the date of its manufacture, value, design
40 and other characteristics is primarily a collector's item and
41 is not likely to be used as a weapon.

42 "Firearm." A weapon which will or is designed or restored to
43 expel a projectile or projectiles by the action of any
44 explosive, the frame or receiver of any such device or any
45 firearm muffler or silencer. The term shall not include:

46 (1) Antique firearms.

47 (2) Any device used exclusively for line-throwing,
48 signaling or safety and required or recommended by the United
49 States Coast Guard or Interstate Commerce Commission.

50 (3) Any device used exclusively for firing explosives,
51 rivets, stud cartridges or any similar industrial ammunition

1 incapable of use as a weapon.

2 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
3 reenacted and amended to read:

4 Amend Bill, page 3, line 11, by striking out all of said line
5 and inserting

6 Section 3. This act shall take effect as follows:

7 (1) The addition of 18 Pa.C.S. § 6111.6 shall take
8 effect in 180 days.

9 (2) This section shall take effect immediately.

10 (3) The remainder of this act shall take effect in 60
11 days.

**Regular Session 2015 - 2016
Amendment A09980 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 the sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(g) (5) and (6) of Title 18 of the
6 Pennsylvania Consolidated Statutes are amended to read:
7 § 6111. Sale or transfer of firearms.

8 * * *

9 (g) Penalties.--

10 * * *

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

21 (6) Notwithstanding any act or statute to the contrary,
22 any person, licensed importer, licensed manufacturer or
23 licensed dealer who knowingly and intentionally sells or
24 delivers a firearm in violation of this chapter [who has
25 reason to believe that the firearm is intended to be used in
26 the commission of a crime or attempt to commit a crime] shall
27 be liable in the amount of the civil judgment for injuries
28 suffered by any person [so injured by such crime or attempted
29 crime] who is injured during any crime or attempted crime in
30 which the firearm is used.

31 * * *

32 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
33 reenacted and amended to read:

34 Amend Bill, page 3, line 11, by striking out "2" and
35 inserting

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition which is:

9 (i) endorsed by a majority vote of a collective
10 bargaining agency representing the police in the
11 municipality;

12 (ii) necessary to enhance public safety; or

13 (iii) necessary to combat domestic acts of
14 terrorism.

**Regular Session 2015 - 2016
Amendment A09983 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09984 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE COOK-ARTIS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 Pennsylvania State Police, providing for notice of limits on
3 lending or transferring a firearm, further providing for

4 Amend Bill, page 1, line 4, by inserting after "ammunition"
5 and providing for reporting lost or stolen firearms

6 Amend Bill, page 1, lines 7 through 9, by striking out all of
7 said lines and inserting

8 Section 1. Section 6111.1(d) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 6111.1. Pennsylvania State Police.

11 * * *

12 (d) Distribution.--The Pennsylvania State Police shall
13 provide, without charge[,];

14 (1) summaries of uniform firearm laws and firearm safety
15 brochures pursuant to section 6125 (relating to distribution
16 of uniform firearm laws and firearm safety brochures)[.]; and

17 (2) notices of limits pursuant to section 6111.6
18 (relating to notice of limits on lending or transferring a
19 firearm).

20 * * *

21 Section 2. Title 18 is amended by adding a section to read:

22 § 6111.6. Notice of limits on lending or transferring a
23 firearm.

24 (a) Duty of Pennsylvania State Police.--It shall be the duty
25 of the Pennsylvania State Police to distribute a notice about
26 lending or transferring a firearm to every licensed firearm
27 dealer in this Commonwealth. The notice shall be written by the
28 Pennsylvania State Police, shall be provided at no cost and
29 shall contain the following:

30 NOTICE OF LIMITS ON LENDING

31 OR TRANSFERRING A FIREARM

32 As the owner of a firearm, you are required to comply
33 with the following legal obligations and restrictions:

34 (1) You may not lend or give a firearm to any
35 person, except as provided in 18 Pa.C.S. § 6115(b).

1 (2) You may not sell or transfer a firearm to
2 another person unless the sale or transfer occurs at a
3 licensed dealer or the office of the county sheriff.
4 Limited transfers between certain family members are
5 permissible. See 18 Pa.C.S. § 6111(c).

6 (3) You must notify law enforcement within three
7 days of discovering that your firearm is lost or stolen.
8 See 18 Pa.C.S. § 6128(a).

9 (4) You could be held criminally and civilly liable
10 for any crime committed with a firearm you purchase. See
11 18 Pa.C.S. § 6111(g).

12 (b) Distribution without charge.--The notice or a copy
13 thereof shall be provided without charge to each purchaser of a
14 firearm.

15 (c) Duty of firearms dealer.--It shall be the duty of the
16 firearms dealer:

17 (1) to provide a copy of the notice and to review the
18 text of the notice with the buyer of the firearm; and

19 (2) to prominently display a copy of the notice where
20 the purchaser of a firearm can read it.

21 Section 3. Section 6120(a.2), (a.3) and (b) of Title 18 are
22 reenacted and amended to read:

23 Amend Bill, page 3, by inserting between lines 10 and 11

24 Section 4. Title 18 is amended by adding a section to read:
25 § 6128. Reporting lost or stolen firearms.

26 (a) Duty defined.--The owner of a firearm, upon discovering
27 that the firearm is lost or stolen, shall report the loss or
28 theft within three days to an appropriate law enforcement
29 official of the municipality in which the loss or theft
30 occurred, or if the municipality does not have a police force,
31 to the Pennsylvania State Police. If the owner of the firearm
32 does not know where the loss or theft occurred, the owner shall
33 report the loss or theft within three days to the municipality
34 where the owner resides or to the Pennsylvania State Police.

35 (b) Penalties.--If, after an investigation by law
36 enforcement officials, it is determined that a firearm was
37 recovered during a criminal investigation, that the owner of
38 that firearm knew his firearm was lost or stolen and that the
39 owner failed to report the loss or theft of the firearm, that
40 person commits:

41 (1) A summary offense for a first violation of this
42 section.

43 (2) A misdemeanor of the first degree for a second
44 offense.

45 (3) A felony of the third degree for a third or
46 subsequent offense.

47 (c) Fingerprinting.--Prior to the commencement of trial or
48 entry of plea of a defendant accused of the summary offense of
49 reporting lost or stolen firearms, the issuing authority shall

1 order the defendant to submit within five days of such order for
2 fingerprinting by the municipal police of the jurisdiction in
3 which the offense allegedly was committed or the Pennsylvania
4 State Police. Fingerprints so obtained shall be forwarded
5 immediately to the Pennsylvania State Police for determination
6 as to whether or not the defendant previously has been convicted
7 of the offense of reporting lost or stolen firearms under this
8 section. The results of the determination shall be forwarded to
9 the police department obtaining the fingerprints if the
10 department is the prosecutor, or to the issuing authority if the
11 prosecutor is other than a police officer. The issuing authority
12 shall not proceed with the trial or plea in summary cases until
13 in receipt of the determination made by the Pennsylvania State
14 Police.

15 Amend Bill, page 3, line 11, by striking out "2" and
16 inserting

17 5

**Regular Session 2015 - 2016
Amendment A09986 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for the offense of carrying firearms in the Capitol
3 and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 6108.1. Carrying firearms in the Capitol.

9 (a) Offense defined.--No person shall carry a firearm, rifle
10 or shotgun at any time in any of the following buildings in the
11 City of Harrisburg:

12 (1) the Main Capitol;

13 (2) the East Wing of the Capitol;

14 (3) the Speaker Matthew J. Ryan Legislative Office
15 Building;

16 (4) the Speaker K. Leroy Irvis Office Building; or

17 (5) the North Office Building of the Capitol Complex.

18 (b) Exceptions.--The provisions of subsection (a) shall not
19 apply to a person who is:

20 (1) a member of the Pennsylvania State Police;

21 (2) a member of the Capitol Police;

22 (3) a member of Legislative Protective Services with the
23 Senate or the House of Representatives;

24 (4) a law enforcement officer as defined in 18 Pa.C.S. §
25 6102 (relating to definitions); or

26 (5) an armed security agent under contract to service an
27 automated teller machine in any of the buildings specified in
28 subsection (a) or to transport money to and from the
29 cafeteria of the East Wing of the Capitol, while performing
30 the agent's official duties.

31 (c) Posting of notice.--Notice of the provisions of
32 subsections (a) and (d) shall be posted conspicuously at each
33 public entrance to each building specified in subsection (a),
34 and no person shall be convicted of an offense under subsection
35 (a) if the notice was not so posted at each public entrance to
36 the building unless the person had actual notice of the
37 provisions of subsection (a).

1 (d) Lockers and facilities for checking firearms, rifles and
2 shotguns.--The Commonwealth shall make available at or within
3 each building specified in subsection (a) within one year of the
4 effective date of this section, lockers or similar facilities at
5 no charge or cost for the temporary checking of firearms, rifles
6 and shotguns by individuals lawfully carrying firearms, rifles
7 and shotguns. Any individual checking a firearm, rifle or
8 shotgun at a building specified in subsection (a) shall be
9 issued a receipt. Notice of the location of the lockers or
10 similar facility shall be posted as required under subsection
11 (c).

12 (e) Grading.--A person who violates this section commits a
13 misdemeanor of the first degree.

14 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
15 reenacted and amended to read:

16 Amend Bill, page 3, line 11, by striking out "2" and
17 inserting

18 3

**Regular Session 2015 - 2016
Amendment A09988 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A09991 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, use, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2709.1 (relating to stalking).

25 Section 2716 (relating to weapons of mass destruction).

26 Section 2901 (relating to kidnapping).

27 Section 2902 (relating to unlawful restraint).

28 Section 2910 (relating to luring a child into a motor
29 vehicle or structure).

30 Section 3121 (relating to rape).

31 Section 3123 (relating to involuntary deviate sexual
32 intercourse).

33 Section 3125 (relating to aggravated indecent assault).

34 Section 3301 (relating to arson and related offenses).

35 Section 3302 (relating to causing or risking
36 catastrophe).

37 Section 3502 (relating to burglary).

1 Section 3503 (relating to criminal trespass) if the
2 offense is graded a felony of the second degree or higher.

3 Section 3701 (relating to robbery).

4 Section 3702 (relating to robbery of motor vehicle).

5 Section 3921 (relating to theft by unlawful taking or
6 disposition) upon conviction of the second felony offense.

7 Section 3923 (relating to theft by extortion) when the
8 offense is accompanied by threats of violence.

9 Section 3925 (relating to receiving stolen property) upon
10 conviction of the second felony offense.

11 Section 3935 (relating to theft of secondary metal).

12 Section 4906 (relating to false reports to law
13 enforcement authorities) if the fictitious report involved
14 the theft of a firearm as provided in section 4906(c)(2).

15 Section 4912 (relating to impersonating a public servant)
16 if the person is impersonating a law enforcement officer.

17 Section 4952 (relating to intimidation of witnesses or
18 victims).

19 Section 4953 (relating to retaliation against witness,
20 victim or party).

21 Section 5121 (relating to escape).

22 Section 5122 (relating to weapons or implements for
23 escape).

24 Section 5501(3) (relating to riot).

25 Section 5515 (relating to prohibiting of paramilitary
26 training).

27 Section 5516 (relating to facsimile weapons of mass
28 destruction).

29 Section 6110.1 (relating to possession of firearm by
30 minor).

31 Section 6301 (relating to corruption of minors).

32 Section 6302 (relating to sale or lease of weapons and
33 explosives).

34 Any offense equivalent to any of the above-enumerated
35 offenses under the prior laws of this Commonwealth or any
36 offense equivalent to any of the above-enumerated offenses
37 under the statutes of any other state or of the United
38 States.

39 * * *

40 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
41 reenacted and amended to read:

42 Amend Bill, page 3, line 11, by striking out "2" and
43 inserting

44 3

**Regular Session 2015 - 2016
Amendment A09994 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for definitions, for licenses, for sale or transfer of firearms
3 and for Pennsylvania State Police, repealing provisions
4 relating to firearm sales surcharge and the Firearm Records
5 Check Fund, further providing for licensing of dealers,

6 Amend Bill, page 1, line 4, by inserting after "ammunition"
7 and for administrative regulations and repealing provisions
8 relating to the Firearms Background Check Advisory Committee

9 Amend Bill, page 1, lines 7 through 9, by striking out all of
10 said lines and inserting

11 Section 1. Section 6102 of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:
13 § 6102. Definitions.

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

20 * * *

21 "NICS." The National Instant Criminal Background Check
22 System maintained by the Federal Bureau of Investigation in
23 accordance with the Brady Handgun Violence Prevention Act
24 (Public Law 103-159, 107 Stat. 1536).

25 * * *

26 Section 2. Sections 6109(d)(5) and 6111(a), (b), (f), (g)(3)
27 and (j) of Title 18 are amended to read:
28 § 6109. Licenses.

29 * * *

30 (d) Sheriff to conduct investigation.--The sheriff to whom
31 the application is made shall:

32 * * *

33 (5) [conduct a criminal background, juvenile delinquency
34 and mental health check following the procedures set forth in
35 section 6111 (relating to sale or transfer of firearms),

1 receive a unique approval number for that inquiry and record
2 the date and number on the application.] contact the NICS
3 for the purpose of conducting a background check pursuant to
4 18 U.S.C. § 922(t) (relating to unlawful acts) and obtain a
5 unique identification number and a proceed response. The
6 unique identification number and date shall be recorded on
7 the application.

8 * * *

9 § 6111. Sale or transfer of firearms.

10 [(a) Time and manner of delivery.--

11 (1) Except as provided in paragraph (2), no seller shall
12 deliver a firearm to the purchaser or transferee thereof
13 until 48 hours shall have elapsed from the time of the
14 application for the purchase thereof, and, when delivered,
15 the firearm shall be securely wrapped and shall be unloaded.

16 (2) Thirty days after publication in the Pennsylvania
17 Bulletin that the Instantaneous Criminal History Records
18 Check System has been established in accordance with the
19 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
20 U.S.C. § 921 et seq.), no seller shall deliver a firearm to
21 the purchaser thereof until the provisions of this section
22 have been satisfied, and, when delivered, the firearm shall
23 be securely wrapped and shall be unloaded.]

24 (b) Duty of seller.--No licensed importer, licensed
25 manufacturer or licensed dealer shall sell or deliver any
26 firearm to another person, other than a licensed importer,
27 licensed manufacturer, licensed dealer or licensed collector,
28 [until the conditions of subsection (a) have been satisfied and]
29 until he has:

30 (1) For purposes of a firearm as defined in section 6102
31 (relating to definitions), [obtained a completed
32 application/record of sale from the potential buyer or
33 transferee to be filled out in triplicate, the original copy
34 to be sent to the Pennsylvania State Police, postmarked via
35 first class mail, within 14 days of the sale, one copy to be
36 retained by the licensed importer, licensed manufacturer or
37 licensed dealer for a period of 20 years and one copy to be
38 provided to the purchaser or transferee. The form of this
39 application/record of sale shall be no more than one page in
40 length and shall be promulgated by the Pennsylvania State
41 Police and provided by the licensed importer, licensed
42 manufacturer or licensed dealer. The application/record of
43 sale shall include the name, address, birthdate, gender,
44 race, physical description and Social Security number of the
45 purchaser or transferee, the date of the application and the
46 caliber, length of barrel, make, model and manufacturer's
47 number of the firearm to be purchased or transferred. The
48 application/record of sale shall also contain] provided a
49 notice to the potential buyer or transferee which contains
50 the following question:

51 Are you the actual buyer of the firearm(s), as defined

1 under 18 Pa.C.S. § 6102 (relating to definitions), listed
2 on this application/record of sale? Warning: You are not
3 the actual buyer if you are acquiring the firearm(s) on
4 behalf of another person, unless you are legitimately
5 acquiring the firearm as a gift for any of the following
6 individuals who are legally eligible to own a firearm:

- 7 (1) spouse;
- 8 (2) parent;
- 9 (3) child;
- 10 (4) grandparent; or
- 11 (5) grandchild.

12 (1.1) [On the date of publication in the Pennsylvania
13 Bulletin of a notice by the Pennsylvania State Police that
14 the instantaneous records check has been implemented, all of
15 the following shall apply:

16 (i) In the event of an electronic failure under
17 section 6111.1(b)(2) (relating to Pennsylvania State
18 Police) for purposes of a firearm which exceeds the
19 barrel and related lengths set forth in section 6102,
20 obtained a completed application/record of sale from the
21 potential buyer or transferee to be filled out in
22 triplicate, the original copy to be sent to the
23 Pennsylvania State Police, postmarked via first class
24 mail, within 14 days of sale, one copy to be retained by
25 the licensed importer, licensed manufacturer or licensed
26 dealer for a period of 20 years and one copy to be
27 provided to the purchaser or transferee.

28 (ii) The form of the application/record of sale
29 shall be no more than one page in length and shall be
30 promulgated by the Pennsylvania State Police and provided
31 by the licensed importer, licensed manufacturer or
32 licensed dealer.

33 (iii) For purposes of conducting the criminal
34 history, juvenile delinquency and mental health records
35 background check which shall be completed within ten days
36 of receipt of the information from the dealer, the
37 application/record of sale shall include the name,
38 address, birthdate, gender, race, physical description
39 and Social Security number of the purchaser or transferee
40 and the date of application.

41 (iv) No information regarding the type of firearm
42 need be included other than an indication that the
43 firearm exceeds the barrel lengths set forth in section
44 6102.

45 (v) Unless it has been discovered pursuant to a
46 criminal history, juvenile delinquency and mental health
47 records background check that the potential purchaser or
48 transferee is prohibited from possessing a firearm
49 pursuant to section 6105 (relating to persons not to
50 possess, use, manufacture, control, sell or transfer
51 firearms), no information on the application/record of

1 sale provided pursuant to this subsection shall be
2 retained as precluded by section 6111.4 (relating to
3 registration of firearms) by the Pennsylvania State
4 Police either through retention of the application/record
5 of sale or by entering the information onto a computer,
6 and, further, an application/record of sale received by
7 the Pennsylvania State Police pursuant to this subsection
8 shall be destroyed within 72 hours of the completion of
9 the criminal history, juvenile delinquency and mental
10 health records background check.] (Reserved).

11 (1.2) [Fees collected under paragraph (3) and section
12 6111.2 (relating to firearm sales surcharge) shall be
13 transmitted to the Pennsylvania State Police within 14 days
14 of collection.] (Reserved).

15 (1.3) In addition to the criminal penalty under section
16 6119 (relating to violation penalty), any person who
17 knowingly and intentionally [maintains or fails to destroy
18 any information submitted to the Pennsylvania State Police
19 for purposes of a background check pursuant to paragraphs
20 (1.1) and (1.4) or] violates section 6111.4 shall be subject
21 to a civil penalty of \$250 per violation. [, entry or failure
22 to destroy.

23 (1.4) Following implementation of the instantaneous
24 records check by the Pennsylvania State Police on or before
25 December 1, 1998, no application/record of sale shall be
26 completed for the purchase or transfer of a firearm which
27 exceeds the barrel lengths set forth in section 6102. A
28 statement shall be submitted by the dealer to the
29 Pennsylvania State Police, postmarked via first class mail,
30 within 14 days of the sale, containing the number of firearms
31 sold which exceed the barrel and related lengths set forth in
32 section 6102, the amount of surcharge and other fees remitted
33 and a list of the unique approval numbers given pursuant to
34 paragraph (4), together with a statement that the background
35 checks have been performed on the firearms contained in the
36 statement. The form of the statement relating to performance
37 of background checks shall be promulgated by the Pennsylvania
38 State Police.]

39 (1.5) Contacted the NICS for the purpose of conducting a
40 background check pursuant to 18 U.S.C. § 922(t) (relating to
41 unlawful acts) and obtained a unique identification number
42 and a proceed response.

43 (2) Inspected photoidentification of the potential
44 purchaser or transferee, including, but not limited to, a
45 driver's license, official Pennsylvania photoidentification
46 card or official government photoidentification card. In the
47 case of a potential buyer or transferee who is a member of a
48 recognized religious sect or community whose tenets forbid or
49 discourage the taking of photographs of members of that sect
50 or community, a seller shall accept a valid-without-photo
51 driver's license or a combination of documents, as prescribed

1 by the Pennsylvania State Police, containing the applicant's
2 name, address, date of birth and the signature of the
3 applicant.

4 [(3) Requested by means of a telephone call that the
5 Pennsylvania State Police conduct a criminal history,
6 juvenile delinquency history and a mental health record
7 check. The purchaser and the licensed dealer shall provide
8 such information as is necessary to accurately identify the
9 purchaser. The requester shall be charged a fee equivalent to
10 the cost of providing the service but not to exceed \$2 per
11 buyer or transferee.

12 (4) Received a unique approval number for that inquiry
13 from the Pennsylvania State Police and recorded the date and
14 the number on the application/record of sale form.

15 (5) Issued a receipt containing the information from
16 paragraph (4), including the unique approval number of the
17 purchaser. This receipt shall be prima facie evidence of the
18 purchaser's or transferee's compliance with the provisions of
19 this section.

20 (6) Unless it has been discovered pursuant to a criminal
21 history, juvenile delinquency and mental health records
22 background check that the potential purchaser or transferee
23 is prohibited from possessing a firearm pursuant to section
24 6105, no information received via telephone following the
25 implementation of the instantaneous background check system
26 from a purchaser or transferee who has received a unique
27 approval number shall be retained by the Pennsylvania State
28 Police.

29 (7) For purposes of the enforcement of 18 U.S.C. §
30 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
31 the event the criminal history or juvenile delinquency
32 background check indicates a conviction for a misdemeanor
33 that the Pennsylvania State Police cannot determine is or is
34 not related to an act of domestic violence, the Pennsylvania
35 State Police shall issue a temporary delay of the approval of
36 the purchase or transfer. During the temporary delay, the
37 Pennsylvania State Police shall conduct a review or
38 investigation of the conviction with courts, local police
39 departments, district attorneys and other law enforcement or
40 related institutions as necessary to determine whether or not
41 the misdemeanor conviction involved an act of domestic
42 violence. The Pennsylvania State Police shall conduct the
43 review or investigation as expeditiously as possible. No
44 firearm may be transferred by the dealer to the purchaser who
45 is the subject of the investigation during the temporary
46 delay. The Pennsylvania State Police shall notify the dealer
47 of the termination of the temporary delay and either deny the
48 sale or provide the unique approval number under paragraph
49 (4).]

50 * * *

51 (f) Application of section.--

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

6 (2) The provisions contained in [subsections (a) and]
7 subsection (c) shall only apply to pistols or revolvers with
8 a barrel length of less than 15 inches, any shotgun with a
9 barrel length of less than 18 inches, any rifle with a barrel
10 length of less than 16 inches or any firearm with an overall
11 length of less than 26 inches.

12 (3) The provisions contained in subsection [(a)] (b)
13 (1.5) shall not apply to any law enforcement officer whose
14 current identification as a law enforcement officer shall be
15 construed as a valid license to carry a firearm or any person
16 who possesses a valid license to carry a firearm under
17 section 6109 (relating to licenses).

18 [(4) (i) The provisions of subsection (a) shall not
19 apply to any person who presents to the seller or
20 transferor a written statement issued by the official
21 described in subparagraph (iii) during the ten-day period
22 ending on the date of the most recent proposal of such
23 transfer or sale by the transferee or purchaser stating
24 that the transferee or purchaser requires access to a
25 firearm because of a threat to the life of the transferee
26 or purchaser or any member of the household of that
27 transferee or purchaser.

28 (ii) The issuing official shall notify the
29 applicant's local police authority that such a statement
30 has been issued. In counties of the first class the chief
31 of police shall notify the police station or substation
32 closest to the applicant's residence.

33 (iii) The statement issued under subparagraph (ii)
34 shall be issued by the district attorney, or his
35 designee, of the county of residence if the transferee or
36 purchaser resides in a municipality where there is no
37 chief of police. Otherwise, the statement shall be issued
38 by the chief of police in the municipality in which the
39 purchaser or transferee resides.]

40 (g) Penalties.--

41 * * *

42 (3) Any person, licensed dealer, licensed manufacturer
43 or licensed importer who knowingly and intentionally requests
44 a [criminal history, juvenile delinquency or mental health
45 record check or other confidential information from the
46 Pennsylvania State Police under this chapter] NICS check for
47 any purpose other than compliance with this chapter or
48 knowingly and intentionally disseminates any [criminal
49 history, juvenile delinquency or mental health record]
50 information obtained from a NICS check or other confidential
51 information to any person other than the subject of the

1 information commits a felony of the third degree.

2 * * *

3 (j) Exemption.--

4 (1) The provisions of [subsections (a) and] subsection

5 (b) shall not apply to:

6 (i) sales between Federal firearms licensees; or

7 (ii) the purchase of firearms by a chief law
8 enforcement officer or his designee, for the official use
9 of law enforcement officers.

10 (2) For the purposes of this subsection, the term "chief
11 law enforcement officer" shall include the Commissioner of
12 the Pennsylvania State Police, the chief or head of a police
13 department, a county sheriff or any equivalent law
14 enforcement official.

15 Section 3. Section 6111.1(b)(1), (2) and (3), (c), (e), (i),
16 (j.1), (j.2) and (j.3) of Title 18 are amended and the section
17 is amended by adding subsections to read:

18 § 6111.1. Pennsylvania State Police.

19 * * *

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

21 [(1) Upon receipt of a request for a criminal history,
22 juvenile delinquency history and mental health record check
23 of the potential purchaser or transferee, the Pennsylvania
24 State Police shall immediately during the licensee's call or
25 by return call forthwith:

26 (i) review the Pennsylvania State Police criminal
27 history and fingerprint records to determine if the
28 potential purchaser or transferee is prohibited from
29 receipt or possession of a firearm under Federal or State
30 law;

31 (ii) review the juvenile delinquency and mental
32 health records of the Pennsylvania State Police to
33 determine whether the potential purchaser or transferee
34 is prohibited from receipt or possession of a firearm
35 under Federal or State law; and

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

37 (A) that the potential purchase or transfer is
38 prohibited; or

39 (B) provide the licensee with a unique approval
40 number.

41 (2) In the event of electronic failure, scheduled
42 computer downtime or similar event beyond the control of the
43 Pennsylvania State Police, the Pennsylvania State Police
44 shall immediately notify the requesting licensee of the
45 reason for and estimated length of the delay. If the failure
46 or event lasts for a period exceeding 48 hours, the dealer
47 shall not be subject to any penalty for completing a
48 transaction absent the completion of an instantaneous records
49 check for the remainder of the failure or similar event, but
50 the dealer shall obtain a completed application/record of
51 sale following the provisions of section 6111(b)(1) and (1.1)

1 (relating to sale or transfer of firearms) as if an
2 instantaneous records check has not been established for any
3 sale or transfer of a firearm for the purpose of a subsequent
4 background check.

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

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

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

14 (A) the date of publication of the notice under
15 section 6111(a)(2); or

16 (B) December 31, 1998.]

17 * * *

18 [(c) Establish a telephone number.--The Pennsylvania State
19 Police shall establish a telephone number which shall be
20 operational seven days a week between the hours of 8 a.m. and 10
21 p.m. local time for purposes of responding to inquiries as
22 described in this section from licensed manufacturers, licensed
23 importers and licensed dealers. The Pennsylvania State Police
24 shall employ and train such personnel as are necessary to
25 administer expeditiously the provisions of this section.]

26 * * *

27 (e) Challenge to records.--

28 (1) Any person who is denied the right to receive, sell,
29 transfer, possess, carry, manufacture or purchase a firearm
30 as a result of the [procedures established by this section]
31 information recorded in a registry of the Pennsylvania State
32 Police may challenge the accuracy of that person's criminal
33 history, juvenile delinquency history or mental health record
34 [pursuant to a denial by the instantaneous records check] by
35 submitting a challenge to the Pennsylvania State Police
36 within 30 days from the date of the denial.

37 (2) The Pennsylvania State Police shall conduct a review
38 of the accuracy of the information forming the basis for the
39 denial and shall have the burden of proving the accuracy of
40 the record. Within 20 days after receiving a challenge, the
41 Pennsylvania State Police shall notify the challenger of the
42 basis for the denial, including, but not limited to, the
43 jurisdiction and docket number of any relevant court decision
44 and provide the challenger an opportunity to provide
45 additional information for the purposes of the review. The
46 Pennsylvania State Police shall communicate its final
47 decision to the challenger within 60 days of the receipt of
48 the challenge. The decision of the Pennsylvania State Police
49 shall include all information which formed a basis for the
50 decision.

51 (3) If the challenge is ruled invalid, the person shall

1 have the right to appeal the decision to the Attorney General
2 within 30 days of the decision. The Attorney General shall
3 conduct a hearing de novo in accordance with the
4 Administrative Agency Law. The burden of proof shall be upon
5 the Commonwealth.

6 (4) The decision of the Attorney General may be appealed
7 to the Commonwealth Court by an aggrieved party.

8 (5) Pursuant to the memorandum of understanding under
9 subsection (j.4), the Pennsylvania State Police shall report
10 to the National Instant Criminal Background Check System
11 Index, Denied Persons Files, the name and other available
12 identifying information of any person who successfully
13 challenges the accuracy of that person's criminal history,
14 juvenile delinquency history or mental health record under
15 this subsection.

16 * * *

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

20 (1) number of firearm sales, including the types of
21 firearms;

22 (2) number of applications for sale of firearms denied,
23 number of challenges of the denials and number of final
24 reversals of initial denials;

25 (3) summary of the Pennsylvania State Police's
26 activities, including the average time taken to complete a
27 criminal history, juvenile delinquency history or mental
28 health record check; and

29 (4) uniform crime reporting statistics compiled by the
30 Pennsylvania State Police based on the National Incident-
31 based Reporting System.]

32 * * *

33 [(j.1) Delinquency and mental health records.--The
34 provisions of this section which relate to juvenile delinquency
35 and mental health records checks shall be applicable when the
36 data has been made available to the Pennsylvania State Police
37 but not later than October 11, 1999.

38 (j.2) Records check.--The provisions of this section which
39 relate to the instantaneous records check conducted by telephone
40 shall be applicable 30 days following notice by the Pennsylvania
41 State Police pursuant to section 6111(a)(2).]

42 (j.3) Immunity.--[The Pennsylvania State Police and its
43 employees shall be immune from actions for damages for the use
44 of a firearm by a purchaser or for the unlawful transfer of a
45 firearm by a dealer unless the act of the Pennsylvania State
46 Police or its employees constitutes a crime, actual fraud,
47 actual malice or willful misconduct.] Unless the act of the
48 Pennsylvania State Police or its employees constitutes a crime,
49 actual fraud, actual malice or willful misconduct, the
50 Pennsylvania State Police and its employees shall be immune from
51 actions for damages for:

1 (1) the use of a firearm by a purchaser or lawful owner;
2 or
3 (2) the unlawful transfer of a firearm by a dealer.
4 (j.4) Report of State prohibitors to NICS.--The Pennsylvania
5 State Police shall, in accordance with Federal and State law
6 regarding confidentiality, enter into a memorandum of
7 understanding with the Federal Bureau of Investigation for the
8 purpose of implementing the NICS in this Commonwealth. The
9 Pennsylvania State Police shall, as soon as possible but within
10 72 hours of receipt, report, electronically or otherwise, to the
11 NICS, the name and other available identifying information of
12 any person who:
13 (1) under section 6105, may not possess, use, control,
14 sell, transfer or manufacture a firearm in this Commonwealth;
15 or
16 (2) was previously reported under paragraph (1) or any
17 predecessor statute or agreement and may currently possess,
18 use, control, sell, transfer or manufacture a firearm in this
19 Commonwealth.
20 (j.5) Report of court orders to NICS.--The Pennsylvania
21 State Police shall, as soon as possible but within 72 hours of
22 receipt, report, electronically or otherwise, to the NICS, any
23 record relevant to a determination of whether a person is
24 disqualified from possessing or receiving a firearm under 18
25 U.S.C. § 922(g)(8) or (9) (relating to unlawful acts) and any
26 record relevant to a determination of whether a person is not
27 disqualified or is no longer disqualified from possessing or
28 receiving a firearm under 18 U.S.C. § 922(g)(8) or (9).

29 * * *

30 Section 4. Sections 6111.2 and 6111.3 of Title 18 are
31 repealed:
32 [§ 6111.2. Firearm sales surcharge.
33 (a) Surcharge imposed.--There is hereby imposed on each sale
34 of a firearm subject to tax under Article II of the act of March
35 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
36 additional surcharge of \$3. This shall be referred to as the
37 Firearm Sale Surcharge. All moneys received from this surcharge
38 shall be deposited in the Firearm Instant Records Check Fund.
39 (b) Increases or decreases.--Five years from the effective
40 date of this subsection, and every five years thereafter, the
41 Pennsylvania State Police shall provide such information as
42 necessary to the Legislative Budget and Finance Committee for
43 the purpose of reviewing the need to increase or decrease the
44 instant check fee. The committee shall issue a report of its
45 findings and recommendations to the General Assembly for a
46 statutory change in the fee.
47 (c) Revenue sources.--Funds received under the provisions of
48 this section and section 6111(b)(3) (relating to sale or
49 transfer of firearms), as estimated and certified by the
50 Secretary of Revenue, shall be deposited within five days of the
51 end of each quarter into the fund.

1 (d) Definition.--As used in this section only, the term
2 "firearm" shall mean any weapon which is designed to or may
3 readily be converted to expel any projectile by the action of an
4 explosion or the frame or receiver of any such weapon.

5 § 6111.3. Firearm Records Check Fund.

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

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

18 Section 5. Section 6113(a) of Title 18 is amended to read:
19 § 6113. Licensing of dealers.

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

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

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

36 (3) No firearm shall be sold in violation of any
37 provision of this subchapter.

38 (4) No firearm shall be sold under any circumstances
39 unless the purchaser is personally known to the seller or
40 shall present clear evidence of the purchaser's identity.

41 [(5) A true record in triplicate shall be made of every
42 firearm sold, in a book kept for the purpose, the form of
43 which may be prescribed by the Pennsylvania State Police, and
44 shall be personally signed by the purchaser and by the person
45 effecting the sale, each in the presence of the other, and
46 shall contain the information required by section 6111. The
47 record shall be maintained by the licensee for a period of 20
48 years.]

49 (6) No firearm as defined in section 6102 (relating to
50 definitions) shall be displayed in any part of any premises
51 where it can readily be seen from the outside. In the event

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

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

9 * * *

10 Section 6. Section 6120(a.2), (a.3) and (b) of Title 18 are
11 reenacted and amended to read:

12 Amend Bill, page 3, by inserting between lines 10 and 11

13 Section 7. Section 6124 of Title 18 is amended to read:
14 § 6124. Administrative regulations.

15 The commissioner may establish form specifications and
16 regulations, consistent with section 6109(c) (relating to
17 licenses), with respect to uniform forms control, including the
18 following:

19 (1) License to carry firearms.

20 (2) Firearm registration.

21 (3) Dealer's license.

22 [(4) Application for purchase of a firearm.

23 (5) Record of sale of firearms.]

24 Section 8. Section 6126 of Title 18 is repealed:
25 [§ 6126. Firearms Background Check Advisory Committee.

26 (a) Establishment.--There is hereby established the Firearms
27 Background Check Advisory Committee which shall consist of six
28 members as follows:

29 (1) The Governor or a designee.

30 (2) The Attorney General or a designee.

31 (3) The Majority Leader of the Senate or a designee.

32 (4) The Minority Leader of the Senate or a designee.

33 (5) The Majority Leader of the House of Representatives
34 or a designee.

35 (6) The Minority Leader of the House of Representatives
36 or a designee.

37 (b) Duties.--To facilitate compliance with this chapter and
38 the intent thereof, the Firearms Background Check Advisory
39 Committee shall, as follows:

40 (1) Review the operations and procedures of the
41 Pennsylvania State Police relating to the implementation and
42 administration of the criminal history, juvenile delinquency
43 and mental health records background checks.

44 (2) Advise the Pennsylvania State Police relating to the
45 development and maintenance of the instantaneous records
46 check system.

47 (3) Provide annual reports to the Governor and the
48 General Assembly on the advisory committee's findings and
49 recommendations, including discussions concerning conformance

1 with the preamble of the act of June 13, 1995 (1st Sp.Sess.,
2 P.L.1024, No.17), entitled, "An act amending Titles 18
3 (Crimes and Offenses) and 42 (Judiciary and Judicial
4 Procedure) of the Pennsylvania Consolidated Statutes, further
5 providing for the possession of firearms; establishing a
6 selected Statewide juvenile offender registry; and making an
7 appropriation."

8 (c) Terms.--Members or their designees shall serve a term of
9 office concurrent with the term of office for which the member
10 was elected. Any vacancy shall be filled by the appointing
11 authority.

12 (d) Chairperson.--The Governor shall appoint the chairperson
13 of the advisory committee.

14 (e) Expiration.--This section shall expire November 30,
15 2002.]

16 Amend Bill, page 3, line 11, by striking out "2" and
17 inserting

18 9

**Regular Session 2015 - 2016
Amendment A09997 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 2, lines 27 and 28, by striking out all of
2 said lines and inserting

3 "Person adversely affected."

4 (1) Any of the following:

5 [(1)] (i) A resident of this Commonwealth who may
6 legally

7 Amend Bill, page 2, line 30, by striking out all of said line
8 and inserting

9 [(2)] (ii) A person who otherwise has standing under
10 the laws

11 Amend Bill, page 3, line 3, by striking out all of said line
12 and inserting

13 [(3)] (iii) A membership organization, in which a
14 member is a

15 Amend Bill, page 3, by inserting between lines 4 and 5

16 (2) The term does not include any organization that
17 receives at least partial funding from a firearms
18 manufacturer.

**Regular Session 2015 - 2016
Amendment A10000 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(f)(2) of Title 18 of the
6 Pennsylvania Consolidated Statutes is amended and the subsection
7 is amended by adding a paragraph to read:
8 § 6111. Sale or transfer of firearms.

9 * * *

10 (f) Application of section.--

11 * * *

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

18 * * *

19 (5) In the case of a purchase or transfer of a firearm
20 at a lawful gun show, meet or auction, this section shall
21 apply as follows:

22 (i) At a lawful gun show, meet or auction, a
23 potential purchaser or transferee who has submitted and
24 received approval of an application/record of sale
25 through the instantaneous background check system may use
26 the unique approval number from the application/record of
27 sale for later firearm purchases or transfers completed
28 at the same lawful gun show, meet or auction with the
29 same licensed importer, licensed manufacturer, licensed
30 dealer or sheriff within 48 hours of the approval.

31 (ii) When engaging in a later purchase or transfer
32 of a firearm under subparagraph (i), the potential
33 purchaser or transferee may provide the receipt under
34 subsection (b) (5) and valid photo identification to the
35 same licensed importer, licensed manufacturer, licensed
36 dealer or sheriff who conducted the earlier background
37 check as proof that the potential purchaser or transferee

1 is approved to acquire a firearm under subparagraph (i)
2 and is exempt from Federal and State background check
3 requirements in accordance with 18 U.S.C. § 922(t)(3)(A)
4 (relating to unlawful acts) for firearm purchases or
5 transfers completed under subparagraph (i).

6 * * *

7 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
8 reenacted and amended to read:

9 Amend Bill, page 3, by inserting between lines 10 and 11

10 Section 3. The provisions of 37 Pa. Code are abrogated to
11 the extent of any inconsistency with this act.

12 Amend Bill, page 3, line 11, by striking out "2" and

13 inserting

14 4

**Regular Session 2015 - 2016
Amendment A10002 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10003 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10004 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE THOMAS

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the purchase of a firearm by a person who has
9 received mental health treatment on an inpatient or
10 outpatient basis.

**Regular Session 2015 - 2016
Amendment A10008 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE McCARTER

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, use, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 2502 (relating to murder).

18 Section 2503 (relating to voluntary manslaughter).

19 Section 2504 (relating to involuntary manslaughter) if
20 the offense is based on the reckless use of a firearm.

21 Section 2702 (relating to aggravated assault).

22 Section 2703 (relating to assault by prisoner).

23 Section 2704 (relating to assault by life prisoner).

24 Section 2709.1 (relating to stalking).

25 Section 2710. (relating to ethnic intimidation).

26 Section 2716 (relating to weapons of mass destruction).

27 Section 2901 (relating to kidnapping).

28 Section 2902 (relating to unlawful restraint).

29 Section 2910 (relating to luring a child into a motor
30 vehicle or structure).

31 Section 3121 (relating to rape).

32 Section 3123 (relating to involuntary deviate sexual
33 intercourse).

34 Section 3125 (relating to aggravated indecent assault).

35 Section 3301 (relating to arson and related offenses).

36 Section 3302 (relating to causing or risking
37 catastrophe).

1 Section 3502 (relating to burglary).
2 Section 3503 (relating to criminal trespass) if the
3 offense is graded a felony of the second degree or higher.
4 Section 3701 (relating to robbery).
5 Section 3702 (relating to robbery of motor vehicle).
6 Section 3921 (relating to theft by unlawful taking or
7 disposition) upon conviction of the second felony offense.
8 Section 3923 (relating to theft by extortion) when the
9 offense is accompanied by threats of violence.
10 Section 3925 (relating to receiving stolen property) upon
11 conviction of the second felony offense.
12 Section 4906 (relating to false reports to law
13 enforcement authorities) if the fictitious report involved
14 the theft of a firearm as provided in section 4906(c)(2).
15 Section 4912 (relating to impersonating a public servant)
16 if the person is impersonating a law enforcement officer.
17 Section 4952 (relating to intimidation of witnesses or
18 victims).
19 Section 4953 (relating to retaliation against witness,
20 victim or party).
21 Section 5121 (relating to escape).
22 Section 5122 (relating to weapons or implements for
23 escape).
24 Section 5501(3) (relating to riot).
25 Section 5515 (relating to prohibiting of paramilitary
26 training).
27 Section 5516 (relating to facsimile weapons of mass
28 destruction).
29 Section 6110.1 (relating to possession of firearm by
30 minor).
31 Section 6301 (relating to corruption of minors).
32 Section 6302 (relating to sale or lease of weapons and
33 explosives).
34 Any offense equivalent to any of the above-enumerated
35 offenses under the prior laws of this Commonwealth or any
36 offense equivalent to any of the above-enumerated offenses
37 under the statutes of any other state or of the United
38 States.
39 * * *
40 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
41 reenacted and amended to read:
42 Amend Bill, page 3, line 11, by striking out "2" and
43 inserting
44 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE M. DALEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of the use of force upon or toward the person of
9 another with a firearm if the actor either:

10 (i) knows that he or she can avoid the necessity of
11 using such force with complete safety by retreating; or

12 (ii) the actor was instructed by a peace officer or
13 public safety dispatcher to not pursue another person.

**Regular Session 2015 - 2016
Amendment A10012 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10014 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10015 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10016 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 ; and, in minors, providing for the offense of access to
3 firearms by minors

4 Amend Bill, page 3, by inserting between lines 10 and 11

5 Section 2. Title 18 is amended by adding a section to read:
6 § 6302.1. Access to firearms by minors.

7 (a) Storage requirements.--

8 (1) A person who stores or leaves a firearm on premises
9 under his control and who knows or reasonably should know
10 that a minor is likely to gain access to the firearm without
11 the lawful permission of the minor's parent or the person
12 having charge of the minor shall keep the firearm in a
13 securely locked box or container or in a location which a
14 reasonable person would believe to be secure.

15 (2) This subsection does not apply if the minor obtains
16 a firearm as a result of an unlawful entry by any person.

17 (b) Grading.--

18 (1) A violation of subsection (a) that results in a
19 minor in possession of the firearm constitutes a:

20 (i) Summary offense with no term of imprisonment
21 when the offense is a first offense.

22 (ii) Misdemeanor of the third degree when the
23 offense is a second or subsequent offense.

24 (2) A violation of subsection (a) that results in the
25 firearm being used in the commission of a crime or used in
26 any event that results in death or grievous injury
27 constitutes a felony of the third degree.

28 (c) Defense.--It shall be a defense to a prosecution under
29 this section if any of the following apply:

30 (1) The firearm is stored or left in a securely locked
31 box or container or in a location which a person would
32 reasonably believe to be secure.

33 (2) The minor obtains the firearm as a result of an
34 unlawful entry by any person.

35 (3) The minor's possession of a firearm is incidental to
36 the performance of official duties of the United States Armed
37 Forces, the Pennsylvania National Guard or the personnel of

1 any Federal, State or local law enforcement agency.

2 (4) The minor's possession of a firearm is under adult
3 supervision while engaged in hunting, sporting or other
4 lawful purposes.

5 (5) The firearm is carried on the body of the owner or
6 is within such close proximity to the body that the owner can
7 retrieve and use as easily and quickly as if the owner
8 carried it on his body.

9 (d) Notice by retailer.--

10 (1) Any person who offers for sale at retail any firearm
11 shall post in a conspicuous place the following notice:

12 It is unlawful to store or leave a firearm in any
13 place within the reach or easy access of a minor.
14 Should a minor be found in possession of a firearm,
15 the owner may be charged with a summary offense when
16 the offense is a first offense and a misdemeanor of
17 the third degree when the offense is a second or
18 subsequent offense. Should the firearm be used in the
19 commission of a crime or used in any event that
20 results in death or grievous injury, the owner may be
21 charged with a felony of the third degree.

22 (2) A violation of this subsection constitutes a
23 misdemeanor of the third degree.

24 (e) Fingerprinting.--Prior to the commencement of trial or
25 entry of a plea of a defendant of the summary offense, the
26 issuing authority shall order the defendant to submit within
27 five days of such order to fingerprinting by the municipal
28 police of the jurisdiction in which the offense allegedly was
29 committed or the Pennsylvania State Police. Fingerprints shall
30 be forwarded immediately to the Pennsylvania State Police for
31 determination as to whether or not the defendant previously has
32 been convicted of a violation of subsection (a). The results of
33 the determination shall be transmitted to the police department
34 obtaining the fingerprints if the department is the prosecutor
35 or to the issuing authority if the prosecutor is other than a
36 police officer. The issuing authority shall not proceed with the
37 trial or plea in summary until the issuing authority is in
38 receipt of the determination made by the Pennsylvania State
39 Police. The magisterial district judge shall use the information
40 obtained solely for the purpose of grading the offense under
41 subsection (b).

42 Amend Bill, page 3, line 11, by striking out "2" and
43 inserting

44 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE MCCLINTON

Printer's No. 3637

1 Amend Bill, page 2, line 4, by inserting after "court."

2 This subsection shall not apply to school districts.

**Regular Session 2015 - 2016
Amendment A10025 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE J. HARRIS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 carrying firearms on public streets or public property in
3 Philadelphia and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6108 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6108. Carrying firearms on public streets or public property
9 [in Philadelphia].

10 (a) Prohibition.--No person shall carry a firearm, rifle
11 [or], shotgun, stun gun, taser or other electric or electronic
12 incapacitation device at any time upon the public streets or
13 upon any public property in [a city of the first class] this
14 Commonwealth unless:

15 (1) such person is licensed to carry a firearm; or
16 (2) such person is exempt from licensing under section
17 6106(b) [of this title] (relating to firearms not to be
18 carried without a license).

19 (b) Definition.--As used in this section, the term "electric
20 or electronic incapacitation device" shall have the meaning
21 given to it under section 908.1 (relating to use or possession
22 of electric or electronic incapacitation device).

23 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
24 reenacted and amended to read:

25 Amend Bill, page 1, line 13, by striking out all of said line
26 and inserting

27 (a.2) Relief.--[A]

28 (1) Except as set forth in paragraph (2), a person
29 adversely affected by an ordinance,

30 Amend Bill, page 2, by inserting between lines 4 and 5

31 (2) (i) Paragraph (1) does not apply to a challenge of
32 a prohibition of carrying a firearm, rifle, shotgun, stun
33 gun, taser or other electric or electronic incapacitation

1 device at any time upon the public streets or upon any
2 public property in this Commonwealth unless:

3 (A) such person is licensed to carry a firearm;

4 or

5 (B) such person is exempt from licensing under
6 section 6106(b) (relating to firearms not to be
7 carried without a license).

8 (ii) As used in this paragraph, the term "electric
9 or electronic incapacitation device" shall have the
10 meaning given to it under section 908.1 (relating to use
11 or possession of electric or electronic incapacitation
12 device).

13 Amend Bill, page 3, line 11, by striking out "2" and

14 inserting

15 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE YOUNGBLOOD

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, use, manufacture, control, sell or
3 transfer firearms and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (b) Enumerated offenses.--The following offenses shall apply
12 to subsection (a):

13 Section 908 (relating to prohibited offensive weapons).

14 Section 911 (relating to corrupt organizations).

15 Section 912 (relating to possession of weapon on school
16 property).

17 Section 913(a)(2) (relating to possession of firearm or
18 other dangerous weapon in court facility).

19 Section 2502 (relating to murder).

20 Section 2503 (relating to voluntary manslaughter).

21 Section 2504 (relating to involuntary manslaughter) if
22 the offense is based on the reckless use of a firearm.

23 Section 2604 (relating to murder of unborn child).

24 Section 2605 (relating to voluntary manslaughter of
25 unborn child).

26 Section 2702 (relating to aggravated assault).

27 Section 2703 (relating to assault by prisoner).

28 Section 2704 (relating to assault by life prisoner).

29 Section 2705 (relating to recklessly endangering another
30 person), if the reckless conduct engaged in involved a
31 firearm.

32 Section 2706 (relating to terroristic threats), if the
33 threat communicated referenced the use of a firearm.

34 Section 2709.1 (relating to stalking).

35 Section 2715 (relating to threat to use weapons of mass
36 destruction).

37 Section 2716 (relating to weapons of mass destruction).

1 Section 2717 (relating to terrorism).
2 Section 2901 (relating to kidnapping).
3 Section 2902 (relating to unlawful restraint).
4 Section 2903 (relating to false imprisonment), if a
5 firearm is used in the commission of the offense.
6 Section 2910 (relating to luring a child into a motor
7 vehicle or structure).
8 Section 3121 (relating to rape).
9 Section 3122.1 (relating to statutory sexual assault).
10 Section 3123 (relating to involuntary deviate sexual
11 intercourse).
12 Section 3124.1 (relating to sexual assault).
13 Section 3124.2 (relating to institutional sexual
14 assault).
15 Section 3125 (relating to aggravated indecent assault).
16 Section 3126 (relating to indecent assault).
17 Section 3301 (relating to arson and related offenses).
18 Section 3302 (relating to causing or risking
19 catastrophe).
20 Section 3502 (relating to burglary).
21 Section 3503 (relating to criminal trespass) if the
22 offense is graded a felony of the second degree or higher.
23 Section 3701 (relating to robbery).
24 Section 3702 (relating to robbery of motor vehicle).
25 Section 3921 (relating to theft by unlawful taking or
26 disposition) upon conviction of the second felony offense.
27 Section 3923 (relating to theft by extortion) when the
28 offense is accompanied by threats of violence.
29 Section 3925 (relating to receiving stolen property) upon
30 conviction of the second felony offense.
31 Section 4702 (relating to threats and other improper
32 influence in official and political matters), if the threat
33 involved the use of a firearm.
34 Section 4703 (relating to retaliation for past official
35 action), if the crime involved the use of a firearm.
36 Section 4906 (relating to false reports to law
37 enforcement authorities) if the fictitious report involved
38 the theft of a firearm as provided in section 4906(c)(2).
39 Section 4912 (relating to impersonating a public servant)
40 if the person is impersonating a law enforcement officer.
41 Section 4915.1 (relating to failure to comply with
42 registration requirements).
43 Section 4952 (relating to intimidation of witnesses or
44 victims).
45 Section 4953 (relating to retaliation against witness,
46 victim or party).
47 Section 4953.1 (relating to retaliation against
48 prosecutor or judicial official).
49 Section 5104.1 (relating to disarming law enforcement
50 officer).
51 Section 5121 (relating to escape).

1 Section 5122 (relating to weapons or implements for
2 escape).

3 Section 5501(3) (relating to riot).

4 Section 5515 (relating to prohibiting of paramilitary
5 training).

6 Section 5516 (relating to facsimile weapons of mass
7 destruction).

8 Section 6110.1 (relating to possession of firearm by
9 minor).

10 Section 6110.2 (relating to possession of firearm with
11 altered manufacturer's number).

12 Section 6117 (relating to altering or obliterating marks
13 of identification).

14 Section 6121 (relating to certain bullets prohibited).

15 Section 6301 (relating to corruption of minors).

16 Section 6302 (relating to sale or lease of weapons and
17 explosives).

18 Section 6312 (relating to sexual abuse of children).

19 Section 6318 (relating to unlawful contact with minor).

20 Section 6319 (relating to solicitation of minors to
21 traffic drugs).

22 Section 6320 (relating to sexual exploitation of
23 children).

24 Any offense equivalent to any of the above-enumerated
25 offenses under the prior laws of this Commonwealth or any
26 offense equivalent to any of the above-enumerated offenses
27 under the statutes of any other state or of the United
28 States.

29 * * *

30 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
31 reenacted and amended to read:

32 Amend Bill, page 3, line 11, by striking out "2" and
33 inserting

34 3

**Regular Session 2015 - 2016
Amendment A10029 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10030 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DONATUCCI

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for licenses and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6109(c) of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended and subsection (e)(1) is
7 amended by adding a subparagraph to read:
8 § 6109. Licenses.

9 * * *

10 (c) Form of application and content.--The application for a
11 license to carry a firearm shall be uniform throughout this
12 Commonwealth and shall be on a form prescribed by the
13 Pennsylvania State Police. The form may contain provisions, not
14 exceeding one page, to assure compliance with this section.
15 Issuing authorities shall use only the application form
16 prescribed by the Pennsylvania State Police. One of the
17 following reasons for obtaining a firearm license shall be set
18 forth in the application: self-defense, employment, hunting and
19 fishing, target shooting, gun collecting or another proper
20 reason. The application form shall be dated and signed by the
21 applicant and shall contain the following statement:

22 I have never been convicted of a crime that prohibits me
23 from possessing or acquiring a firearm under Federal or
24 State law. I am of sound mind and have never been
25 committed to a mental institution. I have successfully
26 completed a firearms safety course as required by this
27 act. I hereby certify that the statements contained
28 herein are true and correct to the best of my knowledge
29 and belief. I understand that, if I knowingly make any
30 false statements herein, I am subject to penalties
31 prescribed by law. I authorize the sheriff, or his
32 designee, or, in the case of first class cities, the
33 chief or head of the police department, or his designee,
34 to inspect only those records or documents relevant to
35 information required for this application. If I am issued
36 a license and knowingly become ineligible to legally
37 possess or acquire firearms, I will promptly notify the

1 sheriff of the county in which I reside or, if I reside
2 in a city of the first class, the chief of police of that
3 city.

4 * * *

5 (e) Issuance of license.--

6 (1) A license to carry a firearm shall be for the
7 purpose of carrying a firearm concealed on or about one's
8 person or in a vehicle and shall be issued if, after an
9 investigation not to exceed 45 days, it appears that the
10 applicant is an individual concerning whom no good cause
11 exists to deny the license. A license shall not be issued to
12 any of the following:

13 * * *

14 (xv) An individual who has not demonstrated
15 competence with a firearm by any one of the following:

16 (A) completion of any hunter education or hunter
17 safety course approved by the Pennsylvania Game
18 Commission or a similar agency of another state;

19 (B) completion of any National Rifle Association
20 firearms safety or training course;

21 (C) completion of any firearms safety or
22 training course or class available to the general
23 public offered by a law enforcement, educational
24 institution, private or public institution or
25 organization or firearms training school, utilizing
26 instructors certified by the National Rifle
27 Association or the Pennsylvania State Police;

28 (D) completion of any law enforcement firearms
29 safety or training course or class offered for law
30 enforcement or security enforcement personnel;

31 (E) presentation of evidence of equivalent
32 experience with a firearm through participation in
33 organized shooting competition or military service;
34 or

35 (F) completion of any firearms training or
36 safety course or class conducted by a state-certified
37 or National Rifle Association-certified firearms
38 instructor.

39 A photocopy of a certificate of completion of any of the
40 courses or classes; or an affidavit from the instructor,
41 school, club, organization or group that conducted or
42 taught said course or class attesting to the completion
43 of the course or class by the applicant; or a copy of any
44 document which shows completion of the course or class or
45 evidences participation in firearms competition shall
46 constitute evidence of qualification under this
47 subparagraph. Any person who conducts a course pursuant
48 to clause (B), (C) or (G), or who, as an instructor,
49 attests to the completion of such courses, must maintain
50 records certifying that he or she observed the student
51 safely handle and discharge the firearm for a period of

1 two years after completion of the course by the
2 individual.

3 * * *

4 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
5 reenacted and amended to read:

6 Amend Bill, page 3, line 11, by striking out "2" and
7 inserting

8 3

**Regular Session 2015 - 2016
Amendment A10033 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 the offense of firearms not to be carried without a license
3 and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6106(a) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6106. Firearms not to be carried without a license.

9 (a) Offense defined.--

10 (1) Except as provided in paragraph (2), any person who
11 carries a firearm in any vehicle or any person who carries a
12 firearm concealed on or about his person, except in his place
13 of abode or fixed place of business, without a valid and
14 lawfully issued license under this chapter commits a felony
15 of the third degree and shall, upon conviction, serve a
16 mandatory minimum one-year sentence.

17 (2) A person who is otherwise eligible to possess a
18 valid license under this chapter but carries a firearm in any
19 vehicle or any person who carries a firearm concealed on or
20 about his person, except in his place of abode or fixed place
21 of business, without a valid and lawfully issued license and
22 has not committed any other criminal violation commits a
23 misdemeanor of the first degree and shall, upon conviction,
24 serve a mandatory minimum one-year sentence.

25 * * *

26 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
27 reenacted and amended to read:

28 Amend Bill, page 3, line 11, by striking out "2" and
29 inserting

30 3

**Regular Session 2015 - 2016
Amendment A10035 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DONATUCCI

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for carrying firearms on public streets or public property in
3 Philadelphia and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6108 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6108. Carrying firearms on public streets or public property
9 in Philadelphia.

10 (a) General rule.--No person shall carry a firearm[, rifle
11 or shotgun] at any time upon the public streets or upon any
12 public property in a city of the first class unless:

13 (1) such person is licensed to carry a firearm; or

14 (2) such person is exempt from licensing under section
15 6106(b) of this title (relating to firearms not to be carried
16 without a license).

17 (b) Mandatory sentence.--

18 (1) Notwithstanding any other provision of this title or
19 other statute to the contrary, if the person in possession,
20 at the time he is arrested for a violation of this section,
21 is not the lawful owner of the firearm, then the offense
22 shall be graded as a third degree felony, and the person in
23 possession shall be sentenced to a minimum sentence of at
24 least two years of total confinement.

25 (2) Such person shall not be eligible for parole,
26 probation, work release or furlough.

27 (3) This subsection shall not apply to any person who is
28 otherwise eligible to possess a firearm under this chapter
29 and who is operating a motor vehicle which is registered in
30 the person's name or the name of a spouse or parent and which
31 contains a firearm for which a valid license has been issued
32 pursuant to section 6109 (relating to licenses) to the spouse
33 or parent owning the firearm.

34 (c) Authority of court in sentencing.--There shall be no
35 authority in any court to impose on an offender to which this
36 section is applicable any lesser sentence than provided for in
37 subsection (b) or to place the offender on probation or to

1 suspend sentence. Nothing in this section may prevent the
2 sentencing court from imposing a sentence greater than that
3 provided in this section. Sentencing guidelines promulgated by
4 the Pennsylvania Commission on Sentencing may not supersede the
5 mandatory sentences provided in this section.

6 (d) Appeal by Commonwealth.--If a sentencing court refuses
7 to apply this section where applicable, the Commonwealth shall
8 have the right to appellate review of the action of the
9 sentencing court. The appellate court shall vacate the sentence
10 and remand the case to the sentencing court for imposition of a
11 sentence in accordance with this section if it finds that the
12 sentence was imposed in violation of this section.

13 (e) Definition.--For the purposes of this section, the term
14 "firearm" shall include any weapon which is designed to or may
15 readily be converted to expel any projectile by the action of an
16 explosive or the frame or receiver of the weapon.

17 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
18 reenacted and amended to read:

19 Amend Bill, page 3, line 11, by striking out "2" and

20 inserting

21 3

**Regular Session 2015 - 2016
Amendment A10039 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person adversely
5 affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 requirement that a person who stores or leaves a firearm on
9 premises under his control and who knows or reasonably should
10 know that a minor is likely to gain access to the firearm
11 without the lawful permission of the minor's parent or the
12 person having charge of the minor shall keep the firearm in a
13 securely locked box or container or in a location that a
14 reasonable person would believe to be secure.

**Regular Session 2015 - 2016
Amendment A10042 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 provision making it unlawful for a person that is not a
9 licensed firearms dealer to own, use, possess or transfer an
10 assault weapon or any accessory or ammunition for an assault
11 weapon in a city of the first class, unless the local
12 electorate ratifies the provision by referendum at the next
13 general, municipal or primary election to be held after
14 adoption of the provision.

**Regular Session 2015 - 2016
Amendment A10044 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 2, by inserting after "Statutes, "
2 in inchoate crimes, further providing for corrupt organizations;
3 and,

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 911(h)(1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 911. Corrupt organizations.

9 * * *

10 (h) Definitions.--As used in this section:

11 (1) "Racketeering activity" means all of the following:

12 (i) An act which is indictable under any of the
13 following provisions of this title:

14 Chapter 25 (relating to criminal homicide)

15 Section 2706 (relating to terroristic threats)

16 Chapter 29 (relating to kidnapping)

17 Chapter 30 (relating to trafficking of persons)

18 Chapter 33 (relating to arson, criminal mischief
19 and other property destruction)

20 Chapter 37 (relating to robbery)

21 Chapter 39 (relating to theft and related
22 offenses)

23 Section 4108 (relating to commercial bribery and
24 breach of duty to act disinterestedly)

25 Section 4109 (relating to rigging publicly
26 exhibited contest)

27 Section 4117 (relating to insurance fraud)

28 Chapter 47 (relating to bribery and corrupt
29 influence)

30 Chapter 49 (relating to falsification and
31 intimidation)

32 Section 5111 (relating to dealing in proceeds of
33 unlawful activities)

34 Section 5512 (relating to lotteries, etc.)

35 Section 5513 (relating to gambling devices,
36 gambling, etc.)

37 Section 5514 (relating to pool selling and

1 bookmaking)

2 Chapter 59 (relating to public indecency).

3 (ii) An offense indictable under section 13 of the
4 act of April 14, 1972 (P.L.233, No.64), known as The
5 Controlled Substance, Drug, Device and Cosmetic Act
6 [(relating to the sale and dispensing of narcotic
7 drugs)].

8 (iii) A conspiracy to commit any of the offenses set
9 forth in [subparagraph] subparagraphs (i), (ii) and (v).

10 (iv) The collection of any money or other property
11 in full or partial satisfaction of a debt which arose as
12 the result of the lending of money or other property at a
13 rate of interest exceeding 25% per annum or the
14 equivalent rate for a longer or shorter period, where not
15 otherwise authorized by law.

16 (v) An offense indictable under 4 Pa.C.S. Pt. II
17 (relating to gaming).

18 (vi) Knowingly and intentionally selling, delivering
19 or transferring a firearm, as defined in section 6102
20 (relating to definitions), to any person, purchaser or
21 transferee who is unqualified or ineligible to control,
22 possess or use a firearm under Chapter 61 (relating to
23 firearms and other dangerous articles).

24 An act which otherwise would be considered racketeering
25 activity by reason of the application of this paragraph,
26 shall not be excluded from its application solely because the
27 operative acts took place outside the jurisdiction of this
28 Commonwealth, if such acts would have been in violation of
29 the law of the jurisdiction in which they occurred.

30 * * *

31 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
32 reenacted and amended to read:

33 Amend Bill, page 1, line 13, by striking out all of said line
34 and inserting

35 (a.2) Relief.--[A]

36 (1) Except as set forth in paragraph (2), a person
37 adversely affected by an ordinance,

38 Amend Bill, page 2, by inserting between lines 4 and 5

39 (2) Paragraph (1) does not apply to a challenge of a
40 prohibition of knowingly and intentionally selling,
41 delivering or transferring a firearm to any person, purchaser
42 or transferee who is unqualified or ineligible to control,
43 possess or use a firearm under this chapter.

44 Amend Bill, page 3, line 11, by striking out "2" and
45 inserting

46 3

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE YOUNGBLOOD

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 provision relating to handgun safety standards.

**Regular Session 2015 - 2016
Amendment A10047 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10048 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 provision relating to child firearm safety locks.

**Regular Session 2015 - 2016
Amendment A10050 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 provision relating to permitting process for large capacity
9 ammunition magazines.

10 (3) For purposes of this subsection, "large capacity
11 ammunition magazine" means a box, drum, tube, feed strip,
12 container or other device that is capable of accepting or may
13 be readily restored or converted to accept more than 15
14 rounds of ammunition or five shotgun shells to be fed
15 continuously and directly from the device into a firearm. The
16 term does not include a device that:

17 (i) has been permanently altered so that it may not
18 accommodate more than 15 rounds of ammunition or more
19 than five shotgun shells; or

20 (ii) is a tubular magazine device that is contained
21 or used in a lever-action firearm or single-action-only
22 firearm.

**Regular Session 2015 - 2016
Amendment A10052 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line

2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition which is endorsed by a majority vote of a
9 collective bargaining agency representing the police in the
10 municipality.

**Regular Session 2015 - 2016
Amendment A10054 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition which is necessary to enhance public safety.

**Regular Session 2015 - 2016
Amendment A10056 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition which is necessary to combat domestic acts of
9 terrorism.

**Regular Session 2015 - 2016
Amendment A10058 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of safety courses.

**Regular Session 2015 - 2016
Amendment A10061 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIRKLAND

Printer's No. 3637

1 Amend Bill, page 1, line 4, by inserting after "ammunition"
2 and providing for firearm owner's identification card

3 Amend Bill, page 1, line 13, by striking out all of said line
4 and inserting

5 (a.2) Relief.--[A]

6 (1) Except as set forth in paragraph (2), a person
7 adversely affected by an ordinance,

8 Amend Bill, page 2, by inserting between lines 4 and 5

9 (2) Paragraph (1) does not apply to a challenge of a
10 prohibition of:

11 (i) acquiring or possessing a firearm or firearm
12 ammunition within this Commonwealth without having in the
13 person's possession a firearm owner's identification card
14 previously issued in the person's name by law
15 enforcement; or

16 (ii) knowingly transferring or causing to be
17 transferred a firearm or firearm ammunition to any person
18 within this Commonwealth without the transferee
19 displaying a currently valid firearm owner's
20 identification card which has been previously issued in
21 the person's name by law enforcement.

22 Amend Bill, page 3, by inserting between lines 10 and 11

23 Section 2. Chapter 61 of Title 18 is amended by adding a
24 subchapter to read:

25 SUBCHAPTER E

26 FIREARM OWNER'S IDENTIFICATION CARD

27 Sec.

28 6191. Legislative declaration.

29 6192. Definitions.

30 6193. Firearm owner's identification card.

31 6193.1. Requirements for transfers; background check.

32 6193.2. Competitive shooting event; participation by
33 nonresident.

34 6193.3. Federally licensed firearm dealer, gun show promoter and

1 gun show vendor.
2 6194. Application for firearm owner's identification card.
3 6194.1. Approval of applications.
4 6195. Contents of firearm owner's identification card.
5 6195.1. Altered, forged or counterfeit firearm owner's
6 identification cards.
7 6195.2. Expiration.
8 6196. Denial of application.
9 6196.1. Denial or revocation of firearm owner's identification
10 card.
11 6197. Administrative and judicial review.
12 6198. Construction.
13 6199. Municipal ordinance submission.
14 6199.1. Offenses and penalties.
15 § 6191. Legislative declaration.

16 The General Assembly declares that in order to promote and
17 protect the health, safety and welfare of the public it is
18 necessary and in the public interest to provide a system of
19 identifying persons who are not qualified to acquire or possess
20 firearms and firearm ammunition within this Commonwealth by the
21 establishment of a system of firearm owner's identification
22 cards, thereby establishing a practical and workable system by
23 which law enforcement authorities will be afforded an
24 opportunity to identify those persons who are prohibited under
25 section 6105 (relating to persons not to possess, use,
26 manufacture, control, sell or transfer firearms) from acquiring
27 or possessing firearms and firearm ammunition.

28 § 6192. Definitions.

29 The following words and phrases when used in this subchapter
30 shall have the meanings given to them in this section unless the
31 context clearly indicates otherwise:

32 "Counterfeit." To copy or imitate, without legal authority,
33 with intent to deceive.

34 "Federally licensed firearm dealer." A person who is
35 licensed as a Federal firearms dealer under section 923 of the
36 Federal Gun Control Act of 1968 (Public Law 90-618, 82 Stat.
37 1213).

38 "Firearm." As defined in section 6102 (relating to
39 definitions).

40 "Firearm ammunition." Any self-contained cartridge or
41 shotgun shell, by whatever name known, which is designed to be
42 used or adaptable to use in a firearm. The term does not include
43 the following:

44 (1) Any ammunition exclusively designed for use with a
45 device used exclusively for signaling or safety and required
46 or recommended by the United States Coast Guard or the
47 Interstate Commerce Commission.

48 (2) Any ammunition designed exclusively for use with a
49 stud or rivet driver or other similar industrial ammunition.

50 "Firearm owner's identification card." A card issued to a
51 person in accordance with the provisions of this subchapter

1 indicating that the person has been licensed to carry a firearm
2 in accordance with section 6109 (relating to licenses).

3 "Fund." The Firearm Records Check Fund established in
4 section 6111.3 (relating to Firearm Records Check Fund).

5 "Gun show." An event or function:

6 (1) at which the sale and transfer of firearms is the
7 regular and normal course of business and where 50 or more
8 firearms are displayed, offered or exhibited for sale,
9 transfer or exchange; or

10 (2) at which no fewer than ten gun show vendors display,
11 offer or exhibit for sale, sell, transfer or exchange
12 firearms.

13 The term includes the entire premises provided for a gun show
14 event or function, including parking areas for the event or
15 function that is sponsored to facilitate the purchase, sale,
16 transfer or exchange of firearms. The term does not include
17 training or safety classes, competitive shooting events, such as
18 rifle, shotgun or handgun matches, trap, skeet or sporting clays
19 shoots, dinners, banquets, raffles or any other event where the
20 sale or transfer of firearms is not the primary course of
21 business.

22 "Gun show promoter." A person who organizes or operates a
23 gun show.

24 "Gun show vendor." A person who exhibits, sells, offers for
25 sale, transfers or exchanges any firearm at a gun show,
26 regardless of whether the person arranges with a gun show
27 promoter for a fixed location from which to exhibit, sell, offer
28 for sale, transfer or exchange any firearm.

29 "Has been adjudicated to have a mental defect." A person who
30 is subject to a determination by a court, board, commission or
31 other lawful authority that he, as a result of intellectual
32 disability or mental illness, mental impairment, incompetency,
33 condition or disease:

34 (1) is a danger to himself, herself or to others;

35 (2) lacks the mental capacity to manage his own affairs;

36 (3) is not guilty in a criminal case by reason of
37 insanity, mental illness or mental defect;

38 (4) is incompetent to stand trial in a criminal case; or

39 (5) is not guilty by reason of lack of mental
40 responsibility pursuant to Article 50a of the Uniform Code of
41 Military Justice.

42 "Police." The Pennsylvania State Police.

43 "Sanctioned competitive shooting event." A shooting contest
44 officially recognized by a national or State shooting sport
45 association, and includes any sight-in or practice conducted in
46 conjunction with the event.

47 § 6193. Firearm owner's identification card.

48 (a) Firearm owner's identification card required.--

49 (1) Notwithstanding any provision of this chapter, no
50 person who has been issued a license under section 6109
51 (relating to licenses) may acquire or possess any firearm

1 within this Commonwealth without having in his possession a
2 firearm owner's identification card previously issued in his
3 name by the police in accordance with the requirements of
4 this subchapter.

5 (2) No person may acquire or possess firearm ammunition
6 within this Commonwealth without having in his possession a
7 firearm owner's identification card previously issued in his
8 name by the police.

9 (b) Exceptions.--Subsection (a) shall not apply to:

10 (1) United States Marshals, while engaged in their
11 official duties.

12 (2) Members of the armed forces of the United States or
13 the National Guard, while engaged in their official duties.

14 (3) Federal officials required to carry firearms, while
15 engaged in their official duties.

16 (4) Members of bona fide veterans organizations who
17 receive firearms directly from the armed forces of the United
18 States, while using the firearms for ceremonial purposes with
19 blank ammunition.

20 (5) Nonresident hunters during hunting season, with
21 valid nonresident hunting licenses and while in an area where
22 hunting is permitted. However, at all other times and in all
23 other places, these persons must have their firearms unloaded
24 and enclosed in a case.

25 (6) Those hunters exempt from obtaining a hunting
26 license who are required to submit their firearm owner's
27 identification card when hunting on Pennsylvania Game
28 Commission-owned or managed sites.

29 (7) Nonresidents while on a firing or shooting range
30 recognized by the police. However, these persons must at all
31 other times and in all other places, have their firearms
32 unloaded and enclosed in a case.

33 (8) Nonresidents while at a firearm showing or display
34 recognized by the police. However, at all other times and in
35 all other places, these persons must have their firearms
36 unloaded and enclosed in a case.

37 (9) Nonresidents whose firearms are unloaded and
38 enclosed in a case.

39 (10) Nonresidents who are currently licensed or
40 registered to possess a firearm in their state of residence.

41 (11) Unemancipated minors while in the custody and
42 immediate control of their parent or legal guardian or other
43 person in loco parentis to the minor if the parent or legal
44 guardian or other person in loco parentis to the minor has a
45 currently valid firearm owner's identification card.

46 (12) Color guards of bona fide veterans organizations or
47 members of bona fide American Legion bands while using
48 firearms for ceremonial purposes with blank ammunition.

49 (13) Nonresident hunters whose state of residence does
50 not require them to be licensed or registered to possess a
51 firearm and only during hunting season with valid hunting

1 licenses while accompanied by, and using a firearm owned by,
2 a person who possesses a valid firearm owner's identification
3 card and while in an area within regulated hunting grounds
4 licensed in accordance with 34 Pa.C.S. (relating to game)
5 where hunting is permitted and controlled, but in no instance
6 upon sites owned or managed by the Pennsylvania Game
7 Commission.

8 (14) Resident hunters who are properly authorized to
9 hunt and, while accompanied by a person who possesses a valid
10 firearm owner's identification card, hunt in an area within
11 regulated hunting grounds licensed in accordance with the
12 requirements of 34 Pa.C.S. where hunting is permitted and
13 controlled.

14 (15) A person who is otherwise eligible to obtain a
15 firearm owner's identification card under this subchapter and
16 who is under the direct supervision of a holder of a firearm
17 owner's identification card who is 21 years of age or older
18 while the person is on a firing or shooting range or is a
19 participant in a firearms safety and training course
20 recognized by a law enforcement agency or a national or
21 Statewide shooting sports organization.

22 (16) Competitive shooting athletes whose competition
23 firearms are sanctioned by the International Olympic
24 Committee, the International Paralympic Committee, the
25 International Shooting Sport Federation or USA Shooting in
26 connection with such athletes' training for and participation
27 in shooting competitions and sanctioned test events leading
28 up to a competitive shooting competition.

29 (c) Law enforcement.--This section shall not apply to any
30 law enforcement officers.

31 (d) Requirement of new resident persons.--A new resident of
32 this Commonwealth who is not otherwise prohibited from
33 obtaining, possessing or using a firearm, firearm or firearm
34 ammunition shall have 60 calendar days from when he obtained a
35 Pennsylvania driver's license or Pennsylvania State
36 identification card to make application and obtain a firearm
37 owner's identification card. During the 60-day period, a new
38 resident who is not otherwise prohibited may possess a firearm
39 or firearm ammunition but shall not transfer or purchase
40 firearms or ammunition. For the purpose of this subsection, a
41 "new resident" shall mean a person who is not a resident of this
42 Commonwealth but who establishes a true, fixed and permanent
43 legal home in this Commonwealth to which the person intends to
44 return, even though the person may reside elsewhere.

45 (e) Duties of police.--The police shall collaborate with the
46 sheriffs of the counties to develop and implement procedures
47 that will ensure that every person who applies for a license
48 under section 6109 receives an application for a firearm owner's
49 identification card and for the submission of each application
50 by the person to the police.

51 § 6193.1. Requirements for transfers; background check.

1 (a) Transfers.--

2 (1) Except as provided in section 6193.2 (relating to
3 competitive shooting event; participation by nonresident), no
4 person may knowingly transfer, or cause to be transferred,
5 any firearm and firearm ammunition to any person within this
6 Commonwealth unless the transferee with whom he deals
7 displays a currently valid firearm owner's identification
8 card which has previously been issued in his name by the
9 police. In addition, all firearm transfers by federally
10 licensed firearm dealers shall be subject to section 6193.3
11 (relating to federally licensed firearm dealer, gun show
12 promoter and gun show vendor).

13 (2) Any person who is not a federally licensed firearm
14 dealer and who desires to transfer or sell a firearm while
15 that person is on the grounds of a gun show must, before
16 selling or transferring the firearm, request the police to
17 conduct a background check on the prospective recipient of
18 the firearm in accordance with section 6193.3.

19 (b) Records of transfers.--

20 (1) Notwithstanding any other provision of law, any
21 person within this Commonwealth who transfers, or causes to
22 be transferred, any firearm shall keep a record of such
23 transfer for a period of ten years from the date of transfer.
24 Such record shall contain the date of the transfer, the
25 description, serial number or other information identifying
26 the firearm, if no serial number is available, and, if the
27 transfer was completed within this Commonwealth, the
28 transferee's firearm owner's identification card number. The
29 record shall contain the date of application for transfer of
30 the firearm.

31 (2) On demand of a peace officer such transferor shall
32 produce for inspection the record of transfer. If the
33 transfer or sale took place at a gun show, the record shall
34 include the unique identification number. Failure to record
35 the unique identification number shall be a summary offense.

36 (c) Ammunition purchases outside Commonwealth.--Any resident
37 of this Commonwealth may purchase ammunition from a person
38 outside this Commonwealth. Any resident purchasing ammunition
39 outside this Commonwealth must provide the seller with a copy of
40 his firearm owner's identification card and either his
41 Pennsylvania driver's license or Pennsylvania State
42 identification card prior to the shipment of the ammunition. The
43 ammunition may be shipped only to an address on the purchaser's
44 Pennsylvania driver's license or State identification card.

45 (d) Applicability.--The provisions of this section regarding
46 the transfer of firearm ammunition shall not apply to those
47 persons specified in section 6193(b) (relating to firearm
48 owner's identification card).

49 § 6193.2. Competitive shooting event; participation by
50 nonresident.

51 Any nonresident who is participating in a sanctioned

1 competitive shooting event, who is 18 years of age or older and
2 who is not prohibited by the laws of this Commonwealth, the
3 state of his domicile or the United States from obtaining,
4 possessing or using a firearm may purchase or obtain a shotgun
5 or shotgun ammunition in this Commonwealth for the purpose of
6 participating in that event. A person may purchase or obtain a
7 shotgun or shotgun ammunition under this subsection only at the
8 site where the sanctioned competitive shooting event is being
9 held.

10 § 6193.3. Federally licensed firearm dealer, gun show promoter
11 and gun show vendor.

12 (a) Police responses.--

13 (1) Notwithstanding any other provision of this chapter
14 to the contrary, the police shall modify its firearms license
15 validation system or utilize other existing
16 telecommunications technology which will enable it to respond
17 to inquiries from a federally licensed firearm dealer, gun
18 show promoter or gun show vendor who seeks to transfer a
19 firearm under the provisions of this chapter.

20 (2) The police may utilize existing technology which
21 allows the federally licensed firearm dealer, gun show
22 promoter or gun show vendor to be charged a fee not to exceed
23 \$15. Fees collected by the police shall be deposited in the
24 fund and used to administer the provisions of this
25 subchapter.

26 (b) Request to police.--Upon receiving a request from a
27 federally licensed firearm dealer, gun show promoter or gun show
28 vendor, the police shall immediately approve or within the time
29 period established by section 6111 (relating to sale or transfer
30 of firearms) notify the inquiring dealer, gun show promoter or
31 gun show vendor of any objection that would disqualify the
32 transferee from acquiring or possessing a firearm.

33 (c) Criminal history records check.--In conducting the
34 inquiry, the police shall initiate and complete an electronic
35 search of its criminal history record information files and
36 those of the Federal Bureau of Investigation, including the
37 National Instant Criminal Background Check System, to obtain any
38 felony conviction or patient hospitalization information which
39 would disqualify a person from obtaining or requiring revocation
40 of a currently valid firearm owner's identification card.

41 (d) Approvals.--

42 (1) If receipt of a firearm would not violate any
43 provisions of this chapter or Federal law, the police shall:

44 (i) Assign a unique identification number to the
45 transfer.

46 (ii) Provide the licensee, gun show promoter or gun
47 show vendor with the identification number.

48 (2) Approvals issued by the police for the transfer of a
49 firearm under this section shall be valid for 30 days from
50 the date of issue.

51 § 6194. Application for firearm owner's identification card.

1 (a) Application; required content.--Each applicant for a
2 firearm owner's identification card shall:

3 (1) Make application on a form prepared and furnished by
4 the police or by electronic means, if and when made available
5 by the police.

6 (2) Submit all the following evidence to the police
7 that:

8 (i) He is 21 years of age or older, or if he is
9 under 21 years of age, that he has the written consent of
10 his parent or legal guardian to possess and acquire
11 firearms and firearm ammunition and that he has never
12 been convicted of a misdemeanor other than a traffic
13 offense or adjudicated delinquent, provided, however,
14 that such parent or legal guardian is not a person
15 prohibited from having a firearm owner's identification
16 card and files an affidavit with the police as prescribed
17 by it stating that he is not a person prohibited from
18 having a firearm owner's identification card.

19 (ii) He has not been convicted of a felony under the
20 laws of this Commonwealth or any other jurisdiction.

21 (iii) He is not addicted to narcotics.

22 (iv) He has not been a patient in a mental
23 institution within the past seven years and he has not
24 been adjudicated as mentally ill or having a mental
25 defect.

26 (v) He is not intellectually disabled.

27 (vi) He is not a person who is unlawfully present in
28 the United States under the laws of the United States.

29 (vii) He is not subject to an existing order of
30 protection prohibiting him from possessing a firearm.

31 (viii) He has not been convicted within the past
32 seven years of battery, assault, aggravated assault or
33 violation of an order of protection, or a substantially
34 similar offense in another jurisdiction, in which a
35 firearm was used or possessed.

36 (ix) He has not been convicted of domestic violence
37 or a substantially similar offense in another
38 jurisdiction. If the applicant knowingly waives the right
39 to have an offense described in this subparagraph tried
40 by a jury and, by guilty plea or otherwise, it results in
41 a conviction for an offense in which a domestic
42 relationship is not a required element of the offense but
43 in which a determination of the applicability of 18
44 U.S.C. 922(g)(9) (relating to unlawful acts) is made
45 under this title, an entry by the court of a judgment of
46 conviction for that offense shall be grounds for denying
47 the issuance of a firearm owner's identification card
48 under this section.

49 (x) He is not a person who has been admitted to the
50 United States under a nonimmigrant visa, as that term is
51 defined in section 1101(a)(26) of the Immigration and

1 Nationality Act (8 U.S.C. 1101(a)(26)), or that he is a
2 person who has been lawfully admitted to the United
3 States under a nonimmigrant visa if that person is one of
4 the following:

5 (A) Admitted to the United States for lawful
6 hunting or sporting purposes.

7 (B) An official representative of a foreign
8 government who is:

9 (I) accredited to the United States
10 Government or the government's mission to an
11 international organization having its
12 headquarters in the United States; or

13 (II) en route to or from another country to
14 which the person is accredited.

15 (C) An official of a foreign government or
16 distinguished foreign visitor who has been so
17 designated by the United States Department of State.

18 (D) A foreign law enforcement officer of a
19 friendly foreign government entering the United
20 States on official business.

21 (E) One who has received a waiver from the
22 United States Attorney General pursuant to 18 U.S.C.
23 922(y)(3).

24 (xi) He is not a minor subject to a petition filed
25 under under 42 Pa.C.S. Ch. 63 (relating to juvenile
26 matters), alleging that the minor is a delinquent minor
27 for the commission of an offense that if committed by an
28 adult would be a felony.

29 (xii) He is not an adult who had been adjudicated
30 delinquent pursuant to 42 Pa.C.S. Ch. 63 for the
31 commission of an offense that if committed by an adult
32 would be classified as a felony.

33 (xiii) He is a resident of this Commonwealth.

34 (3) Upon request by the police, sign a release on a form
35 prescribed by the police waiving any right to confidentiality
36 and requesting the disclosure to the police of limited mental
37 health facility admission information from another state, the
38 District of Columbia, any other territory of the United
39 States or a foreign jurisdiction concerning the applicant for
40 the sole purpose of determining whether the applicant is or
41 was a patient in a mental health facility and disqualified
42 because of that status from receiving a firearm owner's
43 identification card. No mental health care or treatment
44 records may be requested. The information received shall be
45 destroyed within one year of receipt.

46 (b) Presentation of driver's license.--Each applicant for a
47 firearm owner's identification card who is 18 years of age or
48 older shall furnish to the police either his Pennsylvania
49 driver's license number or Pennsylvania State identification
50 card number, except as provided in subsection (c).

51 (c) Applicability to law enforcement, armed security

1 officers and military employees.--Each applicant for a firearm
2 owner's identification card who is employed as a law enforcement
3 officer, an armed security officer in this Commonwealth, or by
4 the United States military permanently assigned in this
5 Commonwealth and who is not a resident shall furnish to the
6 police his driver's license number or state identification card
7 number from his state of residence. The police may promulgate
8 rules to enforce the provisions of this subsection.

9 (d) Change of address.--If an applicant applying for a
10 firearm owner's identification card moves from the residence
11 address named in the application, he shall immediately notify
12 the police in a form and manner prescribed by the police of that
13 change of address.

14 (e) Photograph required.--

15 (1) Each applicant for a firearm owner's identification
16 card shall furnish to the police his photograph. The
17 photograph shall be obtained from or consistent with the
18 requirements of the Commonwealth photo imaging network.

19 (2) An applicant who is 21 years of age or older seeking
20 a religious exemption to the photograph requirement must
21 furnish with the application an approved copy of United
22 States Department of the Treasury Internal Revenue Service
23 Form 4029. In lieu of a photograph, an applicant regardless
24 of age seeking a religious exemption to the photograph
25 requirement shall submit fingerprints on a form and manner
26 prescribed by the police with his application.

27 (f) Warning required on application form.--Each application
28 form shall include the following statement printed in bold type:
29 Warning: Entering false information on an application for a
30 firearm owner's identification card is punishable as a
31 felony.

32 (g) Liability of parent or guardian.--Upon issuance of
33 written consent in accordance with the applicable provisions of
34 this subchapter, the parent or legal guardian giving such
35 consent shall be liable for any damages resulting from the
36 applicant's use of firearms or firearm ammunition.

37 § 6194.1. Approval of applications.

38 (a) Applications.--The police shall either approve or deny
39 all applications for a firearm owner's identification card
40 within 30 days from the date they are received, and every
41 applicant found qualified pursuant to section 6194 (relating to
42 application for firearm owner's identification card) by the
43 police and who has been issued a license in accordance with
44 section 6109 (relating to licenses) shall be entitled to a
45 firearm owner's identification card upon the payment of a \$25
46 fee.

47 (b) Exemptions.--Any applicant who is an active duty member
48 of the armed forces of the United States, a member of the
49 Pennsylvania National Guard or a member of the reserve forces of
50 the United States is exempt from the application fee.

51 (c) Fees.--Five dollars of the fee derived from the issuance

1 of firearm owner's identification cards, or renewals thereof,
2 shall be deposited in the fund established under 34 Pa.C.S. §
3 521 (relating to establishment and use of Game Fund) and the
4 remainder shall be deposited in the fund established under
5 section 6111.3 (relating to Firearm Records Check Fund).
6 § 6195. Contents of firearm owner's identification card.

7 (a) Required content.--

8 (1) A firearm owner's identification card shall contain
9 the applicant's name, residence, date of birth, sex, physical
10 description, recent photograph and signature. The police
11 shall use a person's digital photograph from his Pennsylvania
12 driver's license or Pennsylvania State identification card,
13 if available.

14 (2) Each firearm owner's identification card must have
15 the expiration date boldly and conspicuously displayed on the
16 face of the card.

17 (3) Each firearm owner's identification card must have
18 printed on it the following:

19 "CAUTION - This card does not permit bearer to UNLAWFULLY
20 carry or use a firearm."

21 (b) Federally licensed dealers.--If a person qualifies for a
22 photograph exemption, in lieu of a photograph, the firearm
23 owner's identification card shall contain a copy of the card
24 holder's fingerprints. Each firearm owner's identification card
25 described in this subsection shall have the following statement
26 printed on it:

27 "This card is only valid for firearm purchases through a
28 federally licensed firearms dealer when presented with
29 photographic identification, as prescribed by 18 U.S.C.
30 922(t) (1) (C)."

31 § 6195.1. Altered, forged or counterfeit firearm owner's
32 identification cards.

33 (a) Forged or altered card.--Any person who forges or
34 materially alters a firearm owner's identification card or who
35 counterfeits a firearm owner's identification card commits a
36 felony of the second degree.

37 (b) Possession of a forged or altered card.--Any person who
38 knowingly possesses a forged or materially altered firearm
39 owner's identification card with the intent to use it commits a
40 felony of the second degree. A person who possesses a firearm
41 owner's identification card with knowledge that it is
42 counterfeit commits a felony of the second degree.

43 § 6195.2. Expiration.

44 (a) Time period of validation.--Except as provided in this
45 section, a firearm owner's identification card issued under the
46 provisions of this subchapter shall be valid for the person to
47 whom it is issued for a period of ten years from the date of
48 issuance.

49 (b) Notice of expiration.--

50 (1) The police shall, 60 days prior to the expiration of
51 a firearm owner's identification card, forward by first class

1 mail to each person whose card is to expire a notification of
2 the expiration of the card and an application which may be
3 used to apply for renewal of the card.

4 (2) It shall be the obligation of the holder of a
5 firearm owner's identification card to notify the police of
6 any address change since the issuance of the firearm owner's
7 identification card.

8 (3) Whenever a person moves from the residence address
9 named on his card, the person shall within 21 calendar days
10 notify the department in a form and manner prescribed by the
11 department of his old and new residence addresses and the
12 card number held by the person. Any person whose legal name
13 has changed from the name on the card that he has been
14 previously issued must apply for a corrected card within 30
15 calendar days after the change. The cost for a corrected card
16 shall be \$10 which shall be deposited into the fund.

17 § 6196. Denial of application.

18 The police have authority to deny an application for or to
19 revoke and seize a firearm owner's identification card
20 previously issued under this subchapter only if it finds that
21 the applicant or the person to whom such card was issued is or
22 was at the time of issuance:

23 (1) A person described under section 6105 (relating to
24 persons not to possess, use, manufacture, control, sell or
25 transfer firearms) or a person adjudicated delinquent.

26 (2) A person under 21 years of age who does not have the
27 written consent of his parent or guardian to acquire and
28 possess firearms and firearm ammunition, or whose parent or
29 guardian has revoked such written consent or where such
30 parent or guardian does not qualify to have a firearm owner's
31 identification card.

32 (3) A person convicted of a felony under the laws of any
33 other jurisdiction.

34 (4) A person addicted to a controlled substance as
35 defined in the act of April 14, 1972 (P.L.233, No.64), known
36 as The Controlled Substance, Drug, Device and Cosmetic Act.

37 (5) A person who has been a patient of a mental
38 institution within the past ten years or has been adjudicated
39 to have a mental defect or is mentally ill.

40 (6) A person whose mental condition is of such a nature
41 that it poses a clear and present danger to the applicant,
42 any other person or persons or the community.
43 For the purposes of this paragraph, "mental condition" means
44 a state of mind manifested by violent, suicidal, threatening
45 or assaultive behavior.

46 (7) A person who is intellectually disabled.

47 (8) A person who intentionally makes a false statement
48 in the firearm owner's identification card application.

49 (9) A person who is unlawfully present in the United
50 States under the laws of the United States.

51 (10) A person who has been admitted to the United States

1 under a nonimmigrant visa, as that term is defined in section
2 1101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
3 1101(a)(26)), except that this paragraph shall not apply to
4 any person who has been lawfully admitted to the United
5 States under a nonimmigrant visa if that person is:

6 (i) admitted to the United States for lawful hunting
7 or sporting purposes; or

8 (ii) an official representative of a foreign
9 government who is:

10 (A) accredited to the United States Government
11 or the government's mission to an international
12 organization having its headquarters in the United
13 States;

14 (B) en route to or from another country to which
15 that person is accredited;

16 (C) an official of a foreign government or
17 distinguished foreign visitor who has been so
18 designated by the United States Department of State;

19 (D) a foreign law enforcement officer of a
20 friendly foreign government entering the United
21 States on official business; or

22 (E) one who has received a waiver from the
23 Attorney General of the United States pursuant to 18
24 U.S.C. 922(y)(3).

25 (11) A person who has been convicted within the past ten
26 years for a violation of section 2701 (relating to simple
27 assault), 2702 (relating to aggravated assault), 2702.1
28 (relating to assault of law enforcement officer), 2705
29 (relating to recklessly endangering another person), 2706
30 (relating to terroristic threats) or 2709.1 (relating to
31 stalking) or a violation of an active protection from abuse
32 order issued pursuant to 23 Pa.C.S. § 6108 (relating to
33 relief), or a substantially similar offense in another
34 jurisdiction, in which a firearm was used or possessed.

35 (12) A person who has been convicted of domestic
36 violence, aggravated domestic violence or a substantially
37 similar offense in another jurisdiction, if the applicant or
38 person who has been previously issued a firearm owner's
39 identification card under this subchapter knowingly waives
40 the right to have an offense described in this paragraph
41 tried by a jury and by guilty plea or otherwise results in a
42 conviction for an offense in which a domestic relationship is
43 not a required element of the offense but in which a
44 determination of the applicability of 18 U.S.C. 922(g)(9) is
45 made, an entry by the court of a judgment of conviction for
46 that offense shall be grounds for denying an application for
47 and for revoking and seizing a firearm owner's identification
48 card previously issued to the person under this subchapter.

49 (13) A person who is prohibited from acquiring or
50 possessing firearms or firearm ammunition under any Federal
51 law or under the laws of this Commonwealth.

1 (14) An adult who had been adjudicated delinquent under
2 42 Pa.C.S. Ch. 63 (relating to juvenile matters) for the
3 commission of an offense that if committed by an adult would
4 be a felony.

5 (15) A person who is not a resident of this
6 Commonwealth, except as provided in section 6194(c) (relating
7 to application for firearm owner's identification card).

8 (16) A person who fails to report the loss or theft of a
9 firearm to the local law enforcement agency within 72 hours
10 after learning that the firearm has been lost or stolen. If a
11 person who possesses a valid firearm owner's identification
12 card and who possesses or acquires a firearm thereafter loses
13 or misplaces the firearm, or if the firearm is stolen from
14 the person, the person must report the loss or theft to the
15 local law enforcement agency within 72 hours after learning
16 or obtaining knowledge of the loss or theft.

17 § 6196.1. Denial or revocation of firearm owner's
18 identification card.

19 (a) Automatic denial.--The police shall deny an application
20 or shall revoke and seize a firearm owner's identification card
21 previously issued under this subchapter if it finds that the
22 applicant or person to whom such card was issued is or was at
23 the time of issuance subject to an existing order of protection
24 from abuse issued pursuant to 23 Pa.C.S. § 6108 (relating to
25 relief).

26 (b) Notice of denial.--Every person whose application for a
27 firearm owner's identification card is denied, and every holder
28 of such a card whose card is revoked or seized, shall receive a
29 written notice from the police stating specifically the grounds
30 upon which his application has been denied or upon which his
31 firearm owner's identification card has been revoked.

32 (c) Appeal of decision to deny, hearings.--

33 (1) Whenever an application for a firearm owner's
34 identification card is denied, whenever the police fail to
35 act on an application within 45 days of its receipt or
36 whenever such a card is revoked or seized, the aggrieved
37 party may appeal to the police for a hearing upon such
38 denial, revocation or seizure.

39 (2) An aggrieved person may petition the court in
40 writing in the county of his residence for a hearing if a
41 decision to deny, revoke or seize a firearm owner's
42 identification card was based upon any of the following:

43 (i) Commission of an offense enumerated in section
44 6105(b) (relating to persons not to possess, use,
45 manufacture, control, sell or transfer firearms).

46 (ii) A violation of the act of April 14, 1972
47 (P.L.233, No.64), known as The Controlled Substance,
48 Drug, Device and Cosmetic Act.

49 (iii) Domestic violence.

50 (iv) Any adjudication as a delinquent for the
51 commission of an offense that if committed by an adult

1 would be a felony.

2 (d) Hearings.--

3 (1) At least 30 days before any court hearing, the
4 petitioner shall serve the relevant district attorney with a
5 copy of the petition. The district attorney may object to the
6 petition and present evidence.

7 (2) At the hearing conducted in accordance with
8 subsection (c)(2), the court shall determine whether
9 substantial justice has been done. Should the court determine
10 that substantial justice has not been done, the court shall
11 issue an order directing the police to issue a firearm
12 owner's identification card to the petitioner, except that
13 the court shall not issue the order if the petitioner is
14 otherwise prohibited from obtaining, possessing or using a
15 firearm under Federal law.

16 (e) Review by court.--The court shall review the denial of
17 an application or the revocation of a firearm owner's
18 identification card of a person who has been adjudicated
19 delinquent for an offense that if committed by an adult would be
20 a felony if an application for relief has been filed at least
21 ten years after the adjudication of delinquency and the court
22 determines that the applicant should be granted relief from
23 disability to obtain a firearm owner's identification card. If
24 the court grants relief, the court shall notify the police that
25 the disability has been removed and that the applicant is
26 eligible to obtain a firearm owner's identification card.

27 (f) Application for relief.--

28 (1) Any person who is subject to the disabilities of 18
29 U.S.C. 922(d)(4) and 922(g)(4) of the Federal Gun Control Act
30 of 1968 because of an adjudication or commitment that
31 occurred under the laws of this Commonwealth or who was
32 determined to be subject to the provisions of section 6196
33 (5), (6) and (7) (relating to denial of application) may
34 apply to the police requesting relief from that prohibition.

35 (2) The police shall grant the relief if it is
36 established by a preponderance of the evidence that the
37 person will not be likely to act in a manner dangerous to
38 public safety and that granting relief would not be contrary
39 to the public interest. In making this determination, the
40 police shall receive evidence concerning all of the
41 following:

42 (i) The circumstances regarding the firearms
43 disabilities from which relief is sought.

44 (ii) The petitioner's mental health and criminal
45 history records, if any.

46 (iii) The petitioner's reputation, developed at a
47 minimum through character witness statements, testimony
48 or other character evidence.

49 (iv) Changes in the petitioner's condition or
50 circumstances since the disqualifying events relevant to
51 the relief sought. If relief is granted under this

1 subsection or by order of a court under this section, the
2 police shall as soon as practicable, but in no case later
3 than 15 business days, update, correct, modify or remove
4 the person's record in any database that the police make
5 available to the National Instant Criminal Background
6 Check System and notify the United States Attorney
7 General that the basis for the record being made
8 available no longer applies. The police shall adopt and
9 promulgate regulations for the administration of this
10 subsection.

11 § 6197. Administrative and judicial review.

12 (a) Administrative review.--All final administrative
13 decisions of the department under this subchapter, except final
14 administrative decisions of the police to deny a person's
15 application for relief under section 6196.1(f) (relating to
16 denial or revocation of firearm owner's identification card),
17 shall be subject to judicial review under the applicable
18 provisions of 2 Pa.C.S. (relating to administrative law and
19 procedure), all amendments and modifications thereof and the
20 rules adopted pursuant thereto.

21 (b) Judicial review.--Any final administrative decision by
22 the police to deny a person's application for relief under
23 section 6196.1(f) shall be subject to de novo judicial review by
24 the court, and any party may offer evidence that is otherwise
25 proper and admissible without regard to whether that evidence is
26 part of the administrative record.

27 § 6198. Construction.

28 Nothing in this subchapter shall be construed to:

29 (1) Apply to the passing or transfer of any firearm or
30 firearm ammunition upon the death of the owner to his heir or
31 legatee or to the passing or transfer of any firearm or
32 firearm ammunition incident to any legal proceeding or action
33 until 60 days after such passing or transfer.

34 (2) Make lawful the acquisition or possession of
35 firearms or firearm ammunition which is otherwise prohibited
36 under this title.

37 (3) Nullify any municipal ordinance. Notwithstanding any
38 other provision of law, the provisions of any ordinance
39 enacted by any municipality which requires registration or
40 imposes greater restrictions or limitations on the
41 acquisition, possession and transfer of firearms than are
42 imposed under this subchapter shall remain in effect and
43 shall not be invalidated or affected by the provisions of
44 this subchapter.

45 § 6199. Municipal ordinance submission.

46 Within six months after the effective date of this
47 subchapter, every municipality must submit to the police a copy
48 of every ordinance adopted by the municipality that regulates
49 the acquisition, possession, sale or transfer of firearms within
50 the municipality and must submit, 30 days after adoption, every
51 such ordinance adopted after its initial submission of

1 ordinances under this section. The police shall compile, and
2 periodically update its compilation, these ordinances and
3 publish them on its Internet website.

4 § 6199.1. Offenses and penalties.

5 (a) Expired.--A person found in possession of a firearm when
6 his firearm owner's identification card has expired but who is
7 not otherwise disqualified from renewing the card commits a
8 misdemeanor, except that such person commits a summary offense
9 when his firearm owner's identification card is expired but the
10 person is not otherwise disqualified from owning, purchasing or
11 possessing a firearm, if the card was expired for six months or
12 less from its expiration date. A second or subsequent offense
13 shall be a misdemeanor of the third degree.

14 (b) Ammunition.--A person who acquires or possesses or
15 attempts to acquire or possess ammunition without having in his
16 possession a valid firearm owner's identification card issued by
17 the police but who is otherwise eligible for such card under
18 this subchapter commits a misdemeanor of the third degree.

19 (c) Felony.--An offense under paragraphs (1) and (2) shall
20 be a felony when:

21 (1) the person's firearm owner's identification card is
22 revoked or subject to revocation under section 6196.1
23 (relating to denial or revocation of firearm owner's
24 identification card);

25 (2) the person's firearm owner's identification card is
26 expired and not otherwise eligible for renewal under this
27 subchapter; or

28 (3) the person does not possess a currently valid
29 firearm owner's identification card and the person is not
30 otherwise eligible under this subchapter.

31 (d) Misdemeanor.--A person found in violation of section
32 6193.1(a)(1) (relating to requirements for transfers; background
33 check) commits a misdemeanor of the first degree. A second or
34 subsequent offense shall be a felony.

35 (e) False information.--Any person who knowingly enters
36 false information on an application for a firearm owner's
37 identification card, who knowingly gives a false answer to any
38 question on the application or who knowingly submits false
39 evidence in connection with an application commits a felony.

40 (f) Failure to report.--A person whose firearm owner's
41 identification card is revoked due to his failure to report a
42 lost or stolen firearm commits a misdemeanor of the second
43 degree.

44 (g) General penalty.--Except as provided in this subchapter,
45 any other violation of this subchapter shall be a misdemeanor.

46 Amend Bill, page 3, line 11, by striking out "2" and
47 inserting

**Regular Session 2015 - 2016
Amendment A10065 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BOYLE

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge to
8 limited purchases or sales of handguns by a person, where the
9 limit involves not more than one transaction within a 30-day
10 period in a city of the first class, unless the person is a
11 licensed firearm dealer who is purchasing the handguns in the
12 ordinary course of business, a licensed firearm collector, a
13 law enforcement agency, an agency authorized to perform law
14 enforcement duties, a State or local correctional facility, a
15 private security agency licensed to do business within this
16 Commonwealth, a purchaser or seller of antique firearms or a
17 person whose handgun is stolen or irretrievably lost if a
18 proper police report was made.

**Regular Session 2015 - 2016
Amendment A10071 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for firearms not to be carried without a license, for licenses
3 and

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Sections 6106(b)(15) introductory paragraph and
7 6109(k)(1) of Title 18 of the Pennsylvania Consolidated Statutes
8 are amended to read:

9 § 6106. Firearms not to be carried without a license.

10 * * *

11 (b) Exceptions.--The provisions of subsection (a) shall not
12 apply to:

13 * * *

14 (15) Any person who is not a resident of this
15 Commonwealth and who possesses a valid and lawfully issued
16 license or permit to carry a firearm which has been issued
17 under the laws of another state, regardless of whether a
18 reciprocity agreement exists between the Commonwealth and the
19 state under section 6109(k), provided:

20 * * *

21 § 6109. Licenses.

22 * * *

23 (k) Reciprocity.--

24 (1) The Attorney General shall have the power and duty
25 to enter into reciprocity agreements with other states
26 providing for the mutual recognition of a license to carry a
27 firearm issued by the Commonwealth and a license or permit to
28 carry a firearm issued by the other state. To carry out this
29 duty, the Attorney General is authorized to negotiate
30 reciprocity agreements and grant recognition of a license or
31 permit to carry a firearm issued by another state. A license
32 or permit issued by another state to a resident of this
33 Commonwealth shall not be recognized unless the individual
34 also has a license under this section.

35 * * *

36 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
37 reenacted and amended to read:

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of a person knowingly possessing a firearm in
9 this Commonwealth who is not a resident of this Commonwealth
10 and who does not possess a valid license to carry a firearm
11 issued by the Commonwealth, regardless of whether the person
12 possesses a license or permit to carry a firearm issued by
13 another state.

14 Amend Bill, page 3, line 11, by striking out "2" and
15 inserting

16 3

**Regular Session 2015 - 2016
Amendment A10074 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10077 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "articles,"
2 providing for firearm registration and

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Title 18 of the Pennsylvania Consolidated
6 Statutes is amended by adding a section to read:
7 § 6111.6. Firearm registration.

8 (a) General rule.--All firearms in this Commonwealth shall
9 be registered in accordance with this section. It shall be the
10 duty of a person owning or possessing any firearm to cause the
11 firearm to be registered. No person within this Commonwealth may
12 possess, harbor, have under the person's control, transfer,
13 offer for sale, sell, give, deliver or accept any firearm unless
14 the person is the holder of a valid registration certificate for
15 the firearm. No person within this Commonwealth may possess,
16 harbor, have under the person's control, transfer, offer for
17 sale, sell, deliver or accept any firearm which is
18 unregisterable under this section.

19 (b) Nonapplicability.--This section shall not apply to:

20 (1) Firearms owned or under the direct control or
21 custody of any Federal, State or local governmental authority
22 maintained in the course of its official duties.

23 (2) Duty-related firearms owned and possessed by law
24 enforcement officers who are not residents of this
25 Commonwealth.

26 (3) Duty-related firearms owned and possessed by
27 corrections officers who are not residents of this
28 Commonwealth.

29 (4) Firearms owned, manufactured or processed by
30 licensed manufacturers of firearms, bulk transporters or
31 licensed sellers of firearms at wholesale or retail, provided
32 that such persons have all licenses required by law.

33 (5) Any nonresident of this Commonwealth participating
34 in any lawful recreational firearm-related activity in this
35 Commonwealth, or on the way to or from the firearm-related
36 activity in another jurisdiction, provided that the
37 possession or control of the firearm is lawful in the

1 jurisdiction in which the individual resides and that the
2 weapon is either:

3 (i) Broken down in a nonfunctioning state.

4 (ii) Unloaded and enclosed in a case, firearm-
5 carrying box, shipping box or other container.

6 (6) Private security personnel who possess or control
7 any firearm or ammunition within this Commonwealth. Firearms
8 under this paragraph shall be owned and maintained by the
9 security firm employing the security personnel and shall be
10 registered by the security firm in accordance with this
11 section.

12 (c) Insurance.--No registration certificate shall be issued
13 to any person unless the person:

14 (1) Has not been convicted of a crime of violence.

15 (2) Has not been convicted within the five years prior
16 to the application of any violation of any law relating to
17 the use, possession or sale of any narcotic or dangerous
18 drug.

19 (3) Is not otherwise ineligible to possess a firearm
20 under any Federal or State law.

21 (d) Application.--Every person who is required to register a
22 firearm under this section shall obtain an application for
23 registration of the firearm from the Pennsylvania State Police.
24 The application shall be in writing and sworn under oath and
25 shall require the following information:

26 (1) The name, home and business address, telephone
27 number, date of birth and Social Security number of the
28 applicant.

29 (2) The age, sex and citizenship of the applicant.

30 (3) The name of the manufacturer, the caliber or gauge,
31 the model, type and serial number of each firearm to be
32 registered.

33 (4) Two photographs taken within 30 days immediately
34 prior to the date of filing the application equivalent to
35 passport size showing the full face, head and shoulders of
36 the applicant in a clear and distinguishing manner.

37 (5) Additional information as the Pennsylvania State
38 Police may deem necessary to process the application.

39 (e) Fingerprinting.--The applicant or registrant shall
40 submit to fingerprinting by the Pennsylvania State Police in
41 accordance with procedures and regulations prescribed by the
42 Pennsylvania State Police.

43 (f) Records.--The Pennsylvania State Police shall cause to
44 be kept an accurate record of each application received and
45 acted upon together with all other information and data
46 pertaining to the application on all applications for owner's
47 registration certificates issued or denied under this section.
48 Applications for owner's registration certificates shall be
49 numbered in consecutive numbers as filed, and each certificate
50 issued shall be identified with the duplicate number of the
51 application upon which it was issued and shall expire

1 automatically one year from the date of issuance.

2 (g) Background check.--The Pennsylvania State Police shall
3 conduct a criminal background check on the applicant to ensure
4 compliance with this section. No application may be approved
5 until and unless a criminal background check is completed.

6 (h) Procedure.--Within 30 days of receipt of an application,
7 the Pennsylvania State Police, after consideration of the
8 application for an owner's registration certificate and all
9 information obtained relative to the application, shall either
10 approve or deny the application and notify the applicant in
11 writing of the determination.

12 (i) Approval.--In the event the application is approved, the
13 Pennsylvania State Police shall issue to the applicant an
14 owner's registration certificate which shall contain the
15 applicant's name, residence, date of birth, photograph and other
16 personal information as may be required by the Pennsylvania
17 State Police. The owner's registration certificate shall not be
18 transferable and shall be carried simultaneously with the
19 firearm and exhibited to any police officer upon demand for
20 inspection. Registration shall not make lawful the carrying or
21 possessing of a firearm if prohibited by law.

22 (j) Denial.--In the event the application is denied, the
23 Pennsylvania State Police shall inform the applicant in writing
24 of the denial. Any applicant who believes that the applicant's
25 application is wrongfully denied may, within 10 days after
26 receiving notice of the denial, file a written appeal of the
27 denial in accordance with 2 Pa.C.S. (relating to administrative
28 law and procedure). Within three days after notification of a
29 decision unfavorable to the applicant and all time for appeal
30 having expired, the applicant shall surrender to the
31 Pennsylvania State Police the firearm for which the applicant
32 was denied registration.

33 (k) Renewal.--Each registrant must renew registration
34 annually. Applications for renewal shall be made by a registrant
35 60 days prior to the expiration of the current registration
36 certificate.

37 (l) Additional duties of registrant.--Each person holding a
38 registration certificate shall:

39 (1) Notify the Pennsylvania State Police of:

40 (i) The loss, theft or destruction of the
41 registration certificate or of a registered firearm
42 within 48 hours of the discovery of the loss, theft or
43 destruction.

44 (ii) A change in any of the information appearing on
45 the registration certificate within 48 hours.

46 (iii) The sale, transfer or other disposition of the
47 firearm not less than 48 hours prior to delivery.

48 (2) Return to the Pennsylvania State Police the
49 registrant's copy of the registration certificate for any
50 firearm which is lost, stolen, destroyed or otherwise
51 disposed of within 48 hours.

1 (3) Keep any firearm in the registrant's possession
2 unloaded and disassembled or bound by a trigger lock, gun
3 safe or similar device unless the firearm is in the
4 registrant's immediate possession and control while at the
5 registrant's place of residence or business or while being
6 used for lawful recreational purposes within this
7 Commonwealth. This paragraph shall not apply to law
8 enforcement personnel or security personnel while in the
9 course of their employment.

10 (m) Application fee.--A nonrefundable fee of \$10 per firearm
11 shall accompany each application for registration of a firearm
12 and renewal of registration of a firearm.

13 (n) Penalty.--A person who violates this section commits a
14 summary offense.

15 (o) Regulations.--The Pennsylvania State Police shall
16 promulgate rules and regulations for the implementation of this
17 section.

18 (p) Acquisition or possession prohibited by law.--Nothing in
19 this section shall make lawful the acquisition or possession of
20 firearms or firearm accessories which is otherwise prohibited by
21 law.

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

25 "Antique firearm." Includes:

26 (1) Any firearm, including any firearm with a matchlock,
27 flintlock, percussion cap or similar type of ignition system,
28 manufactured in or before 1898.

29 (2) Any replica of any firearm described in paragraph
30 (1) if the replica:

31 (i) is not designed or redesigned for using rimfire
32 or conventional center fire fixed ammunition; or

33 (ii) uses rimfire or conventional center fire
34 ammunition that is no longer manufactured in the United
35 States and that is not readily available in the ordinary
36 channels of commercial trade.

37 (3) Any firearm, other than a machine gun, which,
38 although designed as a weapon, the Pennsylvania State Police
39 finds by reason of the date of its manufacture, value, design
40 and other characteristics is primarily a collector's item and
41 is not likely to be used as a weapon.

42 "Firearm." A weapon which will or is designed or restored to
43 expel a projectile or projectiles by the action of any
44 explosive, the frame or receiver of any such device or any
45 firearm muffler or silencer. The term shall not include:

46 (1) Antique firearms.

47 (2) Any device used exclusively for line-throwing,
48 signaling or safety and required or recommended by the United
49 States Coast Guard or Interstate Commerce Commission.

50 (3) Any device used exclusively for firing explosives,
51 rivets, stud cartridges or any similar industrial ammunition

1 incapable of use as a weapon.

2 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
3 reenacted and amended to read:

4 Amend Bill, page 1, line 13, by striking out all of said line
5 and inserting

6 (a.2) Relief.--[A]

7 (1) Except as set forth in paragraph (2), a person
8 adversely affected by an ordinance,

9 Amend Bill, page 2, by inserting between lines 4 and 5

10 (2) Paragraph (1) does not apply to a challenge of a
11 prohibition of:

12 (i) possessing, harboring, having under the person's
13 control, transferring, offering for sale, selling,
14 giving, delivering or accepting any firearm without
15 holding a valid registration certificate for the firearm;
16 or

17 (ii) possessing, harboring, having under the
18 person's control, transferring, offering for sale,
19 selling, delivering or accepting any firearm which is
20 unregisterable under section 6111.6 (relating to firearm
21 registration).

22 Amend Bill, page 3, line 11, by striking out all of said line
23 and inserting

24 Section 3. This act shall take effect as follows:

25 (1) The addition of 18 Pa.C.S. § 6111.6 shall take
26 effect in 180 days.

27 (2) This section shall take effect immediately.

28 (3) The remainder of this act shall take effect in 60
29 days.

**Regular Session 2015 - 2016
Amendment A10079 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 persons not to possess, use, manufacture, control, sell or
3 transfer firearms and for

4 Amend Bill, page 1, lines 7 through 9, by striking out all of
5 said lines and inserting

6 Section 1. Section 6105(c) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:
8 § 6105. Persons not to possess, use, manufacture, control, sell
9 or transfer firearms.

10 * * *

11 (c) Other persons.--In addition to any person who has been
12 convicted of any offense listed under subsection (b), the
13 following persons shall be subject to the prohibition of
14 subsection (a):

15 * * *

16 (10) A person who is charged with a felony under one of
17 the following offenses:

- 18 Section 2502 (relating to murder).
- 19 Section 2503 (relating to voluntary manslaughter).
- 20 Section 2702 (relating to aggravated assault).
- 21 Section 2703 (relating to assault by prisoner).
- 22 Section 2901 (relating to kidnapping).
- 23 Section 3121 (relating to rape).
- 24 Section 3123 (relating to involuntary deviate sexual
- 25 intercourse).
- 26 Section 3301 (relating to arson and related
- 27 offenses).
- 28 Section 3502 (relating to burglary).
- 29 Section 3701 (relating to robbery).
- 30 Section 3702 (relating to robbery of motor vehicle).
- 31 Section 3923 (relating to theft by extortion) when
- 32 the offense is accompanied by threats of violence.
- 33 Section 4952 (relating to intimidation of witnesses
- 34 or victims).
- 35 Section 4953 (relating to retaliation against
- 36 witness, victim or party).
- 37 Any offense equivalent to any of the offenses listed in this

1 paragraph under the prior laws of this Commonwealth or any
2 offense equivalent to any of the offenses enumerated in this
3 paragraph under the statutes of any other state or of the
4 United States.

5 * * *

6 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
7 reenacted and amended to read:

8 Amend Bill, page 1, line 13, by striking out all of said line
9 and inserting

10 (a.2) Relief.--[A]

11 (1) Except as set forth in paragraph (2), a person
12 adversely affected by an ordinance,

13 Amend Bill, page 2, by inserting between lines 4 and 5

14 (2) Paragraph (1) does not apply to a challenge of a
15 prohibition of a person knowingly possessing a firearm in
16 this Commonwealth who has been charged with a felony or
17 equivalent offense listed under section 6105(c)(10) (relating
18 to persons not to possess, use, manufacture, control, sell or
19 transfer firearms).

20 Amend Bill, page 3, line 11, by striking out "2" and
21 inserting

22 3

**Regular Session 2015 - 2016
Amendment A10081 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of
8 either of the following:

9 (i) A requirement that a handgun, except an antique
10 handgun, must be equipped with a trigger lock.

11 (ii) A requirement that a person registered or
12 licensed as a manufacturer, wholesale dealer of firearms
13 or retail dealer of firearms may not transport into this
14 Commonwealth, sell, expose for sale, possess with the
15 intent of selling, assign or otherwise transfer a handgun
16 other than an antique handgun unless a ballistics
17 identifier for that handgun has been obtained and made
18 part of a qualified database.

**Regular Session 2015 - 2016
Amendment A10083 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE O'BRIEN

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 requirement that, if reasonable efforts of law enforcement
9 fail to identify the lawful owner of a confiscated or
10 recovered firearm within 120 days after law enforcement comes
11 into possession of the firearm, or if the lawful owner of the
12 firearm is identified but otherwise prohibited from
13 possessing the firearm, law enforcement shall destroy the
14 firearm unless the firearm is evidence in an ongoing
15 investigation or in a criminal prosecution or civil
16 litigation, in which case the firearm shall only be destroyed
17 when the investigation is complete or a court of competent
18 jurisdiction issues an order authorizing the destruction of
19 the firearm.

**Regular Session 2015 - 2016
Amendment A10085 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRIGGS

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of any
8 of the following:

9 (i) A requirement regarding an application for a
10 license to carry a firearm and a sheriff's verification
11 that the applicant has demonstrated competence with a
12 firearm through completion of a firearms safety or
13 training course or through equivalent military or law
14 enforcement experience.

15 (ii) A requirement that a sheriff may not consider,
16 in making a determination of an applicant's character or
17 reputation with respect to obtaining a license to carry a
18 firearm, information that the applicant was:

19 (A) charged with or convicted of a summary
20 offense under 75 Pa.C.S. (relating to vehicles); or

21 (B) a party to a bankruptcy proceeding or civil
22 action.

23 (iii) The nonrecognition of a license or permit to
24 carry a firearm issued by another state to a resident of
25 this Commonwealth unless the individual also has a
26 license issued under section 6109 (relating to licenses).

**Regular Session 2015 - 2016
Amendment A10087 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10092 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10093 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10094 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10095 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10096 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10097 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10098 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10099 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10100 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10101 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DeLISSIO

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2) a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of a seller delivering a pistol or revolver to
9 the purchaser or transferee thereof if the purchaser or
10 transferee has not demonstrated accreditation in a pistol or
11 revolver safety education program approved by the
12 commissioner. For the purposes of this paragraph, the term
13 "pistol or revolver" shall mean any pistol or revolver with a
14 barrel length less than 15 inches or any pistol or revolver
15 with an overall length of less than 26 inches. The barrel
16 length of a pistol or revolver shall be determined by
17 measuring from the muzzle of the barrel to the face of the
18 closed action, bolt or cylinder, whichever is applicable.

**Regular Session 2015 - 2016
Amendment A10104 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10107 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE DEAN

Printer's No. 3637

1 Amend Bill, page 1, line 3, by inserting after "for"
2 sale or transfer of firearms and for

3 Amend Bill, page 1, lines 7 through 9, by striking out all of
4 said lines and inserting

5 Section 1. Section 6111(f)(2) of Title 18 of the
6 Pennsylvania Consolidated Statutes is amended and the subsection
7 is amended by adding a paragraph to read:
8 § 6111. Sale or transfer of firearms.

9 * * *

10 (f) Application of section.--

11 * * *

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

18 * * *

19 (5) In the case of a purchase or transfer of a firearm
20 at a lawful gun show, meet or auction, this section shall
21 apply as follows:

22 (i) At a lawful gun show, meet or auction, a
23 potential purchaser or transferee who has submitted and
24 received approval of an application/record of sale
25 through the instantaneous background check system may use
26 the unique approval number from the application/record of
27 sale for later firearm purchases or transfers completed
28 at the same lawful gun show, meet or auction with the
29 same licensed importer, licensed manufacturer, licensed
30 dealer or sheriff within 48 hours of the approval.

31 (ii) When engaging in a later purchase or transfer
32 of a firearm under subparagraph (i), the potential
33 purchaser or transferee may provide the receipt under
34 subsection (b) (5) and valid photo identification to the
35 same licensed importer, licensed manufacturer, licensed
36 dealer or sheriff who conducted the earlier background
37 check as proof that the potential purchaser or transferee

1 is approved to acquire a firearm under subparagraph (i)
2 and is exempt from Federal and State background check
3 requirements in accordance with 18 U.S.C. § 922(t)(3)(A)
4 (relating to unlawful acts) for firearm purchases or
5 transfers completed under subparagraph (i).

6 * * *

7 Section 2. Section 6120(a.2), (a.3) and (b) of Title 18 are
8 reenacted and amended to read:

9 Amend Bill, page 1, line 13, by striking out all of said line
10 and inserting

11 (a.2) Relief.--[A]

12 (1) Except as set forth in paragraph (2), a person
13 adversely affected by an ordinance,

14 Amend Bill, page 2, by inserting between lines 4 and 5

15 (2) Paragraph (1) does not apply to a challenge of a
16 prohibition of purchase or transfer of a firearm at a lawful
17 gun show, meet or auction.

18 Amend Bill, page 3, by inserting between lines 10 and 11

19 Section 3. The provisions of 37 Pa. Code are abrogated to
20 the extent of any inconsistency with this act.

21 Amend Bill, page 3, line 11, by striking out "2" and

22 inserting

23 4

**Regular Session 2015 - 2016
Amendment A10110 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE COOK-ARTIS

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition of an owner of a firearm, upon discovering that
9 the firearm is lost or stolen, failing to report the loss or
10 theft within three days to an appropriate law enforcement
11 official of the municipality in which the loss or theft
12 occurred, or if the municipality does not have a police
13 force, to the Pennsylvania State Police.

**Regular Session 2015 - 2016
Amendment A10112 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition against a person who has been convicted of an
9 offense under section 3935 (relating to theft of secondary
10 metal) possessing, using, controlling, selling, transferring
11 or manufacturing a firearm or obtaining a license to possess,
12 use, control, sell, transfer or manufacture a firearm.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE BRADFORD

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition against a person whose name is included on the
9 terrorist screening database possessing, using, controlling,
10 selling, transferring or manufacturing a firearm or obtaining
11 a license to possess, use, control, sell, transfer or
12 manufacture a firearm. As used in this paragraph, the term
13 "terrorist screening database" means a list compiled by the
14 Federal Bureau of Investigation and used by various agencies
15 to consolidate and screen information relating to individuals
16 who are known or suspected as being international terrorists
17 or domestic terrorists.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 2, by inserting between lines 16 and 17
2 (a.4) Applicability.--The provisions of subsections (a.2)
3 and (a.3) shall not apply to a municipality in a county of the
4 second class.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE FRANKEL

Printer's No. 3637

1 Amend Bill, page 2, by inserting between lines 16 and 17

2 (a.4) Applicability.--The provisions of subsections (a.2)
3 and (a.3) shall not apply to a municipality within a county of
4 the second class or a municipality within a county that borders
5 a county of the second class.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KIM

Printer's No. 3637

1 Amend Bill, page 2, by inserting between lines 16 and 17

2 (a.4) Applicability.--The provisions of subsections (a.2)
3 and (a.3) shall not apply to a municipality within a county of
4 the third class.

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 requirement that an owner or other person lawfully in
9 possession of a firearm report the loss or theft of the
10 firearm to the municipal police of the jurisdiction in which
11 the loss or theft is believed to have occurred or to the
12 Pennsylvania State Police, to be relieved from liability if
13 the firearm is used in the commission of a crime that results
14 in bodily injury or serious bodily injury to another
15 individual or in the death of another individual.

**Regular Session 2015 - 2016
Amendment A10162 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 requirement that an individual in possession of a firearm in
9 this Commonwealth maintain firearm liability insurance for
10 each firearm owned by that individual, the proof of which
11 must be provided upon request of a law enforcement officer,
12 in the following amounts:

13 (i) At least \$500,000 in liability coverage that can
14 be used by the firearm owner to pay civil damages
15 resulting from the legal use of the firearm by the
16 firearm's owner. The policy shall satisfy any judgment
17 for personal injuries or property damages arising out of
18 legal use of the covered firearm up to the coverage
19 amount.

20 (ii) At least \$50,000 in criminal defense protection
21 that can be used to reimburse a firearm owner if the
22 owner is found not guilty after being charged with
23 illegal use of a covered firearm.

24 (iii) At least \$5,000 for mental health services for
25 a firearm owner, the need for which results from the
26 legal use of a covered firearm.

**Regular Session 2015 - 2016
Amendment A10164 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE KINSEY

Printer's No. 3637

1 Amend Bill, page 1, line 13, by striking out all of said line
2 and inserting

3 (a.2) Relief.--[A]

4 (1) Except as set forth in paragraph (2), a person
5 adversely affected by an ordinance,

6 Amend Bill, page 2, by inserting between lines 4 and 5

7 (2) Paragraph (1) does not apply to a challenge of a
8 prohibition regarding a person possessing, using,
9 controlling, selling, delivering, transferring or
10 manufacturing an assault weapon or obtaining a license for
11 any of these acts, unless the person:

12 (i) is a member of the armed forces of the United
13 States, including National Guard and reserve components,
14 a law enforcement officer or other public safety officer
15 while performing official duties or traveling to or from
16 an authorized place of duty if possession of the assault
17 weapon is authorized under applicable statute, regulation
18 or military or law enforcement policy;

19 (ii) is authorized under applicable statute,
20 regulation or military or law enforcement policy to
21 perform any of these acts for the purpose of ensuring
22 that an individual obtains an assault weapon; or

23 (iii) lawfully owns or otherwise possesses an
24 assault weapon before the effective date of this section.

**Regular Session 2015 - 2016
Amendment A10191 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10204 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10205 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

AMENDMENTS TO HOUSE BILL NO. 2258

Sponsor: REPRESENTATIVE CRUZ

Printer's No. 3637

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 4, by inserting after "ammunition"

7 ; and, in sentencing, providing for sentences for carrying a

8 firearm without a license

9 Amend Bill, page 3, by inserting between lines 10 and 11

10 Section 2. Title 42 is amended by adding a section to read:

11 § 9712.2. Sentences for carrying firearm without a license.

12 (a) Mandatory sentence.--

13 (1) A person who is convicted of a violation of 18
14 Pa.C.S. § 6106(a)(1) (relating to firearms not to be carried
15 without a license) shall be sentenced to a minimum sentence
16 of at least two years of total confinement.

17 (2) A person who is convicted of a violation of 18
18 Pa.C.S. § 6106(a)(2) shall be sentenced to a minimum sentence
19 of at least six months of total confinement.

20 (b) Authority of court in sentencing.--There shall be no
21 authority in any court to impose on an offender to which this
22 section is applicable any lesser sentence than provided for
23 under subsection (a) or to place such offender on probation or
24 to suspend sentence. Nothing in this section may prevent the
25 sentencing court from imposing a sentence greater than that
26 provided under this section. Sentencing guidelines promulgated
27 by the Pennsylvania Commission on Sentencing shall not supersede
28 the mandatory sentences provided under this section.

29 (c) Appeal by Commonwealth.--If a sentencing court refuses
30 to apply this section where applicable, the Commonwealth shall
31 have the right to appellate review of the action of the
32 sentencing court. The appellate court shall vacate the sentence
33 and remand the case to the sentencing court for imposition of a
34 sentence in accordance with this section if it finds that the

1 sentence was imposed in violation of this section.

2 Amend Bill, page 3, line 11, by striking out "2" and
3 inserting

4 3

**Regular Session 2015 - 2016
Amendment A10299 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected

**Regular Session 2015 - 2016
Amendment A10301 to
House Bill 2258 Printer's Number 3637**

LRB Awaiting Notification of Amendment to be Affected