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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1115 Session of  
2017

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INTRODUCED BY SIMS, SOLOMON, V. BROWN, J. HARRIS, STURLA,  
WARREN, DAVIDSON, SCHWEYER, FRANKEL, SCHLOSSBERG AND DEAN,  
APRIL 10, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 2017

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for definitions, for persons not  
4 to possess, use, manufacture, control, sell or transfer  
5 firearms, for sale or transfer of firearms, for Pennsylvania  
6 State Police, for firearm sales surcharge, for Firearm  
7 Records Check Fund, for retail dealer required to be licensed  
8 and for licensing of dealers and providing for ammunition  
9 purchase authorization permits and for transporting  
10 ammunition into this Commonwealth.

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

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

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

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

4 \* \* \*

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

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

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

13 \* \* \*

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

17 \* \* \*

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

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

22 (a) Offense defined.--

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

30 (2) (i) A person who is prohibited from possessing,

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

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

12 \* \* \*

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

17 (1) A person who is a fugitive from justice. This  
18 paragraph does not apply to an individual whose fugitive  
19 status is based upon a nonmoving or moving summary offense  
20 under Title 75 (relating to vehicles).

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

27 (3) A person who has been convicted of driving under the  
28 influence of alcohol or controlled substance as provided in  
29 75 Pa.C.S. § 3802 (relating to driving under influence of  
30 alcohol or controlled substance) or the former 75 Pa.C.S. §

1 3731, on three or more separate occasions within a five-year  
2 period. For the purposes of this paragraph only, the  
3 prohibition of subsection (a) shall only apply to transfers  
4 or purchases of firearms or ammunition after the third  
5 conviction.

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

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

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

25 (7) A person who was adjudicated delinquent by a court  
26 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or  
27 under any equivalent Federal statute or statute of any other  
28 state as a result of conduct which if committed by an adult  
29 would constitute an offense under sections 2502, 2503, 2702,  
30 2703 (relating to assault by prisoner), 2704, 2901, 3121,

1 3123, 3301, 3502, 3701 and 3923.

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

11 (9) A person who is prohibited from possessing or  
12 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to  
13 unlawful acts). If the offense which resulted in the  
14 prohibition under 18 U.S.C. § 922(g)(9) was committed, as  
15 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to  
16 definitions), by a person in any of the following  
17 relationships:

18 (i) the current or former spouse, parent or guardian  
19 of the victim;

20 (ii) a person with whom the victim shares a child in  
21 common;

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

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

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

28 (d) Exemption.--A person who has been convicted of a crime  
29 specified in subsection (a) or (b) or a person whose conduct  
30 meets the criteria in subsection (c)(1), (2), (5), (7) or (9)

1 may make application to the court of common pleas of the county  
2 where the principal residence of the applicant is situated for  
3 relief from the disability imposed by this section upon the  
4 possession, transfer or control of a firearm and ammunition. The  
5 court shall grant such relief if it determines that any of the  
6 following apply:

7 (1) The conviction has been vacated under circumstances  
8 where all appeals have been exhausted or where the right to  
9 appeal has expired.

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

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

13 (i) The Secretary of the Treasury of the United  
14 States has relieved the applicant of an applicable  
15 disability imposed by Federal law upon the possession,  
16 ownership or control of a firearm as a result of the  
17 applicant's prior conviction, except that the court may  
18 waive this condition if the court determines that the  
19 Congress of the United States has not appropriated  
20 sufficient funds to enable the Secretary of the Treasury  
21 to grant relief to applicants eligible for the relief.

22 (ii) A period of ten years, not including any time  
23 spent in incarceration, has elapsed since the most recent  
24 conviction of the applicant of a crime enumerated in  
25 subsection (b), a felony violation of The Controlled  
26 Substance, Drug, Device and Cosmetic Act or the offense  
27 which resulted in the prohibition under 18 U.S.C. §  
28 922 (g) (9) .

29 \* \* \*

30 (f) Other exemptions and proceedings.--

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

7 \* \* \*

8 (h) License prohibition.--Any person who is prohibited from  
9 possessing, using, controlling, selling, purchasing,  
10 transferring or manufacturing any firearm and ammunition under  
11 this section shall not be eligible for or permitted to obtain a  
12 license to carry a firearm under section 6109 (relating to  
13 licenses).

14 \* \* \*

15 Section 3. Section 6111 heading, (b) introductory paragraph,  
16 (1.1)(v) and (6), (c), (f), (g), (h)(1) and (j) of Title 18 are  
17 amended and the section is amended by adding a subsection to  
18 read:

19 § 6111. Sale or transfer of firearms or ammunition.

20 \* \* \*

21 (b) Duty of seller.--No licensed importer, licensed  
22 manufacturer or licensed dealer shall sell or deliver any  
23 firearm or ammunition to another person, other than a licensed  
24 importer, licensed manufacturer, licensed dealer [or], licensed  
25 collector, gun range or target facility or, in the case of  
26 ammunition, a person who purchases or receives the ammunition at  
27 a gun range or target facility if the ammunition is kept within  
28 the facility's premises at all times, until the conditions of  
29 subsection (a) have been satisfied and until he has:

30 \* \* \*

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

5 \* \* \*

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

23 \* \* \*

24 (6) Unless it has been discovered pursuant to a criminal  
25 history, juvenile delinquency and mental health records  
26 background check that the potential purchaser or transferee  
27 is prohibited from possessing a firearm and ammunition  
28 pursuant to section 6105, no information received via  
29 telephone following the implementation of the instantaneous  
30 background check system from a purchaser or transferee who

1 has received a unique approval number shall be retained by  
2 the Pennsylvania State Police.

3 \* \* \*

4 (b.1) Remote ordering.--

5 (1) Except for the sale, delivery or transfer of  
6 firearms by gun ranges or target facilities and as otherwise  
7 provided in paragraph (2), the sale, delivery or transfer of  
8 firearms or ammunition by a licensed importer, licensed  
9 manufacturer or licensed dealer to a purchaser or transferee  
10 other than another licensed importer, licensed manufacturer  
11 or licensed dealer may only occur in a face-to-face  
12 transaction with the licensed importer, licensed manufacturer  
13 or licensed dealer being provided bona fide evidence of  
14 identity from the purchaser or other transferee.

15 (2) Firearms or ammunition may be purchased over the  
16 Internet or through other means of remote ordering if a  
17 licensed importer, licensed manufacturer or licensed dealer  
18 in this Commonwealth initially receives the firearm or  
19 ammunition and processes the transfer in compliance with this  
20 section.

21 (c) Duty of other persons.--Any person who is not a licensed  
22 importer, manufacturer or dealer and who desires to sell or  
23 transfer a firearm or ammunition to another unlicensed person  
24 shall do so only upon the place of business of a licensed  
25 importer, manufacturer, dealer or county sheriff's office, the  
26 latter of whom shall follow the procedure set forth in this  
27 section as if he were the seller of the firearm or ammunition.  
28 The provisions of this section shall not apply to transfers  
29 between spouses or to transfers between a parent and child or to  
30 transfers between grandparent and grandchild or to transfers

1 between siblings.

2 \* \* \*

3 (f) Application of section.--

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

9 (2) The provisions contained in subsections (a), (b.1)  
10 and (c) shall only apply to [pistols or revolvers] a firearm  
11 if the firearm is a pistol or revolver with a barrel length  
12 of less than 15 inches, [any] a shotgun with a barrel length  
13 of less than 18 inches, [any] a rifle with a barrel length of  
14 less than 16 inches or [any] a firearm with an overall length  
15 of less than 26 inches.

16 (3) The provisions contained in subsection (a) shall not  
17 apply to any law enforcement officer whose current  
18 identification as a law enforcement officer shall be  
19 construed as a valid license to carry a firearm or any person  
20 who possesses a valid license to carry a firearm under  
21 section 6109 (relating to licenses).

22 (4) (i) The provisions of subsection (a) shall not  
23 apply to any person who presents to the seller or  
24 transferor a written statement issued by the official  
25 described in subparagraph (iii) during the ten-day period  
26 ending on the date of the most recent proposal of such  
27 transfer or sale by the transferee or purchaser stating  
28 that the transferee or purchaser requires access to a  
29 firearm and ammunition because of a threat to the life of  
30 the transferee or purchaser or any member of the

1 household of that transferee or purchaser.

2 (ii) The issuing official shall notify the  
3 applicant's local police authority that such a statement  
4 has been issued. In counties of the first class the chief  
5 of police shall notify the police station or substation  
6 closest to the applicant's residence.

7 (iii) The statement issued under subparagraph (ii)  
8 shall be issued by the district attorney, or his  
9 designee, of the county of residence if the transferee or  
10 purchaser resides in a municipality where there is no  
11 chief of police. Otherwise, the statement shall be issued  
12 by the chief of police in the municipality in which the  
13 purchaser or transferee resides.

14 (g) Penalties.--

15 (1) Any person, licensed dealer, licensed manufacturer  
16 or licensed importer who knowingly or intentionally sells,  
17 delivers or transfers a firearm or ammunition in violation of  
18 this section commits a misdemeanor of the second degree.

19 (2) Any person, licensed dealer, licensed manufacturer  
20 or licensed importer who knowingly or intentionally sells,  
21 delivers or transfers a firearm or ammunition under  
22 circumstances intended to provide a firearm or ammunition to  
23 any person, purchaser or transferee who is unqualified or  
24 ineligible to control, possess or use a firearm or ammunition  
25 under this chapter commits a felony of the third degree and  
26 shall in addition be subject to revocation of the license to  
27 sell firearms and ammunition for a period of three years.

28 (3) Any person, licensed dealer, licensed manufacturer  
29 or licensed importer who knowingly and intentionally requests  
30 a criminal history, juvenile delinquency or mental health

1 record check or other confidential information from the  
2 Pennsylvania State Police under this chapter for any purpose  
3 other than compliance with this chapter or knowingly and  
4 intentionally disseminates any criminal history, juvenile  
5 delinquency or mental health record or other confidential  
6 information to any person other than the subject of the  
7 information commits a felony of the third degree.

8 (3.1) Any person, licensed dealer, licensed manufacturer  
9 or licensed importer who knowingly and intentionally obtains  
10 or furnishes information collected or maintained pursuant to  
11 section 6109 for any purpose other than compliance with this  
12 chapter or who knowingly or intentionally disseminates,  
13 publishes or otherwise makes available such information to  
14 any person other than the subject of the information commits  
15 a felony of the third degree.

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

20 (i) makes any materially false oral statement;

21 (ii) makes any materially false written statement,  
22 including a statement on any form promulgated by Federal  
23 or State agencies; or

24 (iii) willfully furnishes or exhibits any false  
25 identification intended or likely to deceive the seller,  
26 licensed dealer or licensed manufacturer.

27 (5) Notwithstanding section 306 (relating to liability  
28 for conduct of another; complicity) or any other statute to  
29 the contrary, any person, licensed importer, licensed dealer  
30 or licensed manufacturer who knowingly and intentionally

1 sells, delivers or transfers a firearm or ammunition in  
2 violation of this chapter who has reason to believe that the  
3 firearm or ammunition is intended to be used in the  
4 commission of a crime or attempt to commit a crime shall be  
5 criminally liable for such crime or attempted crime.

6 (6) Notwithstanding any act or statute to the contrary,  
7 any person, licensed importer, licensed manufacturer or  
8 licensed dealer who knowingly and intentionally sells or  
9 delivers a firearm or ammunition in violation of this chapter  
10 who has reason to believe that the firearm or ammunition is  
11 intended to be used in the commission of a crime or attempt  
12 to commit a crime shall be liable in the amount of the civil  
13 judgment for injuries suffered by any person so injured by  
14 such crime or attempted crime.

15 (h) Subsequent violation penalty.--

16 (1) A second or subsequent violation of this section  
17 shall be a felony of the second degree. A person who at the  
18 time of sentencing has been convicted of another offense  
19 under this section shall be sentenced to a mandatory minimum  
20 sentence of imprisonment of five years. A second or  
21 subsequent offense shall also result in permanent revocation  
22 of any license to sell, import or manufacture a firearm and  
23 ammunition.

24 \* \* \*

25 (j) Exemption.--

26 (1) The provisions of subsections (a) and (b) shall not  
27 apply to:

28 (i) sales between Federal firearms licensees; or

29 (ii) the purchase of firearms or ammunition by a

30 chief law enforcement officer or his designee, for the

1 official use of law enforcement officers.

2 (2) For the purposes of this subsection, the term "chief  
3 law enforcement officer" shall include the Commissioner of  
4 the Pennsylvania State Police, the chief or head of a police  
5 department, a county sheriff or any equivalent law  
6 enforcement official.

7 Section 4. Sections 6111.1(b), (e)(1), (f)(1), (i) and  
8 (j.3), 6111.2 heading and (a), 6111.3, 6112 and 6113(a) of Title  
9 18 are amended to read:

10 § 6111.1. Pennsylvania State Police.

11 \* \* \*

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

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

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

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

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

29 (A) that the potential purchase or transfer is  
30 prohibited; or

1 (B) provide the licensee with a unique approval  
2 number.

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

18 (3) The Pennsylvania State Police shall fully comply,  
19 execute and enforce the directives of this section as  
20 follows:

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

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

27 (A) the date of publication of the notice under  
28 section 6111(a)(2); or

29 (B) December 31, 1998.

30 (4) The Pennsylvania State Police and any local law

1 enforcement agency shall make all reasonable efforts to  
2 determine the lawful owner of any firearm confiscated or  
3 recovered by the Pennsylvania State Police or any local law  
4 enforcement agency and return said firearm to its lawful  
5 owner if the owner is not otherwise prohibited from  
6 possessing the firearm. When a court of law has determined  
7 that the Pennsylvania State Police or any local law  
8 enforcement agency have failed to exercise the duty under  
9 this subsection, reasonable attorney fees shall be awarded to  
10 any lawful owner of said firearm who has sought judicial  
11 enforcement of this subsection.

12 \* \* \*

13 (e) Challenge to records.--

14 (1) Any person who is denied the right to receive, sell,  
15 transfer, possess, carry, manufacture or purchase a firearm  
16 or ammunition as a result of the procedures established by  
17 this section may challenge the accuracy of that person's  
18 criminal history, juvenile delinquency history or mental  
19 health record pursuant to a denial by the instantaneous  
20 records check by submitting a challenge to the Pennsylvania  
21 State Police within 30 days from the date of the denial.

22 \* \* \*

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

25 (1) Notwithstanding any statute to the contrary, judges  
26 of the courts of common pleas shall notify the Pennsylvania  
27 State Police, on a form developed by the Pennsylvania State  
28 Police, of:

29 (i) the identity of any individual who has been  
30 adjudicated as an incompetent or as a mental defective or

1 who has been involuntarily committed to a mental  
2 institution under the act of July 9, 1976 (P.L.817,  
3 No.143), known as the Mental Health Procedures Act, or  
4 who has been involuntarily treated as described in  
5 section 6105(c)(4) (relating to persons not to possess,  
6 use, manufacture, control, sell or transfer firearms and  
7 ammunition) or as described in 18 U.S.C. § 922(g)(4)  
8 (relating to unlawful acts) and its implementing Federal  
9 regulations; and

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

12 \* \* \*

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

16 (1) number of firearm and ammunition sales, including  
17 the types of firearms and ammunition, delineated in a  
18 separate manner;

19 (2) number of applications for sale of firearms and  
20 ammunition denied, number of challenges of the denials and  
21 number of final reversals of initial denials, delineated in a  
22 separate manner;

23 (3) summary of the Pennsylvania State Police's  
24 activities, including the average time taken to complete a  
25 criminal history, juvenile delinquency history or mental  
26 health record check; and

27 (4) uniform crime reporting statistics compiled by the  
28 Pennsylvania State Police based on the National Incident-  
29 based Reporting System.

30 \* \* \*

1 (j.3) Immunity.--The Pennsylvania State Police and its  
2 employees shall be immune from actions for damages for the use  
3 of a firearm or ammunition by a purchaser or for the unlawful  
4 transfer of a firearm or ammunition by a dealer unless the act  
5 of the Pennsylvania State Police or its employees constitutes a  
6 crime, actual fraud, actual malice or willful misconduct.

7 \* \* \*

8 § 6111.2. Firearm and ammunition sales surcharge.

9 (a) Surcharge imposed.--There is hereby imposed on each sale  
10 of a firearm or ammunition subject to tax under Article II of  
11 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform  
12 Code of 1971, an additional surcharge of \$3. This shall be  
13 referred to as the Firearm and Ammunition Sale Surcharge. All  
14 moneys received from this surcharge shall be deposited in the  
15 Firearm Instant Records Check Fund.

16 \* \* \*

17 § 6111.3. Firearm Records Check Fund.

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

26 (b) Source.--The source of the fund shall be moneys  
27 collected and transferred under section 6111.2 (relating to  
28 firearm and ammunition sales surcharge) and moneys collected and  
29 transferred under section 6111(b)(3).

30 § 6112. Retail dealer required to be licensed.

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

6 § 6113. Licensing of dealers.

7 (a) General rule.--The chief or head of any police force or  
8 police department of a city, and, elsewhere, the sheriff of the  
9 county, shall grant to reputable applicants licenses, in form  
10 prescribed by the Pennsylvania State Police, effective for three  
11 years from date of issue, permitting the licensee to sell  
12 firearms, ammunition, or both, direct to the consumer, subject  
13 to the following conditions in addition to those specified in  
14 section 6111 (relating to sale or transfer of firearms or  
15 ammunition), for breach of any of which the license shall be  
16 forfeited and the licensee subject to punishment as provided in  
17 this subchapter:

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

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

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

26 (4) No firearm or ammunition shall be sold under any  
27 circumstances unless the purchaser is personally known to the  
28 seller or shall present clear evidence of the purchaser's  
29 identity.

30 (5) A true record in triplicate shall be made of every

1 firearm or ammunition sold, in a book kept for the purpose,  
2 the form of which may be prescribed by the Pennsylvania State  
3 Police, and shall be personally signed by the purchaser and  
4 by the person effecting the sale, each in the presence of the  
5 other, and shall contain the information required by section  
6 6111. The record shall be maintained by the licensee for a  
7 period of 20 years.

8 (6) No firearm as defined in section 6102 (relating to  
9 definitions) or ammunition shall be displayed in any part of  
10 any premises where it can readily be seen from the outside.  
11 In the event that the Commissioner of the Pennsylvania State  
12 Police shall find a clear and present danger to public safety  
13 within this Commonwealth or any area thereof, firearms and  
14 ammunition shall be stored and safeguarded pursuant to  
15 regulations to be established by the Pennsylvania State  
16 Police by the licensee during the hours when the licensee is  
17 closed for business.

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

20 \* \* \*

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

22 § 6121.1. Ammunition purchase authorization permits.

23 (a) Use.--A person holding an ammunition purchase  
24 authorization permit issued under this section may purchase or  
25 otherwise seek the transfer of ownership of ammunition from a  
26 retailer that sells ammunition.

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

30 (c) Eligibility.--The Pennsylvania State Police shall issue

1 an ammunition purchase authorization permit to a person if all  
2 of the following requirements are met:

3 (1) The person submits an application for an ammunition  
4 purchase authorization permit as prescribed by the  
5 Pennsylvania State Police.

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

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

9 (4) The person pays the fee as specified under  
10 subsection (g).

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

12 (1) Upon receipt of an application for an ammunition  
13 purchase authorization permit, the Pennsylvania State Police  
14 shall examine its records and the Pennsylvania Instant Check  
15 System in order to determine if the applicant is prohibited  
16 from possessing or acquiring ammunition under Federal or  
17 State law.

18 (2) The applicant shall be approved or denied within 30  
19 days of the date of the submission of the application to the  
20 department.

21 (3) If the Pennsylvania State Police is unable to make a  
22 determination under paragraph (2) within 30 days, the  
23 Pennsylvania State Police shall issue the ammunition purchase  
24 authorization permit.

25 (4) The Pennsylvania State Police shall renew an  
26 ammunition purchase authorization permit before its  
27 expiration if the Pennsylvania State Police determines that  
28 the holder is not prohibited from acquiring or possessing  
29 ammunition under Federal or State law and pays the fee as  
30 specified under subsection (g).

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

2 (1) An ammunition purchase authorization permit shall be  
3 revoked by the Pennsylvania State Police if the holder of the  
4 ammunition purchase authorization commits an act that would  
5 have disqualified the holder from being issued the ammunition  
6 purchase authorization permit under this section.

7 (2) If an ammunition purchase authorization permit is  
8 revoked under paragraph (1), the Pennsylvania State Police  
9 shall, upon the written request of the holder and in a manner  
10 as prescribed by the Pennsylvania State Police, provide the  
11 holder with the reasons for the revocation and the process to  
12 appeal the revocation.

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

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

17 (2) The Pennsylvania State Police shall remove a person  
18 from the list under paragraph (1) whose authorization has  
19 been revoked by the Pennsylvania State Police under  
20 subsection (e) (1).

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

23 (i) Retailers that sell or otherwise seek the  
24 transfer of ownership of ammunition.

25 (ii) Law enforcement agencies for purposes of  
26 enforcing the law.

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

28 (1) The Pennsylvania State Police may charge a fee not  
29 to exceed \$50 for the issuance or renewal of an ammunition  
30 purchase authorization permit under this section. The fee

1 shall not be greater than the amount necessary to recover the  
2 reasonable, estimated costs to administer this section.

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

5 (h) Fund established.--The Ammunition Safety and Enforcement  
6 Fund is established as a special fund within the State Treasury.  
7 Revenue collected from the fee charged under subsection (g)  
8 shall be deposited into the Ammunition Safety and Enforcement  
9 Fund on a continuing basis for the purpose of administering  
10 this section.

11 (i) Identification.--The ammunition purchase authorization  
12 permit number shall be the same as the number on the document  
13 presented by the applicant as bona fide evidence of identity.

14 (j) Regulations.--The Pennsylvania State Police may  
15 promulgate regulations necessary to implement the provisions of  
16 this section.

17 § 6121.2. Transporting ammunition into this Commonwealth.

18 (a) Prohibition.--A resident of this Commonwealth may not  
19 transport ammunition into this Commonwealth if the resident  
20 purchased or otherwise obtained the ammunition from outside of  
21 this Commonwealth and the ammunition has not been delivered to a  
22 licensed importer, licensed manufacturer or licensed dealer in  
23 this Commonwealth for delivery to the resident in accordance  
24 with section 6121.1 (relating to ammunition purchase  
25 authorization permits).

26 (b) Applicability.--This section shall not apply to a  
27 licensed importer, licensed manufacturer, licensed dealer, law  
28 enforcement agency or law enforcement officer, or a grandparent  
29 spouse, sibling, child or grandchild of the transferor.

30 Section 6. This act shall take effect July 1, 2018, or

1 immediately, whichever is later.