

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 273 Session of 2017

INTRODUCED BY DONATUCCI, DEAN, KINSEY, DRISCOLL, SCHLOSSBERG, O'BRIEN, FRANKEL, McCLINTON, SCHWEYER, DALEY, VAZQUEZ, PASHINSKI, WARREN, MADDEN, COMMITTA, HILL-EVANS, KIRKLAND AND DAVIS, JANUARY 31, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 19, 2018

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 sale or
4 transfer of firearms and for Pennsylvania State Police and
5 providing for self-exclusion from purchasing a firearm.

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

8 Section 1. Section 6102 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 6102. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this subchapter which are applicable to specific
13 provisions of this subchapter, the following words and phrases,
14 when used in this subchapter shall have, unless the context
15 clearly indicates otherwise, the meanings given to them in this
16 section:

17 \* \* \*

18 "Voluntary self-exclusion list." The list established under

1 section 6128 (relating to self-exclusion from purchasing a  
2 firearm) and maintained by the Pennsylvania State Police of  
3 names and identifying information of persons who have  
4 voluntarily agreed to be prohibited from purchasing a firearm or  
5 receiving a firearm by transfer.

6 Section 2. Sections 6111(b)(1.1), (3) and (6) and 6111.1(b)  
7 (1) and (3) of Title 18 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 (i) In the event of an electronic failure under  
22 section 6111.1(b)(2) (relating to Pennsylvania State  
23 Police) for purposes of a firearm which exceeds the  
24 barrel and related lengths set forth in section 6102,  
25 obtained a completed application/record of sale from the  
26 potential buyer or transferee to be filled out in  
27 triplicate, the original copy to be sent to the  
28 Pennsylvania State Police, postmarked via first class  
29 mail, within 14 days of sale, one copy to be retained by  
30 the licensed importer, licensed manufacturer or licensed

1 dealer for a period of 20 years and one copy to be  
2 provided to the purchaser or transferee.

3 (ii) The form of the application/record of sale  
4 shall be no more than one page in length and shall be  
5 promulgated by the Pennsylvania State Police and provided  
6 by the licensed importer, licensed manufacturer or  
7 licensed dealer.

8 (iii) For purposes of conducting the criminal  
9 history, juvenile delinquency, voluntary self-exclusion  
10 list and mental health records background check which  
11 shall be completed within ten days of receipt of the  
12 information from the dealer, the application/record of  
13 sale shall include the name, address, birthdate, gender,  
14 race, physical description and Social Security number of  
15 the purchaser or transferee and the date of application.

16 (iv) No information regarding the type of firearm  
17 need be included other than an indication that the  
18 firearm exceeds the barrel lengths set forth in section  
19 6102.

20 (v) Unless it has been discovered pursuant to a  
21 criminal history, juvenile delinquency, voluntary self-  
22 exclusion list and mental health records background check  
23 that the potential purchaser or transferee is prohibited  
24 from possessing a firearm pursuant to section 6105  
25 (relating to persons not to possess, use, manufacture,  
26 control, sell or transfer firearms) or that the potential  
27 purchaser or transferee is prohibited from purchasing or  
28 receiving a firearm because the potential purchaser or  
29 transferee's name appears on the voluntary self-exclusion  
30 list, no information on the application/record of sale

1 provided pursuant to this subsection shall be retained as  
2 precluded by section 6111.4 (relating to registration of  
3 firearms) by the Pennsylvania State Police either through  
4 retention of the application/record of sale or by  
5 entering the information onto a computer, and, further,  
6 an application/record of sale received by the  
7 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.

11 \* \* \*

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

21 \* \* \*

22 (6) Unless it has been discovered pursuant to a criminal  
23 history, juvenile delinquency [and], mental health records  
24 background check and check of the voluntary self-exclusion  
25 list that the potential purchaser or transferee is prohibited  
26 from possessing a firearm pursuant to section 6105 or that  
27 the potential purchaser or transferee is prohibited from  
28 purchasing or receiving a firearm because the potential  
29 purchaser or transferee's name appears on the voluntary self-  
30 exclusion list, no information received via telephone

1 following the implementation of the instantaneous background  
2 check system from a purchaser or transferee who has received  
3 a unique approval number shall be retained by the  
4 Pennsylvania State Police.

5 \* \* \*

6 § 6111.1. Pennsylvania State Police.

7 \* \* \*

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

9 (1) Upon receipt of a request for a criminal history,  
10 juvenile delinquency history, voluntary self-exclusion list  
11 and mental health record check of the potential purchaser or  
12 transferee, the Pennsylvania State Police shall immediately  
13 during the licensee's call or by return call forthwith:

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

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

24 (ii.1) review the voluntary self-exclusion list to  
25 determine whether the potential purchaser or transferee's  
26 name appears on the voluntary self-exclusion list and  
27 makes the person ineligible to purchase a firearm or  
28 receive a firearm by transfer; and

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

30 (A) that the potential purchase or transfer is

1 prohibited; or

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

4 \* \* \*

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 (iii) The Pennsylvania State Police shall begin  
18 reviewing the voluntary self-exclusion list once the  
19 Pennsylvania State Police has promulgated regulations and  
20 established a standardized form by which a person may  
21 request placement on the voluntary self-exclusion list.  
22 If an inquiry by a licensee reveals that a potential  
23 purchaser or transferee's name appears on the voluntary  
24 self-exclusion list, the Pennsylvania State Police shall  
25 inform the licensee making the inquiry that the potential  
26 purchase or transfer is prohibited on that basis. <--

27 \* \* \*

28 Section 3. Title 18 is amended by adding a section to read:  
29 § 6128. Self-exclusion from purchasing a firearm.

30 (a) General rule.--The Pennsylvania State Police shall

1 establish and maintain a list of persons self-excluded from  
2 purchasing a firearm or receiving a firearm by transfer. A  
3 person may, in a form and manner to be established by the  
4 Pennsylvania State Police, request placement on the voluntary  
5 self-exclusion list. The form shall require the person to agree  
6 that, during any period of placement on the voluntary self-  
7 exclusion list, the person will not be permitted to purchase a  
8 firearm or receive a firearm by transfer.

9 (b) Period of exclusion.--The length of placement of the  
10 voluntary self-exclusion list requested by a person must be one  
11 of the following:

12 (1) One year.

13 (2) ~~Five~~ THREE years. <--

14 (3) ~~Lifetime~~ FIVE YEARS. <--

15 ~~(c) Voluntary surrender of firearms. A person whose name~~ <--  
16 ~~appears on the voluntary self exclusion list may voluntarily~~  
17 ~~surrender to the Pennsylvania State Police any firearm owned or~~  
18 ~~possessed by the person. The Pennsylvania State Police shall:~~

19 ~~(1) Hold the firearm in safekeeping until the person's~~  
20 ~~name is no longer placed on the voluntary self exclusion~~  
21 ~~list, at which time the Pennsylvania State Police shall~~  
22 ~~return the firearm to the person.~~

23 ~~(2) Retain the firearm if the person's name appears on a~~  
24 ~~voluntary self exclusion list for lifetime placement.~~

25 ~~(d) (C) Removal from voluntary self-exclusion list.--~~ <--

26 ~~(1) A person whose name is placed on the voluntary self~~ <--  
27 ~~exclusion list for one year or five years may, upon the~~  
28 ~~conclusion of the time period, request removal from the~~  
29 ~~voluntary self exclusion list in a form and manner~~  
30 ~~established by the Pennsylvania State Police. The~~

~~Pennsylvania State Police shall remove the name of the person from the voluntary self-exclusion list no later than 15 business days following receipt of the request.~~

~~(2) A person who has requested lifetime placement on the voluntary self-exclusion list will be prohibited from requesting removal from the voluntary self-exclusion list, and the Pennsylvania State Police may not approve a request for removal by the person.~~

(1) NO LESS THAN 20 BUSINESS DAYS BEFORE THE CONCLUSION <--  
OF THE SELF-EXCLUSION TIME PERIOD, THE PENNSYLVANIA STATE  
POLICE SHALL NOTIFY THE PERSON WHOSE NAME IS PLACED ON THE  
VOLUNTARY SELF-EXCLUSION LIST THAT THE PERIOD OF SELF-  
EXCLUSION IS ABOUT TO CONCLUDE. THE NOTICE SHALL PROVIDE THE  
PROCEDURE FOR REQUESTING RENEWAL OF THE VOLUNTARY SELF-  
EXCLUSION LIST IN A FORM AND MANNER TO BE ESTABLISHED BY THE  
PENNSYLVANIA STATE POLICE.

(2) (RESERVED).

~~(e) (D) Disclosure.--Notwithstanding any other law to the <--~~  
contrary, the Pennsylvania State Police's voluntary self-  
exclusion list shall not be open to public inspection.

~~(f) (E) Promulgation of regulations.--The Pennsylvania State <--~~  
Police shall promulgate regulations establishing procedures as  
needed to implement the provisions of this section.

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