
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1832 Session of
2021

INTRODUCED BY ISAACSON, SCHLOSSBERG, HOHENSTEIN AND SANCHEZ,
SEPTEMBER 2, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 2, 2021

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 sale or transfer of firearms.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 6111(b), (c) and (f)(1) and (2) of Title
7 18 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 6111. Sale or transfer of firearms.

10 * * *

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

17 (1) For purposes of a firearm [as defined in section
18 6102 (relating to definitions), obtained a completed

1 application/record of sale from the potential buyer or
2 transferee to be filled out in triplicate, the original copy
3 to be sent to the Pennsylvania State Police, postmarked via
4 first class mail, within 14 days of the sale, one copy to be
5 retained by the licensed importer, licensed manufacturer or
6 licensed dealer for a period of 20 years and one copy to be
7 provided to the purchaser or transferee.], obtained a
8 completed application/record of sale from the potential
9 purchaser or transferee. The potential purchaser or
10 transferee must deliver, in person, the original
11 application/record of sale to a Pennsylvania State Police
12 station or headquarters prior to purchase or transfer, unless
13 the purchaser or transferee has a documented illness or
14 disability that severely limits the purchaser's or
15 transferee's ability to travel, as determined by the
16 Pennsylvania State Police, in which case the original
17 application/record of sale must be transmitted in a manner
18 approved by the Pennsylvania State Police. After receipt of
19 the original application/record of sale, the Pennsylvania
20 State Police shall conduct a criminal history, juvenile
21 delinquency history and a mental health record check of the
22 purchaser or transferee and complete the application/record
23 of sale as necessary. The Pennsylvania State Police shall
24 produce three copies of the completed application/record of
25 sale, retain the original completed copy and provide two
26 copies to the purchaser or transferee. In order to complete
27 the purchase or transfer of the firearm, the purchaser or
28 transferee must deliver one of the two copies to the licensed
29 importer, licensed manufacturer or licensed dealer who shall
30 retain the copy for a period of 20 years. The purchaser or

1 transferee shall retain the final copy for a period of 20
2 years. The form of this application/record of sale shall be
3 no more than one page in length and shall be promulgated by
4 the Pennsylvania State Police and provided by the licensed
5 importer, licensed manufacturer or licensed dealer. The
6 application/record of sale shall include the name, address,
7 birthrate, gender, race, physical description and Social
8 Security number of the purchaser or transferee, the date of
9 the application and the caliber, length of barrel, make,
10 model and manufacturer's number of the firearm to be
11 purchased or transferred. The application/record of sale
12 shall also contain the following question:

13 Are you the actual buyer of the firearm(s) [, as defined
14 under 18 Pa.C.S. § 6102 (relating to definitions),]

15 listed on this application/record of sale? Warning: You
16 are not the actual buyer if you are acquiring the
17 firearm(s) on behalf of another person, unless you are
18 legitimately acquiring the firearm as a gift for any of
19 the following individuals who are legally eligible to own
20 a firearm:

- 21 (1) spouse;
- 22 (2) parent;
- 23 (3) child;
- 24 (4) grandparent; or
- 25 (5) grandchild.

26 (1.1) On the date of publication in the Pennsylvania
27 Bulletin of a notice by the Pennsylvania State Police that
28 the instantaneous records check has been implemented, all of
29 the following shall apply:

30 [(i) In the event of an electronic failure under

1 section 6111.1(b) (2) (relating to Pennsylvania State
2 Police) for purposes of a firearm which exceeds the
3 barrel and related lengths set forth in section 6102,
4 obtained a completed application/record of sale from the
5 potential buyer or transferee to be filled out in
6 triplicate, the original copy to be sent to the
7 Pennsylvania State Police, postmarked via first class
8 mail, within 14 days of sale, one copy to be retained by
9 the licensed importer, licensed manufacturer or licensed
10 dealer for a period of 20 years and one copy to be
11 provided to the purchaser or transferee.]

12 (ii) The form of the application/record of sale
13 shall be no more than one page in length and shall be
14 promulgated by the Pennsylvania State Police and provided
15 by the licensed importer, licensed manufacturer or
16 licensed dealer.

17 (iii) For purposes of conducting the criminal
18 history, juvenile delinquency and mental health records
19 background check which shall be completed within ten days
20 of receipt of the information from the [dealer] potential
21 purchaser or transferee, the application/record of sale
22 shall include the name, address, birthdate, gender, race,
23 physical description and Social Security number of the
24 purchaser or transferee and the date of application. If
25 any information contained within the application/record
26 of sale is determined to be inaccurate, or the
27 information provided is inadequate for the purpose of
28 identifying the purchaser or transferee for the
29 performance of a criminal history, juvenile delinquency
30 and mental health records background check, the purchaser

1 or transferee may not purchase the firearm and the
2 purchaser or transferee may not attempt to purchase
3 another firearm until a period of at least 14 days has
4 elapsed.

5 [(iv) No information regarding the type of firearm
6 need be included other than an indication that the
7 firearm exceeds the barrel lengths set forth in section
8 6102.]

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

26 (1.2) Fees collected under paragraph (3) and section
27 6111.2 (relating to firearm sales surcharge) shall be
28 transmitted to the Pennsylvania State Police within 14 days
29 of collection.

30 (1.3) In addition to the criminal penalty under section

1 6119 (relating to violation penalty), any person who
2 knowingly and intentionally maintains or fails to destroy any
3 information submitted to the Pennsylvania State Police for
4 purposes of a background check pursuant to [paragraphs (1.1)
5 and (1.4)] paragraph (1.1) or violates section 6111.4 shall
6 be subject to a civil penalty of \$250 per violation, entry or
7 failure to destroy.

8 [(1.4) Following implementation of the instantaneous
9 records check by the Pennsylvania State Police on or before
10 December 1, 1998, no application/record of sale shall be
11 completed for the purchase or transfer of a firearm which
12 exceeds the barrel lengths set forth in section 6102. A
13 statement shall be submitted by the dealer to the
14 Pennsylvania State Police, postmarked via first class mail,
15 within 14 days of the sale, containing the number of firearms
16 sold which exceed the barrel and related lengths set forth in
17 section 6102, the amount of surcharge and other fees remitted
18 and a list of the unique approval numbers given pursuant to
19 paragraph (4), together with a statement that the background
20 checks have been performed on the firearms contained in the
21 statement. The form of the statement relating to performance
22 of background checks shall be promulgated by the Pennsylvania
23 State Police.]

24 (2) Inspected photoidentification of the potential
25 purchaser or transferee, including, but not limited to, a
26 driver's license, official Pennsylvania photoidentification
27 card or official government photoidentification card. In the
28 case of a potential buyer or transferee who is a member of a
29 recognized religious sect or community whose tenets forbid or
30 discourage the taking of photographs of members of that sect

1 or community, a seller shall accept a valid-without-photo
2 driver's license or a combination of documents, as prescribed
3 by the Pennsylvania State Police, containing the applicant's
4 name, address, date of birth and the signature of the
5 applicant.

6 [(3) Requested by means of a telephone call that the
7 Pennsylvania State Police conduct a criminal history,
8 juvenile delinquency history and a mental health record
9 check. The purchaser and the licensed dealer shall provide
10 such information as is necessary to accurately identify the
11 purchaser. The requester shall be charged a fee equivalent to
12 the cost of providing the service but not to exceed \$2 per
13 buyer or transferee.]

14 (3.1) Required the purchaser or transferee to deliver
15 the application/record of sale to a Pennsylvania State Police
16 station or headquarters and request a criminal history,
17 juvenile delinquency history and a mental health record
18 check. The purchaser or transferee shall provide such
19 information as is necessary to accurately identify the
20 purchaser or transferee from the application/record of sale.
21 The purchaser or transferee must pay a fee equivalent to the
22 cost of providing the service, which fee may not exceed \$2.
23 If any information contained in the application/record of
24 sale is determined to be inaccurate, or the information
25 provided is inadequate for the purpose of identifying the
26 purchaser or transferee for the performance of a criminal
27 history, juvenile delinquency and mental health records
28 background check, the purchaser or transferee shall be unable
29 to purchase the firearm(s) in question and the purchaser or
30 transferee shall not attempt to purchase another firearm

1 until a period of at least 14 days has elapsed.

2 (4) Received a unique approval number [for that inquiry
3 from the Pennsylvania State Police and recorded the date and
4 the number on the application/record of sale form] and date
5 of approval as included on the completed application/record
6 of sale that the purchaser or transferee received from the
7 Pennsylvania State Police.

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

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

22 (7) For purposes of the enforcement of 18 U.S.C. §
23 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
24 the event the criminal history or juvenile delinquency
25 background check indicates a conviction for a misdemeanor
26 that the Pennsylvania State Police cannot determine is or is
27 not related to an act of domestic violence, the Pennsylvania
28 State Police shall issue a temporary delay of the approval of
29 the purchase or transfer. During the temporary delay, the
30 Pennsylvania State Police shall conduct a review or

1 investigation of the conviction with courts, local police
2 departments, district attorneys and other law enforcement or
3 related institutions as necessary to determine whether or not
4 the misdemeanor conviction involved an act of domestic
5 violence. The Pennsylvania State Police shall conduct the
6 review or investigation as expeditiously as possible. No
7 firearm may be transferred by the dealer to the purchaser who
8 is the subject of the investigation during the temporary
9 delay. The Pennsylvania State Police shall notify the dealer
10 of the termination of the temporary delay and either deny the
11 sale or provide the unique approval number under paragraph
12 (4).

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

23 * * *

24 (f) Application of section.--

25 (1) For the purposes of this section only, [except as
26 provided by paragraph (2),] "firearm" shall mean any weapon
27 which is designed to or may readily be converted to expel any
28 projectile by the action of an explosive or the frame or
29 receiver of any such weapon.

30 [(2) The provisions contained in subsections (a) and (c)

1 shall only apply to pistols or revolvers with a barrel length
2 of less than 15 inches, any shotgun with a barrel length of
3 less than 18 inches, any rifle with a barrel length of less
4 than 16 inches or any firearm with an overall length of less
5 than 26 inches.]

6 * * *

7 Section 2. This act shall apply to transactions that occur
8 on or after the effective date of this section.

9 Section 3. This act shall take effect in 60 days.