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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1244 Session of  
2019

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INTRODUCED BY ORTITAY, BERNSTINE, FRANKEL, SHUSTERMAN, KAIL,  
GABLER, O'NEAL AND MARSHALL, APRIL 16, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 16, 2019

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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 licenses,  
4 for sale or transfer of firearms and for Pennsylvania State  
5 Police, repealing provisions relating to firearm sales  
6 surcharge and to Firearm Records Check Fund and further  
7 providing for licensing of dealers and for administrative  
8 regulations.

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

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

1 System maintained by the Federal Bureau of Investigation in  
2 accordance with the Brady Handgun Violence Prevention Act  
3 (Public Law 103-159, 107 Stat. 1536).

4 \* \* \*

5 Section 2. Sections 6109(d)(5) and 6111(a), (b), (f), (g)(3)  
6 and (j) of Title 18 are amended to read:

7 § 6109. Licenses.

8 \* \* \*

9 (d) Sheriff to conduct investigation.--The sheriff to whom  
10 the application is made shall:

11 \* \* \*

12 (5) [conduct a criminal background, juvenile delinquency  
13 and mental health check following the procedures set forth in  
14 section 6111 (relating to sale or transfer of firearms),  
15 receive a unique approval number for that inquiry and record  
16 the date and number on the application.] contact the NICS  
17 for the purpose of conducting a background check under 18  
18 U.S.C. § 922(t) (relating to unlawful acts) and obtain a  
19 unique identification number and a proceed response. The  
20 unique identification number and date shall be recorded on  
21 the application.

22 \* \* \*

23 § 6111. Sale or transfer of firearms.

24 [(a) Time and manner of delivery.--

25 (1) Except as provided in paragraph (2), no seller shall  
26 deliver a firearm to the purchaser or transferee thereof  
27 until 48 hours shall have elapsed from the time of the  
28 application for the purchase thereof, and, when delivered,  
29 the firearm shall be securely wrapped and shall be unloaded.

30 (2) Thirty days after publication in the Pennsylvania

1 Bulletin that the Instantaneous Criminal History Records  
2 Check System has been established in accordance with the  
3 Brady Handgun Violence Prevention Act (Public Law 103-159, 18  
4 U.S.C. § 921 et seq.), no seller shall deliver a firearm to  
5 the purchaser thereof until the provisions of this section  
6 have been satisfied, and, when delivered, the firearm shall  
7 be securely wrapped and shall be unloaded.]

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

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

1 number of the firearm to be purchased or transferred. The  
2 application/record of sale shall also contain] provided a  
3 notice to the potential buyer or transferee which contains  
4 the following question:

5 Are you the actual buyer of the firearm(s), as defined  
6 under 18 Pa.C.S. § 6102 (relating to definitions), listed  
7 on this application/record of sale? Warning: You are not  
8 the actual buyer if you are acquiring the firearm(s) on  
9 behalf of another person, unless you are legitimately  
10 acquiring the firearm as a gift for any of the following  
11 individuals who are legally eligible to own a firearm:

- 12 (1) spouse;
- 13 (2) parent;
- 14 (3) child;
- 15 (4) grandparent; or
- 16 (5) grandchild.

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 and mental health records  
10 background check which shall be completed within ten days  
11 of receipt of the information from the dealer, the  
12 application/record of sale shall include the name,  
13 address, birthdate, gender, race, physical description  
14 and Social Security number of the purchaser or transferee  
15 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 and mental health  
22 records background check that the potential purchaser or  
23 transferee is prohibited from possessing a firearm  
24 pursuant to section 6105 (relating to persons not to  
25 possess, use, manufacture, control, sell or transfer  
26 firearms), no information on the application/record of  
27 sale provided pursuant to this subsection shall be  
28 retained as precluded by section 6111.4 (relating to  
29 registration of firearms) by the Pennsylvania State  
30 Police either through retention of the application/record

1 of sale or by entering the information onto a computer,  
2 and, further, an application/record of sale received by  
3 the Pennsylvania State Police pursuant to this subsection  
4 shall be destroyed within 72 hours of the completion of  
5 the criminal history, juvenile delinquency and mental  
6 health records background check.] (Reserved).

7 (1.2) [Fees collected under paragraph (3) and section  
8 6111.2 (relating to firearm sales surcharge) shall be  
9 transmitted to the Pennsylvania State Police within 14 days  
10 of collection.] (Reserved).

11 (1.3) In addition to the criminal penalty under section  
12 6119 (relating to violation penalty), any person who  
13 knowingly and intentionally [maintains or fails to destroy  
14 any information submitted to the Pennsylvania State Police  
15 for purposes of a background check pursuant to paragraphs  
16 (1.1) and (1.4) or] violates section 6111.4 shall be subject  
17 to a civil penalty of \$250 per violation[, entry or failure  
18 to destroy.

19 (1.4) Following implementation of the instantaneous  
20 records check by the Pennsylvania State Police on or before  
21 December 1, 1998, no application/record of sale shall be  
22 completed for the purchase or transfer of a firearm which  
23 exceeds the barrel lengths set forth in section 6102. A  
24 statement shall be submitted by the dealer to the  
25 Pennsylvania State Police, postmarked via first class mail,  
26 within 14 days of the sale, containing the number of firearms  
27 sold which exceed the barrel and related lengths set forth in  
28 section 6102, the amount of surcharge and other fees remitted  
29 and a list of the unique approval numbers given pursuant to  
30 paragraph (4), together with a statement that the background

1 checks have been performed on the firearms contained in the  
2 statement. The form of the statement relating to performance  
3 of background checks shall be promulgated by the Pennsylvania  
4 State Police.]\_.

5 (1.5) Contacted the NICS for the purpose of conducting a  
6 background check pursuant to 18 U.S.C. § 922(t) (relating to  
7 unlawful acts) and obtained a unique identification number  
8 and a proceed response.

9 (2) Inspected photoidentification of the potential  
10 purchaser or transferee, including, but not limited to, a  
11 driver's license, official Pennsylvania photoidentification  
12 card or official government photoidentification card. In the  
13 case of a potential buyer or transferee who is a member of a  
14 recognized religious sect or community whose tenets forbid or  
15 discourage the taking of photographs of members of that sect  
16 or community, a seller shall accept a valid-without-photo  
17 driver's license or a combination of documents, as prescribed  
18 by the Pennsylvania State Police, containing the applicant's  
19 name, address, date of birth and the signature of the  
20 applicant.

21 [(3) Requested by means of a telephone call that the  
22 Pennsylvania State Police conduct a criminal history,  
23 juvenile delinquency history and a mental health record  
24 check. The purchaser and the licensed dealer shall provide  
25 such information as is necessary to accurately identify the  
26 purchaser. The requester shall be charged a fee equivalent to  
27 the cost of providing the service but not to exceed \$2 per  
28 buyer or transferee.]

29 (4) Received a unique approval number for that inquiry  
30 from the Pennsylvania State Police and recorded the date and

1 the number on the application/record of sale form.

2 (5) Issued a receipt containing the information from  
3 paragraph (4), including the unique approval number of the  
4 purchaser. This receipt shall be prima facie evidence of the  
5 purchaser's or transferee's compliance with the provisions of  
6 this section.

7 (6) Unless it has been discovered pursuant to a criminal  
8 history, juvenile delinquency and mental health records  
9 background check that the potential purchaser or transferee  
10 is prohibited from possessing a firearm pursuant to section  
11 6105, no information received via telephone following the  
12 implementation of the instantaneous background check system  
13 from a purchaser or transferee who has received a unique  
14 approval number shall be retained by the Pennsylvania State  
15 Police.

16 (7) For purposes of the enforcement of 18 U.S.C. §  
17 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in  
18 the event the criminal history or juvenile delinquency  
19 background check indicates a conviction for a misdemeanor  
20 that the Pennsylvania State Police cannot determine is or is  
21 not related to an act of domestic violence, the Pennsylvania  
22 State Police shall issue a temporary delay of the approval of  
23 the purchase or transfer. During the temporary delay, the  
24 Pennsylvania State Police shall conduct a review or  
25 investigation of the conviction with courts, local police  
26 departments, district attorneys and other law enforcement or  
27 related institutions as necessary to determine whether or not  
28 the misdemeanor conviction involved an act of domestic  
29 violence. The Pennsylvania State Police shall conduct the  
30 review or investigation as expeditiously as possible. No

1 firearm may be transferred by the dealer to the purchaser who  
2 is the subject of the investigation during the temporary  
3 delay. The Pennsylvania State Police shall notify the dealer  
4 of the termination of the temporary delay and either deny the  
5 sale or provide the unique approval number under paragraph  
6 (4).]

7 \* \* \*

8 (f) Application of section.--

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

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

20 (3) The provisions contained in subsection [(a)] (b)  
21 (1.5) shall not apply to any law enforcement officer whose  
22 current identification as a law enforcement officer shall be  
23 construed as a valid license to carry a firearm or any person  
24 who possesses a valid license to carry a firearm under  
25 section 6109 (relating to licenses).

26 [(4) (i) The provisions of subsection (a) shall not  
27 apply to any person who presents to the seller or  
28 transferor a written statement issued by the official  
29 described in subparagraph (iii) during the ten-day period  
30 ending on the date of the most recent proposal of such

1 transfer or sale by the transferee or purchaser stating  
2 that the transferee or purchaser requires access to a  
3 firearm because of a threat to the life of the transferee  
4 or purchaser or any member of the household of that  
5 transferee or purchaser.

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

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

18 (g) Penalties.--

19 \* \* \*

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

1 \* \* \*

2 (j) Exemption.--

3 (1) The provisions of [subsections (a) and] subsection

4 (b) shall not apply to:

5 (i) sales between Federal firearms licensees; or

6 (ii) the purchase of firearms by a chief law  
7 enforcement officer or his designee, for the official use  
8 of law enforcement officers.

9 (2) For the purposes of this subsection, the term "chief  
10 law enforcement officer" shall include the Commissioner of  
11 the Pennsylvania State Police, the chief or head of a police  
12 department, a county sheriff or any equivalent law  
13 enforcement official.

14 Section 3. Section 6111.1(b)(1), (2) and (3), (c), (e), (i),  
15 (j.1), (j.2) and (j.3) of Title 18 are amended and the section  
16 is amended by adding subsections to read:

17 § 6111.1. Pennsylvania State Police.

18 \* \* \*

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

20 [(1) Upon receipt of a request for a criminal history,  
21 juvenile delinquency history and mental health record check  
22 of the potential purchaser or transferee, the Pennsylvania  
23 State Police shall immediately during the licensee's call or  
24 by return call forthwith:

25 (i) review the Pennsylvania State Police criminal  
26 history and fingerprint records to determine if the  
27 potential purchaser or transferee is prohibited from  
28 receipt or possession of a firearm under Federal or State  
29 law;

30 (ii) review the juvenile delinquency and mental

1 health records of the Pennsylvania State Police to  
2 determine whether the potential purchaser or transferee  
3 is prohibited from receipt or possession of a firearm  
4 under Federal or State law; and

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

6 (A) that the potential purchase or transfer is  
7 prohibited; or

8 (B) provide the licensee with a unique approval  
9 number.

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

25 (3) The Pennsylvania State Police shall fully comply,  
26 execute and enforce the directives of this section as  
27 follows:

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

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

4 (A) the date of publication of the notice under  
5 section 6111(a)(2); or

6 (B) December 31, 1998.]

7 \* \* \*

8 [(c) Establish a telephone number.--The Pennsylvania State  
9 Police shall establish a telephone number which shall be  
10 operational seven days a week between the hours of 8 a.m. and 10  
11 p.m. local time for purposes of responding to inquiries as  
12 described in this section from licensed manufacturers, licensed  
13 importers and licensed dealers. The Pennsylvania State Police  
14 shall employ and train such personnel as are necessary to  
15 administer expeditiously the provisions of this section.]

16 \* \* \*

17 (e) Challenge to records.--

18 (1) Any person who is denied the right to receive, sell,  
19 transfer, possess, carry, manufacture or purchase a firearm  
20 as a result of the [procedures established by this section]  
21 information recorded in a registry of the Pennsylvania State  
22 Police may challenge the accuracy of that person's criminal  
23 history, juvenile delinquency history or mental health record  
24 [pursuant to a denial by the instantaneous records check] by  
25 submitting a challenge to the Pennsylvania State Police  
26 within 30 days from the date of the denial.

27 (1.1) Any person who is denied the right to receive,  
28 sell, transfer, possess, carry, manufacture or purchase a  
29 firearm as a result of a determination under subsection (j.5)  
30 (3) may challenge the accuracy of the determination by

1 submitting a challenge to the Pennsylvania State Police  
2 within 30 days from the date that notice of the determination  
3 is received.

4 (2) The Pennsylvania State Police shall conduct a review  
5 of the accuracy of the information forming the basis for the  
6 denial or determination and shall have the burden of proving  
7 the accuracy of the record or determination. Within 20 days  
8 after receiving a challenge, the Pennsylvania State Police  
9 shall notify the challenger of the specific basis for the  
10 denial or determination, including, but not limited to, the  
11 jurisdiction and docket number of any relevant court decision  
12 [and] as well as the specific provisions of Federal or State  
13 statute relevant to the denial or determination. The  
14 Pennsylvania State Police shall provide the challenger an  
15 opportunity to provide additional information for the  
16 purposes of the review. The Pennsylvania State Police shall  
17 communicate its final decision to the challenger within 60  
18 days of the receipt of the challenge. The decision of the  
19 Pennsylvania State Police shall include all information which  
20 formed a basis for the decision.

21 (3) If the challenge is ruled invalid, the person shall  
22 have the right to appeal the decision to the Attorney General  
23 within 30 days of the decision. The Attorney General shall  
24 conduct a hearing de novo in accordance with the  
25 Administrative Agency Law. The burden of proof shall be upon  
26 the Commonwealth.

27 (4) The decision of the Attorney General may be appealed  
28 to the Commonwealth Court by an aggrieved party.

29 (5) Pursuant to the memorandum of understanding under  
30 subsection (j.4), the Pennsylvania State Police shall report

1 to the National Instant Criminal Background Check System  
2 Index, Denied Persons Files, the name and other available  
3 identifying information of any person who successfully  
4 challenges:

5 (i) the accuracy of the person's criminal history,  
6 juvenile delinquency history or mental health record; or  
7 (ii) the accuracy of a determination under  
8 subsection (j.5)(3).

9 (6) Nothing in this section shall be construed to limit,  
10 prevent or impair the right of a person to challenge or  
11 appeal a denial, delay or other determination through the  
12 NICS.

13 \* \* \*

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

17 (1) number of firearm sales, including the types of  
18 firearms;

19 (2) number of applications for sale of firearms denied,  
20 number of challenges of the denials and number of final  
21 reversals of initial denials;

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

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

29 \* \* \*

30 [(j.1) Delinquency and mental health records.--The

1 provisions of this section which relate to juvenile delinquency  
2 and mental health records checks shall be applicable when the  
3 data has been made available to the Pennsylvania State Police  
4 but not later than October 11, 1999.

5 (j.2) Records check.--The provisions of this section which  
6 relate to the instantaneous records check conducted by telephone  
7 shall be applicable 30 days following notice by the Pennsylvania  
8 State Police pursuant to section 6111(a)(2).]

9 (j.3) Immunity.--[The Pennsylvania State Police and its  
10 employees shall be immune from actions for damages for the use  
11 of a firearm by a purchaser or for the unlawful transfer of a  
12 firearm by a dealer unless the act of the Pennsylvania State  
13 Police or its employees constitutes a crime, actual fraud,  
14 actual malice or willful misconduct.] Unless the act of the  
15 Pennsylvania State Police or its employees constitutes a crime,  
16 actual fraud, actual malice or willful misconduct, the  
17 Pennsylvania State Police and its employees shall be immune from  
18 actions for damages for:

- 19 (1) the use of a firearm by a purchaser or lawful owner;  
20 or  
21 (2) the unlawful transfer of a firearm by a dealer.

22 (j.4) Report of State prohibitors to NICS.--The Pennsylvania  
23 State Police shall, in accordance with Federal and State law  
24 regarding confidentiality, enter into a memorandum of  
25 understanding with the Federal Bureau of Investigation for the  
26 purpose of implementing the NICS in this Commonwealth. The  
27 Pennsylvania State Police shall, as soon as possible but within  
28 72 hours of receipt, report, electronically or otherwise, to the  
29 NICS, the name and other available identifying information of  
30 any person who:

1       (1) under section 6105, may not possess, use, control,  
2 sell, transfer or manufacture a firearm in this Commonwealth;  
3 or

4       (2) was previously reported under paragraph (1) or any  
5 predecessor statute or agreement and may currently possess,  
6 use, control, sell, transfer or manufacture a firearm in this  
7 Commonwealth.

8 (j.5) Report of court orders to NICS.--

9       (1) The Pennsylvania State Police shall, as soon as  
10 possible but within 72 hours of receipt, report,  
11 electronically or otherwise, to the NICS, any record relevant  
12 to a determination of whether a person is disqualified from  
13 possessing or receiving a firearm under 18 U.S.C. § 922(g) (8)  
14 or (9) and any record relevant to a determination of whether  
15 a person is not disqualified or is no longer disqualified  
16 from possessing or receiving a firearm under 18 U.S.C. §  
17 922(g) (8) or (9).

18       (2) Upon receipt of a record relevant to a determination  
19 of whether a person is disqualified from possessing or  
20 receiving a firearm under 18 U.S.C. § 922(g) (8) which record  
21 does not contain either the Social Security Number or date of  
22 birth of the person, the Pennsylvania State Police shall, as  
23 soon as possible but within 72 hours of receipt, compare the  
24 record to:

25           (i) any information in the possession of the  
26 Pennsylvania State Police, including information  
27 accessible to the Firearms License Validation System  
28 established in section 6109(1) (relating to licenses);  
29 and

30           (ii) any information maintained by the Department of

1 Transportation and accessible by the Pennsylvania State  
2 Police for law enforcement purposes.

3 (3) Based on a review under paragraph (2), if the  
4 Pennsylvania State Police are able to determine with  
5 reasonable certainty a date of birth for the person who is  
6 the subject of the record, this information shall be used  
7 supplement the record reported to the NICS under paragraph  
8 (1). At the same time the record is reported to the NICS, the  
9 person determined to be the subject of the report shall be  
10 notified in writing by the Pennsylvania State Police. The  
11 notification shall include:

12 (i) a copy of all records, under paragraph (2),  
13 relevant to the determination; and

14 (ii) an explanation of the right to challenge that  
15 determination under subsection (e)(1.1).

16 \* \* \*

17 Section 4. Sections 6111.2 and 6111.3 of Title 18 are  
18 repealed:

19 [§ 6111.2. Firearm sales surcharge.

20 (a) Surcharge imposed.--There is hereby imposed on each sale  
21 of a firearm subject to tax under Article II of the act of March  
22 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an  
23 additional surcharge of \$3. This shall be referred to as the  
24 Firearm Sale Surcharge. All moneys received from this surcharge  
25 shall be deposited in the Firearm Instant Records Check Fund.

26 (b) Increases or decreases.--Five years from the effective  
27 date of this subsection, and every five years thereafter, the  
28 Pennsylvania State Police shall provide such information as  
29 necessary to the Legislative Budget and Finance Committee for  
30 the purpose of reviewing the need to increase or decrease the

1 instant check fee. The committee shall issue a report of its  
2 findings and recommendations to the General Assembly for a  
3 statutory change in the fee.

4 (c) Revenue sources.--Funds received under the provisions of  
5 this section and section 6111(b)(3) (relating to sale or  
6 transfer of firearms), as estimated and certified by the  
7 Secretary of Revenue, shall be deposited within five days of the  
8 end of each quarter into the fund.

9 (d) Definition.--As used in this section only, the term  
10 "firearm" shall mean any weapon which is designed to or may  
11 readily be converted to expel any projectile by the action of an  
12 explosion or the frame or receiver of any such weapon.

13 § 6111.3. Firearm Records Check Fund.

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

22 (b) Source.--The source of the fund shall be moneys  
23 collected and transferred under section 6111.2 (relating to  
24 firearm sales surcharge) and moneys collected and transferred  
25 under section 6111(b)(3).]

26 Section 5. Sections 6113(a) and 6124 of Title 18 are amended  
27 to read:

28 § 6113. Licensing of dealers.

29 (a) General rule.--The chief or head of any police force or  
30 police department of a city, and, elsewhere, the sheriff of the

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

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

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

15 (3) No firearm shall be sold in violation of any  
16 provision of this subchapter.

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

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

28 (6) No firearm as defined in section 6102 (relating to  
29 definitions) shall be displayed in any part of any premises  
30 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 § 6124. Administrative regulations.

11 The commissioner may establish form specifications and  
12 regulations, consistent with section 6109(c) (relating to  
13 licenses), with respect to uniform forms control, including the  
14 following:

15 (1) License to carry firearms.

16 (2) Firearm registration.

17 (3) Dealer's license.

18 [(4) Application for purchase of a firearm.]

19 [(5) Record of sale of firearms.]

20 Section 6. This act shall take effect in 360 days.