

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 2344 Session of  
2020

---

INTRODUCED BY PRIME SPONSOR WITHDREW, ZABEL, KINSEY, WILLIAMS,  
WEBSTER, SANCHEZ, CIRESI, OTTEN, SCHLOSSBERG, KIM AND MADDEN,  
MARCH 10, 2020

---

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2020

---

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, providing for ammunition  
9 purchase authorization permits, establishing the Ammunition  
10 Safety and Enforcement Fund and providing for transporting  
11 ammunition into this Commonwealth.

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

14 Section 1. Section 6102 of Title 18 of the Pennsylvania  
15 Consolidated Statutes is amended by adding definitions to read:  
16 § 6102. Definitions.

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

1 section:

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

5 \* \* \*

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

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

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

14 \* \* \*

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

18 \* \* \*

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

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

23 (a) Offense defined.--

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

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

11 (ii) This paragraph shall not apply to any person  
12 whose disability is imposed pursuant to subsection (c)  
13 (6).

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

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

25 \* \* \*

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

30 (1) A person who is a fugitive from justice. This

1 paragraph does not apply to an individual whose fugitive  
2 status is based upon a nonmoving or moving summary offense  
3 under Title 75 (relating to vehicles).

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

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

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

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

30 (6) A person who is the subject of an active final

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

11 (7) A person who was adjudicated delinquent by a court  
12 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or  
13 under any equivalent Federal statute or statute of any other  
14 state as a result of conduct which if committed by an adult  
15 would constitute an offense under sections 2502, 2503, 2702,  
16 2703 (relating to assault by prisoner), 2704, 2901, 3121,  
17 3123, 3301, 3502, 3701 and 3923.

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

27 (9) A person who is prohibited from possessing or  
28 acquiring a firearm or ammunition under 18 U.S.C. § 922(g)  
29 (9). If the offense which resulted in the prohibition under  
30 18 U.S.C. § 922(g) (9) was committed, as provided in 18 U.S.C.

1 § 921(a) (33) (A) (ii) (relating to definitions), by a person in  
2 any of the following relationships:

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

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

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

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

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

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

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

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

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

28 (i) The Secretary of the Treasury of the United  
29 States has relieved the applicant of an applicable  
30 disability imposed by Federal law upon the possession,

1 ownership or control of a firearm as a result of the  
2 applicant's prior conviction, except that the court may  
3 waive this condition if the court determines that the  
4 Congress of the United States has not appropriated  
5 sufficient funds to enable the Secretary of the Treasury  
6 to grant relief to applicants eligible for the relief.

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

14 \* \* \*

15 (f) Other exemptions and proceedings.--

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

22 \* \* \*

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

29 \* \* \*

30 Section 3. Section 6111 heading, (b) introductory paragraph,

1 (1.1) (v) and (6), (c), (f), (g), (h) (1) and (j) of Title 18 are  
2 amended and the section is amended by adding a subsection to  
3 read:

4 § 6111. Sale or transfer of firearms or ammunition.

5 \* \* \*

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

15 \* \* \*

16 (1.1) On the date of publication in the Pennsylvania  
17 Bulletin of a notice by the Pennsylvania State Police that  
18 the instantaneous records check has been implemented, all of  
19 the following shall apply:

20 \* \* \*

21 (v) Unless it has been discovered pursuant to a  
22 criminal history, juvenile delinquency and mental health  
23 records background check that the potential purchaser or  
24 transferee is prohibited from possessing a firearm and  
25 ammunition pursuant to section 6105 (relating to persons  
26 not to possess, use, manufacture, control, sell or  
27 transfer firearms and ammunition), no information on the  
28 application/record of sale provided pursuant to this  
29 subsection shall be retained as precluded by section  
30 6111.4 (relating to registration of firearms) by the

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

8 \* \* \*

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

18 \* \* \*

19 (b.1) Remote ordering.--

20 (1) Except for the sale, delivery or transfer of  
21 firearms by gun ranges or target facilities and as otherwise  
22 provided in paragraph (2), the sale, delivery or transfer of  
23 firearms or ammunition by a licensed importer, licensed  
24 manufacturer or licensed dealer to a purchaser or transferee  
25 other than another licensed importer, licensed manufacturer  
26 or licensed dealer may only occur in a face-to-face  
27 transaction with the licensed importer, licensed manufacturer  
28 or licensed dealer being provided bona fide evidence of  
29 identity from the purchaser or other transferee.

30 (2) Firearms or ammunition may be purchased over the

1 Internet or through other means of remote ordering if a  
2 licensed importer, licensed manufacturer or licensed dealer  
3 in this Commonwealth initially receives the firearm or  
4 ammunition and processes the transfer in compliance with this  
5 section.

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

17 \* \* \*

18 (f) Application of section.--

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

24 (2) The provisions contained in subsections (a), (b.1)  
25 and (c) shall only apply to [pistols or revolvers] a firearm  
26 if the firearm is a pistol or revolver with a barrel length  
27 of less than 15 inches, [any] a shotgun with a barrel length  
28 of less than 18 inches, [any] a rifle with a barrel length of  
29 less than 16 inches or [any] a firearm with an overall length  
30 of less than 26 inches.

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

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

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

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

29       (g) Penalties.--

30           (1) Any person, licensed dealer, licensed manufacturer

1 or licensed importer who knowingly or intentionally sells,  
2 delivers or transfers a firearm or ammunition in violation of  
3 this section commits a misdemeanor of the second degree.

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

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

23 (3.1) Any person, licensed dealer, licensed manufacturer  
24 or licensed importer who knowingly and intentionally obtains  
25 or furnishes information collected or maintained pursuant to  
26 section 6109 for any purpose other than compliance with this  
27 chapter or who knowingly or intentionally disseminates,  
28 publishes or otherwise makes available such information to  
29 any person other than the subject of the information commits  
30 a felony of the third degree.

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

5           (i) makes any materially false oral statement;

6           (ii) makes any materially false written statement,  
7 including a statement on any form promulgated by Federal  
8 or State agencies; or

9           (iii) willfully furnishes or exhibits any false  
10 identification intended or likely to deceive the seller,  
11 licensed dealer or licensed manufacturer.

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

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 or ammunition in violation of this chapter  
25 who has reason to believe that the firearm or ammunition is  
26 intended to be used in the commission of a crime or attempt  
27 to commit a crime shall be liable in the amount of the civil  
28 judgment for injuries suffered by any person so injured by  
29 such crime or attempted crime.

30           (h) Subsequent violation penalty.--

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

9 \* \* \*

10 (j) Exemption.--

11 (1) The provisions of subsections (a) and (b) shall not  
12 apply to:

13 (i) sales between Federal firearms licensees; or

14 (ii) the purchase of firearms or ammunition by a  
15 chief law enforcement officer or his designee, for the  
16 official use of law enforcement officers.

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

22 Section 4. Sections 6111.1(b), (e)(1), (f)(1), (i) and  
23 (j.3), 6111.2 heading and (a), 6111.3, 6112 and 6113(a) of Title  
24 18 are amended to read:

25 § 6111.1. Pennsylvania State Police.

26 \* \* \*

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

28 (1) Upon receipt of a request for a criminal history,  
29 juvenile delinquency history and mental health record check  
30 of the potential purchaser or transferee, the Pennsylvania

1 State Police shall immediately during the licensee's call or  
2 by return call forthwith:

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

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

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

14 (A) that the potential purchase or transfer is  
15 prohibited; or

16 (B) provide the licensee with a unique approval  
17 number.

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

1 for any sale or transfer of a firearm or ammunition for the  
2 purpose of a subsequent background check.

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

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

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

12 (A) the date of publication of the notice under  
13 section 6111(a)(2); or

14 (B) December 31, 1998.

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

27 \* \* \*

28 (e) Challenge to records.--

29 (1) Any person who is denied the right to receive, sell,  
30 transfer, possess, carry, manufacture or purchase a firearm

1 or ammunition as a result of the procedures established by  
2 this section may challenge the accuracy of that person's  
3 criminal history, juvenile delinquency history or mental  
4 health record pursuant to a denial by the instantaneous  
5 records check by submitting a challenge to the Pennsylvania  
6 State Police within 30 days from the date of the denial.

7 \* \* \*

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

10 (1) Notwithstanding any statute to the contrary, judges  
11 of the courts of common pleas shall notify the Pennsylvania  
12 State Police, on a form developed by the Pennsylvania State  
13 Police, of:

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

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

27 \* \* \*

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

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

4 (2) number of applications for sale of firearms and  
5 ammunition denied, number of challenges of the denials and  
6 number of final reversals of initial denials, delineated in a  
7 separate manner;

8 (3) summary of the Pennsylvania State Police's  
9 activities, including the average time taken to complete a  
10 criminal history, juvenile delinquency history or mental  
11 health record check; and

12 (4) uniform crime reporting statistics compiled by the  
13 Pennsylvania State Police based on the National Incident-  
14 based Reporting System.

15 \* \* \*

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

22 \* \* \*

23 § 6111.2. Firearm and ammunition sales surcharge.

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

1 \* \* \*

2 § 6111.3. Firearm Records Check Fund.

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

11 (b) Source.--The source of the fund shall be moneys  
12 collected and transferred under section 6111.2 (relating to  
13 firearm and ammunition sales surcharge) and moneys collected and  
14 transferred under section 6111(b)(3).

15 § 6112. Retail dealer required to be licensed.

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

21 § 6113. Licensing of dealers.

22 (a) General rule.--The chief or head of any police force or  
23 police department of a city, and, elsewhere, the sheriff of the  
24 county, shall grant to reputable applicants licenses, in form  
25 prescribed by the Pennsylvania State Police, effective for three  
26 years from date of issue, permitting the licensee to sell  
27 firearms, ammunition, or both, direct to the consumer, subject  
28 to the following conditions in addition to those specified in  
29 section 6111 (relating to sale or transfer of firearms or  
30 ammunition), for breach of any of which the license shall be

1 forfeited and the licensee subject to punishment as provided in  
2 this subchapter:

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

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

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

11 (4) No firearm or ammunition shall be sold under any  
12 circumstances unless the purchaser is personally known to the  
13 seller or shall present clear evidence of the purchaser's  
14 identity.

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

23 (6) No firearm or ammunition as those terms are defined  
24 in section 6102 (relating to definitions) shall be displayed  
25 in any part of any premises where it can readily be seen from  
26 the outside. In the event that the Commissioner of the  
27 Pennsylvania State Police shall find a clear and present  
28 danger to public safety within this Commonwealth or any area  
29 thereof, firearms and ammunition shall be stored and  
30 safeguarded pursuant to regulations to be established by the

1 Pennsylvania State Police by the licensee during the hours  
2 when the licensee is closed for business.

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

5 \* \* \*

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

7 § 6121.1. Ammunition purchase authorization permits.

8 (a) Use.--A person holding an ammunition purchase  
9 authorization permit issued under this section may purchase or  
10 otherwise seek the transfer of ownership of ammunition from a  
11 retailer that sells ammunition.

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

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

18 (1) The person submits an application for an ammunition  
19 purchase authorization permit as prescribed by the  
20 Pennsylvania State Police.

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

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

24 (4) The person pays the fee as specified under  
25 subsection (g).

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

27 (1) Upon receipt of an application for an ammunition  
28 purchase authorization permit, the Pennsylvania State Police  
29 shall examine its records and the Pennsylvania Instant Check  
30 System in order to determine if the applicant is prohibited

1 from possessing or acquiring ammunition under Federal or  
2 State law.

3 (2) The applicant shall be approved or denied within 30  
4 days of the date of the submission of the application to the  
5 department.

6 (3) If the Pennsylvania State Police is unable to make a  
7 determination under paragraph (2) within 30 days, the  
8 Pennsylvania State Police shall issue the ammunition purchase  
9 authorization permit.

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

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

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

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

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

29 (1) The Pennsylvania State Police shall create and  
30 maintain an internal centralized list of all persons who

1 hold an ammunition purchase authorization permit.

2 (2) The Pennsylvania State Police shall remove a person  
3 from the list under paragraph (1) whose authorization has  
4 been revoked by the Pennsylvania State Police under  
5 subsection (e) (1).

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

8 (i) Retailers that sell or otherwise seek the  
9 transfer of ownership of ammunition.

10 (ii) Law enforcement agencies for purposes of  
11 enforcing the law.

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

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

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

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

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

29 (j) Regulations.--The Pennsylvania State Police may  
30 promulgate regulations necessary to implement the provisions of

1 this section.

2 § 6121.2. Transporting ammunition into this Commonwealth.

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

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

16 Section 6. This act shall take effect July 1, 2020, or  
17 immediately, whichever is later.