
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 357 Session of
2023

INTRODUCED BY DUSH, PHILLIPS-HILL, BARTOLOTTA, ROBINSON, BROOKS,
STEFANO, MASTRIANO, PENNYCUICK, ROTHMAN, VOGEL, HUTCHINSON,
YAW, J. WARD AND REGAN, MARCH 14, 2023

REFERRED TO JUDICIARY, MARCH 14, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic
2 Relations) and 34 (Game) of the Pennsylvania Consolidated
3 Statutes, in inchoate crimes, further providing for the
4 offense of possession of firearm or other dangerous weapon in
5 court facility; in firearms and other dangerous articles,
6 further providing for relinquishment of firearms and firearm
7 licenses by convicted persons, repealing provisions relating
8 to firearms not to be carried without a license and relating
9 to carrying loaded weapons other than firearms, providing for
10 license not required, further providing for prohibited
11 conduct during emergency, repealing provisions relating to
12 carrying firearms on public streets or public property in
13 Philadelphia, providing for sportsman's firearm permit and
14 further providing for licenses, for sale or transfer of
15 firearms, for antique firearms and for proof of license and
16 exception; in protection from abuse, further providing for
17 relief; in hunting and furtaking, further providing for
18 cooperation after lawfully killing big game; and, in
19 protection of property and persons, further providing for
20 loaded firearms in vehicles.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 The General Assembly finds and declares as follows:

24 (1) The laws in existence regulating firearms licensing
25 are ineffectual in preventing crime and only interfere with
26 the natural rights of law-abiding citizens.

1 (2) It is necessary to codify the inherent right to the
2 carrying of firearms, whether openly or concealed, and that
3 the right to self-defense is an inherent natural right that
4 shall not be questioned as stated in section 21 of Article I
5 of the Constitution of Pennsylvania.

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

8 Section 1. Sections 913(b)(3) and (e) and 6105.2(g)(1) of
9 Title 18 of the Pennsylvania Consolidated Statutes are amended
10 to read:

11 § 913. Possession of firearm or other dangerous weapon in court
12 facility.

13 * * *

14 (b) Grading.--

15 * * *

16 (3) An offense under subsection (a)(1) is a summary
17 offense if the person is a peace officer, as defined in
18 section 501 (relating to definitions) and was carrying a
19 firearm under section [6106(b) (relating to firearms not to
20 be carried without a license) or] 6109 (relating to licenses)
21 and failed to check the firearm under subsection (e) prior to
22 entering the court facility.

23 * * *

24 (e) Facilities for checking firearms or other dangerous
25 weapons.--Each county shall make available at or within the
26 building containing a court facility by July 1, 2002, lockers or
27 similar facilities at no charge or cost for the temporary
28 checking of firearms by peace officers, as defined in section
29 501, and persons carrying firearms under section [6106(b) or]
30 6109 or for the checking of other dangerous weapons that are not

1 otherwise prohibited by law. Any individual checking a firearm,
2 dangerous weapon or an item deemed to be a dangerous weapon at a
3 court facility must be issued a receipt. Notice of the location
4 of the facility shall be posted as required under subsection
5 (d).

6 * * *

7 § 6105.2. Relinquishment of firearms and firearm licenses by
8 convicted persons.

9 * * *

10 (g) Relinquishment of licenses.--

11 (1) A person convicted of a crime resulting in a firearm
12 disability pursuant to section 6105(c)(9) shall also
13 relinquish to the sheriff any firearm license issued under
14 section [6106 (relating to firearms not to be carried without
15 a license) or] 6108.1 (relating to sportsman's firearm
16 permit) or 6109 (relating to licenses) or 23 Pa.C.S. § 6108.3
17 (relating to relinquishment to third party for safekeeping).

18 * * *

19 Section 2. Sections 6106 and 6106.1 of Title 18 are
20 repealed:

21 [~~§ 6106. Firearms not to be carried without a license.~~

22 ~~(a) Offense defined.--~~

23 ~~(1) Except as provided in paragraph (2), any person who~~
24 ~~carries a firearm in any vehicle or any person who carries a~~
25 ~~firearm concealed on or about his person, except in his place~~
26 ~~of abode or fixed place of business, without a valid and~~
27 ~~lawfully issued license under this chapter commits a felony~~
28 ~~of the third degree.~~

29 ~~(2) A person who is otherwise eligible to possess a~~
30 ~~valid license under this chapter but carries a firearm in any~~

1 vehicle or any person who carries a firearm concealed on or
2 about his person, except in his place of abode or fixed place
3 of business, without a valid and lawfully issued license and
4 has not committed any other criminal violation commits a
5 misdemeanor of the first degree.

6 (b) Exceptions.--The provisions of subsection (a) shall not
7 apply to:

8 (1) Constables, sheriffs, prison or jail wardens, or
9 their deputies, policemen of this Commonwealth or its
10 political subdivisions, or other law-enforcement officers.

11 (2) Members of the army, navy, marine corps, air force
12 or coast guard of the United States or of the National Guard
13 or organized reserves when on duty.

14 (3) The regularly enrolled members of any organization
15 duly organized to purchase or receive such firearms from the
16 United States or from this Commonwealth.

17 (4) Any persons engaged in target shooting with a
18 firearm, if such persons are at or are going to or from their
19 places of assembly or target practice and if, while going to
20 or from their places of assembly or target practice, the
21 firearm is not loaded.

22 (5) Officers or employees of the United States duly
23 authorized to carry a concealed firearm.

24 (6) Agents, messengers and other employees of common
25 carriers, banks, or business firms, whose duties require them
26 to protect moneys, valuables and other property in the
27 discharge of such duties.

28 (7) Any person engaged in the business of manufacturing,
29 repairing, or dealing in firearms, or the agent or
30 representative of any such person, having in his possession,

1 using or carrying a firearm in the usual or ordinary course
2 of such business.

3 (8) Any person while carrying a firearm which is not
4 loaded and is in a secure wrapper from the place of purchase
5 to his home or place of business, or to a place of repair,
6 sale or appraisal or back to his home or place of business,
7 or in moving from one place of abode or business to another
8 or from his home to a vacation or recreational home or
9 dwelling or back, or to recover stolen property under section
10 6111.1(b)(4) (relating to Pennsylvania State Police), or to a
11 place of instruction intended to teach the safe handling, use
12 or maintenance of firearms or back or to a location to which
13 the person has been directed to relinquish firearms under 23
14 Pa.C.S. § 6108 (relating to relief) or back upon return of
15 the relinquished firearm or to a licensed dealer's place of
16 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
17 (relating to relinquishment for consignment sale, lawful
18 transfer or safekeeping) or back upon return of the
19 relinquished firearm or to a location for safekeeping
20 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
21 to third party for safekeeping) or back upon return of the
22 relinquished firearm.

23 (9) Persons licensed to hunt, take furbearers or fish in
24 this Commonwealth, if such persons are actually hunting,
25 taking furbearers or fishing as permitted by such license, or
26 are going to the places where they desire to hunt, take
27 furbearers or fish or returning from such places.

28 (10) Persons training dogs, if such persons are actually
29 training dogs during the regular training season.

30 (11) Any person while carrying a firearm in any vehicle,

1 which person possesses a valid and lawfully issued license
2 for that firearm which has been issued under the laws of the
3 United States or any other state.

4 (12) A person who has a lawfully issued license to carry
5 a firearm pursuant to section 6109 (relating to licenses) and
6 that said license expired within six months prior to the date
7 of arrest and that the individual is otherwise eligible for
8 renewal of the license.

9 (13) Any person who is otherwise eligible to possess a
10 firearm under this chapter and who is operating a motor
11 vehicle which is registered in the person's name or the name
12 of a spouse or parent and which contains a firearm for which
13 a valid license has been issued pursuant to section 6109 to
14 the spouse or parent owning the firearm.

15 (14) A person lawfully engaged in the interstate
16 transportation of a firearm as defined under 18 U.S.C. §
17 921(a) (3) (relating to definitions) in compliance with 18
18 U.S.C. § 926A (relating to interstate transportation of
19 firearms).

20 (15) Any person who possesses a valid and lawfully
21 issued license or permit to carry a firearm which has been
22 issued under the laws of another state, regardless of whether
23 a reciprocity agreement exists between the Commonwealth and
24 the state under section 6109(k), provided:

25 (i) The state provides a reciprocal privilege for
26 individuals licensed to carry firearms under section
27 6109.

28 (ii) The Attorney General has determined that the
29 firearm laws of the state are similar to the firearm laws
30 of this Commonwealth.

1 (16) Any person holding a license in accordance with
2 section 6109(f)(3).

3 (c) Sportsman's firearm permit.--

4 (1) Before any exception shall be granted under
5 paragraph (b)(9) or (10) of this section to any person 18
6 years of age or older licensed to hunt, trap or fish or who
7 has been issued a permit relating to hunting dogs, such
8 person shall, at the time of securing his hunting, furtaking
9 or fishing license or any time after such license has been
10 issued, secure a sportsman's firearm permit from the county
11 treasurer. The sportsman's firearm permit shall be issued
12 immediately and be valid throughout this Commonwealth for a
13 period of five years from the date of issue for any legal
14 firearm, when carried in conjunction with a valid hunting,
15 furtaking or fishing license or permit relating to hunting
16 dogs. The sportsman's firearm permit shall be in triplicate
17 on a form to be furnished by the Pennsylvania State Police.
18 The original permit shall be delivered to the person, and the
19 first copy thereof, within seven days, shall be forwarded to
20 the Commissioner of the Pennsylvania State Police by the
21 county treasurer. The second copy shall be retained by the
22 county treasurer for a period of two years from the date of
23 expiration. The county treasurer shall be entitled to collect
24 a fee of not more than \$6 for each such permit issued, which
25 shall include the cost of any official form. The Pennsylvania
26 State Police may recover from the county treasurer the cost
27 of any such form, but may not charge more than \$1 for each
28 official permit form furnished to the county treasurer.

29 (2) Any person who sells or attempts to sell a
30 sportsman's firearm permit for a fee in excess of that amount

1 fixed under this subsection commits a summary offense.

2 (d) Revocation of registration.--Any registration of a
3 firearm under subsection (c) of this section may be revoked by
4 the county treasurer who issued it, upon written notice to the
5 holder thereof.

6 (e) Definitions.--

7 (1) For purposes of subsection (b) (3), (4), (5), (7) and
8 (8), the term "firearm" shall include any weapon which is
9 designed to or may readily be converted to expel any
10 projectile by the action of an explosive or the frame or
11 receiver of the weapon.

12 (2) As used in this section, the phrase "place of
13 instruction" shall include any hunting club, rifle club,
14 rifle range, pistol range, shooting range, the premises of a
15 licensed firearms dealer or a lawful gun show or meet.

16 § 6106.1. Carrying loaded weapons other than firearms.

17 (a) General rule.--Except as provided in Title 34 (relating
18 to game), no person shall carry a loaded pistol, revolver,
19 shotgun or rifle, other than a firearm as defined in section
20 6102 (relating to definitions), in any vehicle. The provisions
21 of this section shall not apply to persons excepted from the
22 requirement of a license to carry firearms under section 6106(b)
23 (1), (2), (5) or (6) (relating to firearms not to be carried
24 without a license) nor shall the provisions of this section be
25 construed to permit persons to carry firearms in a vehicle where
26 such conduct is prohibited by section 6106.

27 (b) Penalty.--A person who violates the provisions of this
28 section commits a summary offense.]

29 Section 3. Title 18 is amended by adding a section to read:

30 § 6106.2. License not required.

1 (a) Declaration.--Notwithstanding any other provision of
2 law, except when engaging in an activity regulated by 34 Pa.C.S.
3 (relating to game), every person present in this Commonwealth
4 who is not prohibited from possessing firearms under Federal law
5 or the laws of this Commonwealth shall have an affirmative,
6 fundamental and constitutional right to keep and bear firearms,
7 including the right to carry openly or concealed, carry loaded
8 or unloaded, train with, transport, possess, use, acquire,
9 purchase, transfer, inherit, buy, sell, give or otherwise
10 dispose of or receive any firearm without a license to carry a
11 firearm of any kind from this Commonwealth or any of its
12 political subdivisions.

13 (b) Optional license.--Obtaining a license to carry a
14 firearm under this chapter shall be optional. The voluntary
15 nature of the license shall not be construed to require that any
16 person obtain a license to carry a firearm under this chapter.

17 (c) Firearm.--As used in this section only, the term
18 "firearm" shall include any weapon which is designed to or may
19 readily be converted to expel any projectile by the action of an
20 explosive or the frame or receiver of the weapon.

21 Section 4. Section 6107 of Title 18 is amended to read:

22 § 6107. Prohibited conduct during emergency.

23 [(a) General rule.--No person shall carry a firearm upon the
24 public streets or upon any public property during an emergency
25 proclaimed by a State or municipal governmental executive unless
26 that person is:

27 (1) Actively engaged in a defense of that person's life
28 or property from peril or threat.

29 (2) Licensed to carry firearms under section 6109
30 (relating to licenses) or is exempt from licensing under

1 section 6106(b) (relating to firearms not to be carried
2 without a license).]

3 (b) Seizure, taking and confiscation.--[Except as otherwise
4 provided under subsection (a) and notwithstanding]

5 Notwithstanding the provisions of 35 Pa.C.S. Ch. 73 (relating to
6 Commonwealth services) or any other provision of law to the
7 contrary, no firearm, accessory or ammunition may be seized,
8 taken or confiscated during an emergency unless the seizure,
9 taking or confiscation would be authorized absent the emergency.

10 (c) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Accessory." Any scope, sight, bipod, sling, light,
14 magazine, clip or other related item that is attached to or
15 necessary for the operation of a firearm.

16 "Firearm." The term includes any weapon that is designed to
17 or may readily be converted to expel any projectile by the
18 action of an explosive or the frame or receiver of any weapon.

19 Section 5. Section 6108 of Title 18 is repealed:

20 [§ 6108. Carrying firearms on public streets or public property
21 in Philadelphia.]

22 No person shall carry a firearm, rifle or shotgun at any time
23 upon the public streets or upon any public property in a city of
24 the first class unless:

25 (1) such person is licensed to carry a firearm; or

26 (2) such person is exempt from licensing under section

27 6106(b) of this title (relating to firearms not to be carried
28 without a license).]

29 Section 6. Title 18 is amended by adding a section to read:

30 § 6108.1. Sportsman's firearm permit.

1 (a) Purpose.--The purpose of this section is to allow a
2 person to carry a firearm for the purpose of self-defense while
3 the person is engaged in an activity regulated by 34 Pa.C.S.
4 (relating to game).

5 (b) Permit allowed.--Any person 18 years of age or older who
6 has been issued a hunting license, trapping license or fishing
7 license or who has been issued a permit relating to hunting dogs
8 may, at the time of obtaining his hunting, trapping or fishing
9 license or any time after the license has been issued, obtain a
10 sportsman's firearm permit from the county treasurer.

11 (c) Issuance.--The sportsman's firearm permit shall be
12 issued immediately and shall be valid throughout this
13 Commonwealth for a period of five years from the date of issue
14 for any legal firearm when carried in conjunction with a valid
15 hunting, furtaking or fishing license or permit relating to
16 hunting dogs.

17 (d) Form.--The sportsman's firearm permit shall be in
18 triplicate on a form to be furnished by the Pennsylvania State
19 Police. The original permit shall be delivered to the person,
20 and a copy of the permit shall be forwarded to the Commissioner
21 of Pennsylvania State Police by the county treasurer within
22 seven days of the date of delivery. A copy of the permit shall
23 be retained by the county treasurer for a period of two years
24 from the date of expiration.

25 (e) Fee.--The county treasurer may collect a fee of not more
26 than \$6 for each permit issued, which shall include the cost of
27 any official form. The Pennsylvania State Police may recover
28 from the county treasurer the cost of the form, but may not
29 charge more than \$1 for each official permit form furnished to
30 the county treasurer.

1 (f) Offense.--A person who sells or attempts to sell a
2 sportsman's firearm permit for a fee in excess of the amount
3 determined under this section commits a summary offense.

4 Section 7. Sections 6109(a), (b), (c), (d) heading,
5 introductory paragraph and (3), (e)(1) introductory paragraph,
6 (i), (v) and (vii), (3)(ii) and (4), (f)(2) and (4), (g), (h)(3)
7 and (4), (i.1) heading and (1), (j) and (m.1)(1) introductory
8 paragraph and (ii), (2), (3), (4), (7) and (9), 6111(f)(3),
9 6118(b) and 6122 of Title 18 are amended to read:

10 § 6109. Licenses.

11 (a) Purpose of license.--[A license to carry a firearm shall
12 be for the purpose of carrying a firearm concealed on or about
13 one's person or in a vehicle throughout this Commonwealth.]

14 (1) Due to every person present in this Commonwealth
15 having a fundamental constitutional right to keep and bear
16 arms, obtaining a license under this section shall be
17 optional. Nothing in this section shall be construed to
18 require that a person must obtain a license under this
19 section in order to carry a concealed firearm.

20 (2) The voluntary nature of a license to carry a firearm
21 may not be construed to relieve the issuing authority of the
22 burden of proof for denying an application for a license.

23 (3) A license to carry a firearm shall be available to
24 those who wish to carry a firearm openly or concealed on or
25 about one's person or in a vehicle and shall be valid
26 throughout this Commonwealth.

27 (4) A license to carry a firearm shall provide a person
28 with the ability to carry a firearm in any state with which
29 the Commonwealth maintains a reciprocal agreement for the
30 mutual recognition of licenses to carry firearms.

1 (b) Place of application.--An individual who is 21 years of
2 age or older may apply to [a sheriff] the proper issuing
3 authority for a license to carry a firearm [concealed on or
4 about his person or in a vehicle] within this Commonwealth. If
5 the applicant is a resident of this Commonwealth, he shall make
6 application with the sheriff of the county in which he resides
7 or, if a resident of a city of the first class, with the chief
8 of police of that city. If the applicant is not a resident of
9 this Commonwealth, he shall make application with the proper
10 issuing authority of any county.

11 (c) Form of application and content.--The application and
12 process for a license to carry a firearm shall be uniform
13 throughout this Commonwealth and shall be on a form prescribed
14 by the Pennsylvania State Police. The form may contain
15 provisions, not exceeding one page, to assure compliance with
16 this section. Issuing authorities shall use only the application
17 form prescribed by the Pennsylvania State Police. One of the
18 following reasons for obtaining a firearm license shall be set
19 forth in the application: self-defense, employment, hunting and
20 fishing, target shooting, gun collecting or another proper
21 reason. The application form shall be dated and signed by the
22 applicant and shall contain the following statement:

23 I have never been convicted of a crime that prohibits me
24 from possessing or acquiring a firearm under Federal or
25 State law. I am of sound mind and have never been
26 involuntarily committed to a mental institution. In the
27 alternative my right to possess a firearm has been
28 legally restored. I hereby certify that the statements
29 contained herein are true and correct to the best of my
30 knowledge and belief. I understand that, if I knowingly

1 make any false statements herein, I am subject to
2 penalties prescribed by law. I authorize the [sheriff, or
3 his designee, or, in the case of first class cities, the
4 chief or head of the police department] issuing
5 authority, or his designee, to inspect only those records
6 or documents relevant to information required for this
7 application. If I am issued a license and knowingly
8 become ineligible to legally possess or acquire firearms,
9 I will promptly notify the [sheriff of the county in
10 which I reside or, if I reside in a city of the first
11 class, the chief of police of that city] issuing
12 authority.

13 (d) [Sheriff to conduct] Pre-issuance investigation.--The
14 [sheriff] issuing authority to whom the application is made
15 shall:

16 * * *

17 [(3) investigate whether the applicant's character and
18 reputation are such that the applicant will not be likely to
19 act in a manner dangerous to public safety;]

20 * * *

21 (e) Issuance of license.--

22 (1) A license to carry a firearm shall be [for the
23 purpose of carrying a firearm concealed on or about one's
24 person or in a vehicle and shall be issued if,] issued after
25 an investigation not to exceed [45] 14 calendar days, [it
26 appears that the applicant is an individual concerning whom
27 no] unless good cause exists to deny the license. A license
28 shall not be issued to any of the following:

29 [(i) An individual whose character and reputation is
30 such that the individual would be likely to act in a

1 manner dangerous to public safety.]

2 * * *

3 (v) An individual who is not of sound mind or who
4 has ever been involuntarily committed to a mental
5 institution[.], unless the involuntary commitment has
6 been expunged, vacated or granted relief from a
7 prohibition to possess a firearm.

8 * * *

9 [(vii) An individual who is a habitual drunkard.]

10 * * *

11 (3) The license to carry a firearm shall be designed to
12 be uniform throughout this Commonwealth and shall be in a
13 form prescribed by the Pennsylvania State Police. The license
14 shall bear the following:

15 * * *

16 (ii) The signature of the [sheriff] authority
17 issuing the license.

18 * * *

19 (4) The [sheriff] issuing authority shall require a
20 photograph of the licensee on the license. The photograph
21 shall be in a form compatible with the Commonwealth Photo
22 Imaging Network.

23 * * *

24 (f) Term of license.--

25 * * *

26 (2) At least 60 days prior to the expiration of each
27 license, the issuing [sheriff] authority shall send to the
28 licensee an application for renewal of license. Failure to
29 receive a renewal application shall not relieve a licensee
30 from the responsibility to renew the license.

1 * * *

2 [(4) Possession of a license, together with a copy of
3 the person's military orders showing the dates of overseas
4 deployment, including the date that the overseas deployment
5 ends, shall constitute, during the extension period specified
6 in paragraph (3), a defense to any charge filed pursuant to
7 section 6106 (relating to firearms not to be carried without
8 a license) or 6108 (relating to carrying firearms on public
9 streets or public property in Philadelphia).]

10 (g) Grant or denial of license.--Upon the receipt of an
11 application for a license to carry a firearm, the [sheriff]
12 issuing authority shall, within [45] 14 calendar days, issue or
13 refuse to issue a license on the basis of the investigation
14 under subsection (d) and the accuracy of the information
15 contained in the application. If the [sheriff] issuing authority
16 refuses to issue a license, the [sheriff] issuing authority
17 shall notify the applicant in writing of the refusal and the
18 specific reasons. The notice shall be sent by certified mail to
19 the applicant at the address set forth in the application.

20 (h) Fee.--

21 * * *

22 (3) An additional fee of \$1 shall be paid by the
23 applicant for a license to carry a firearm and shall be
24 remitted by the [sheriff] issuing authority to the Firearms
25 License Validation System Account, which is hereby
26 established as a special restricted receipt account within
27 the General Fund of the State Treasury. The account shall be
28 used for purposes under subsection (1). Moneys credited to
29 the account and any investment income accrued are hereby
30 appropriated on a continuing basis to the Pennsylvania State

1 Police.

2 (4) No fee other than that provided by this subsection
3 or the Sheriff Fee Act may be assessed by the [sheriff]
4 issuing authority for the performance of any background check
5 made pursuant to this act.

6 * * *

7 (i.1) Notice to [sheriff] issuing authority.--

8 Notwithstanding any statute to the contrary:

9 (1) Upon conviction of a person for a crime specified in
10 section 6105(a) or (b) or upon conviction of a person for a
11 crime punishable by imprisonment exceeding one year or upon a
12 determination that the conduct of a person meets the criteria
13 specified in section 6105(c)(1), (2), (3), (5), (6) or (9),
14 the court shall determine if the defendant has a license to
15 carry firearms issued pursuant to this section. If the
16 defendant has such a license, the court shall notify the
17 [sheriff of the county in which that person resides] issuing
18 authority, on a form developed by the Pennsylvania State
19 Police, of the identity of the person and the nature of the
20 crime or conduct which resulted in the notification. The
21 notification shall be transmitted by the judge within seven
22 days of the conviction or determination.

23 * * *

24 (j) Immunity.--[A sheriff] An issuing authority who complies
25 in good faith with this section shall be immune from liability
26 resulting or arising from the action or misconduct with a
27 firearm committed by any individual to whom a license to carry a
28 firearm has been issued.

29 * * *

30 (m.1) Temporary emergency licenses.--

1 (1) A person seeking a temporary emergency license to
2 carry a concealed firearm shall submit to the [sheriff]
3 issuing authority of the county in which the person resides
4 all of the following:

5 * * *

6 (ii) A sworn affidavit that contains the information
7 required on an application for a license to carry a
8 firearm and attesting that the person is 21 years of age
9 or older, is not prohibited from owning firearms under
10 section 6105 [(relating to persons not to possess, use,
11 manufacture, control, sell or transfer firearms)] or any
12 other Federal or State law and is not currently subject
13 to a protection from abuse order or a protection order
14 issued by a court of another state.

15 * * *

16 (2) Upon receipt of the items required under paragraph
17 (1), the [sheriff] issuing authority immediately shall
18 conduct a criminal history, juvenile delinquency and mental
19 health record check of the applicant pursuant to section
20 6105. Immediately upon receipt of the results of the records
21 check, the [sheriff] issuing authority shall review the
22 information and shall determine whether the applicant meets
23 the criteria set forth in this subsection. If the [sheriff]
24 issuing authority determines that the applicant has met all
25 of the criteria, the [sheriff] issuing authority shall
26 immediately issue the applicant a temporary emergency license
27 to carry a concealed firearm.

28 (3) If the [sheriff] issuing authority refuses to issue
29 a temporary emergency license, the [sheriff] issuing
30 authority shall specify the grounds for the denial in a

1 written notice to the applicant. The applicant may appeal the
2 denial or challenge criminal records check results that were
3 the basis of the denial, if applicable, in the same manner as
4 a denial of a license to carry a firearm under this section.

5 (4) A temporary emergency license issued under this
6 subsection shall be valid for [45] 14 days and may not be
7 renewed. A person who has been issued a temporary emergency
8 license under this subsection shall not be issued another
9 temporary emergency license unless at least five years have
10 expired since the issuance of the prior temporary emergency
11 license. During the [45] 14 days the temporary emergency
12 license is valid, the [sheriff] issuing authority shall
13 conduct an additional investigation of the person for the
14 purposes of determining whether the person may be issued a
15 license pursuant to this section. If, during the course of
16 this investigation, the [sheriff] issuing authority discovers
17 any information that would have prohibited the issuance of a
18 license pursuant to this section, the [sheriff] issuing
19 authority shall be authorized to revoke the temporary
20 emergency license as provided in subsection (i).

21 * * *

22 (7) [A sheriff] An issuing authority who issues a
23 temporary emergency license to carry a firearm shall retain,
24 for the entire period during which the temporary emergency
25 license is in effect, the evidence of imminent danger that
26 the applicant submitted to the [sheriff] issuing authority
27 that was the basis for the license, or a copy of the
28 evidence, as appropriate.

29 * * *

30 (9) Prior to the expiration of a temporary emergency

1 license, if the [sheriff] issuing authority has determined
2 pursuant to investigation that the person issued a temporary
3 emergency license is not disqualified and if the temporary
4 emergency license has not been revoked pursuant to subsection
5 (i), the [sheriff] issuing authority shall issue a license
6 pursuant to this section that is effective for the balance of
7 the five-year period from the date of the issuance of the
8 temporary emergency license. Records and all other
9 information, duties and obligations regarding such licenses
10 shall be applicable as otherwise provided in this section.

11 * * *

12 § 6111. Sale or transfer of firearms.

13 * * *

14 (f) Application of section.--

15 * * *

16 (3) The provisions contained in subsection (a) shall not
17 apply to [any law enforcement officer] a peace officer, as
18 defined in section 501 (relating to definitions) and
19 including an officer or employee of the United States duly
20 authorized to carry a concealed firearm, whose current
21 identification as a law enforcement officer shall be
22 construed as a valid license to carry a firearm or any person
23 who possesses a valid license to carry a firearm under
24 section 6109 (relating to licenses).

25 * * *

26 § 6118. Antique firearms.

27 * * *

28 (b) Exception.--Subsection (a) shall not apply [to the
29 extent that such antique firearms, reproductions or replicas of
30 firearms are concealed weapons as provided in section 6106

1 (relating to firearms not be carried without a license), nor
2 shall it apply] to the provisions of section 6105 (relating to
3 persons not to possess, use, manufacture, control, sell or
4 transfer firearms) if such antique firearms, reproductions or
5 replicas of firearms are suitable for use.

6 * * *

7 § 6122. Proof of license and exception.

8 (a) General rule.--[When] Except as provided in subsection
9 (b), when carrying a firearm [concealed] as prohibited by 34
10 Pa.C.S. (relating to game) and only permissible with a license
11 issued under section 6108.1 (relating to sportsman's firearm
12 permit) on or about one's person or in a vehicle, an individual
13 licensed to carry a firearm shall, upon lawful demand of a law
14 enforcement officer, produce the license for inspection. Failure
15 to produce [such] the license either at the time of arrest or at
16 the preliminary hearing shall create a rebuttable presumption of
17 nonlicensure.

18 (b) Exception.--[An]

19 (1) Subject to paragraph (2), an individual carrying a
20 firearm on or about [his] the individual's person or in a
21 vehicle and claiming an exception [under section 6106(b)
22 (relating to firearms not to be carried without a license)]
23 regarding a separate license for the firearm shall, upon
24 lawful demand of a law enforcement officer, produce
25 satisfactory evidence of qualification for exception.

26 (2) This subsection applies to the following:

27 (i) A constable, sheriff, prison or jail warden, or
28 a deputy of the constable, sheriff or prison or jail
29 wardens, a policeman of this Commonwealth or any of its
30 political subdivisions or any other law enforcement

1 officer.

2 (ii) A member of the army, navy, marine corps, air
3 force or coast guard of the United States or of the
4 National Guard or organized reserves when on duty.

5 (iii) The regularly enrolled member of an
6 organization duly organized to purchase or receive
7 firearms from the United States or from this
8 Commonwealth.

9 (iv) A person engaged in target shooting with a
10 firearm, if the person is at or is going to or from the
11 place of assembly or target practice and if, while going
12 to or from the place of assembly or target practice, the
13 firearm is not loaded.

14 (v) An officer or employee of the United States duly
15 authorized to carry a concealed firearm.

16 (vi) An agent, messenger or other employee of a
17 common carrier, bank or business firm, whose duties
18 require the protection of money, valuables and other
19 property in the discharge of duties.

20 (vii) A person engaged in the business of
21 manufacturing, repairing or dealing in firearms, or the
22 agent or representative of the person, having in the
23 person's possession, using or carrying a firearm in the
24 usual or ordinary course of the business.

25 (viii) A person while carrying a firearm which is
26 not loaded and is in a secure wrapper from the place of
27 purchase to the person's home or place of business, or to
28 a place of repair, sale or appraisal or back to the
29 person's home or place of business, or in moving from one
30 place of abode or business to another or from the

1 person's home to a vacation or recreational home or
2 dwelling or back, or to recover stolen property under
3 section 6111.1(b)(4) (relating to Pennsylvania State
4 Police), or to a place of instruction intended to teach
5 the safe handling, use or maintenance of firearms or back
6 or to a location to which the person has been directed to
7 relinquish firearms under 23 Pa.C.S. § 6108 (relating to
8 relief) or back upon return of the relinquished firearm
9 or to a licensed dealer's place of business for
10 relinquishment in accordance with 23 Pa.C.S. § 6108.2
11 (relating to relinquishment for consignment sale, lawful
12 transfer or safekeeping) or back upon return of the
13 relinquished firearm or to a location for safekeeping in
14 accordance with 23 Pa.C.S. § 6108.3 (relating to
15 relinquishment to third party for safekeeping) or back
16 upon return of the relinquished firearm.

17 (ix) A person licensed to hunt, take furbearers or
18 fish in this Commonwealth, if the person is actually
19 hunting, taking furbearers or fishing as permitted by the
20 license, or is going to the place where the person
21 desires to hunt, take furbearers or fish or returning
22 from the place.

23 (x) A person training dogs, if the person is
24 actually training dogs during the regular training
25 season.

26 (xi) A person while carrying a firearm in a vehicle,
27 which person possesses a valid and lawfully issued
28 license for that firearm which has been issued under the
29 laws of the United States or any other state.

30 (xii) A person who has a lawfully issued license to

1 carry a firearm in accordance with section 6109 and that
2 license expired within six months prior to the date of
3 arrest and that the individual is otherwise eligible for
4 renewal of the license.

5 (xiii) A person who is otherwise eligible to possess
6 a firearm under this chapter and who is operating a motor
7 vehicle which is registered in the person's name or the
8 name of a spouse or parent and which contains a firearm
9 for which a valid license has been issued in accordance
10 with section 6109 to the spouse or parent owning the
11 firearm.

12 (xiv) A person lawfully engaged in the interstate
13 transportation of a firearm as defined under 18 U.S.C. §
14 921(a)(3) (relating to definitions) in compliance with 18
15 U.S.C. § 926A (relating to interstate transportation of
16 firearms).

17 (xv) A person who possesses a valid and lawfully
18 issued license or permit to carry a firearm which has
19 been issued under the laws of another state, regardless
20 of whether a reciprocity agreement exists between the
21 Commonwealth and the state under section 6109(k),
22 provided:

23 (A) The state provides a reciprocal privilege
24 for individuals licensed to carry firearms under
25 section 6109.

26 (B) The Attorney General has determined that the
27 firearm laws of the state are similar to the firearm
28 laws of this Commonwealth.

29 (xvi) A person holding a license in accordance with
30 section 6109(f)(3).

1 (3) As follows:

2 (i) For purposes of paragraph (2) (iii), (iv), (v),
3 (vii) and (viii), the term "firearm" includes a weapon
4 that is designed to or may readily be converted to expel
5 a projectile by the action of an explosive or the frame
6 or receiver of the weapon.

7 (ii) For purposes of paragraph (2), the phrase
8 "place of instruction" includes a hunting club, rifle
9 club, rifle range, pistol range, shooting range, the
10 premises of a licensed firearms dealer or a lawful gun
11 show or meet.

12 Section 8. Section 6108(a)(7) introductory paragraph of
13 Title 23 is amended to read:

14 § 6108. Relief.

15 (a) General rule.--Subject to subsection (a.1), the court
16 may grant any protection order or approve any consent agreement
17 to bring about a cessation of abuse of the plaintiff or minor
18 children. The order or agreement may include:

19 * * *

20 (7) Prohibiting the defendant from acquiring or
21 possessing any firearm for the duration of the order,
22 ordering the defendant to temporarily relinquish to the
23 sheriff or the appropriate law enforcement agency any
24 firearms under the defendant's possession or control, and
25 requiring the defendant to relinquish to the sheriff or the
26 appropriate law enforcement agency any firearm license issued
27 under section 6108.3 (relating to relinquishment to third
28 party for safekeeping) or 18 Pa.C.S. § [6106 (relating to
29 firearms not to be carried without a license) or] 6108.1
30 (relating to sportsman's firearm permit) or 6109 (relating to

1 licenses the defendant may possess. The court may also order
2 the defendant to relinquish the defendant's other weapons or
3 ammunition that have been used or been threatened to be used
4 in an incident of abuse against the plaintiff or the minor
5 children. A copy of the court's order shall be transmitted to
6 the chief or head of the appropriate law enforcement agency
7 and to the sheriff of the county of which the defendant is a
8 resident. When relinquishment is ordered, the following shall
9 apply:

10 * * *

11 Section 9. Sections 2325(a.1), 2503(b)(3) and 2525(a) of
12 Title 34 are amended to read:

13 § 2325. Cooperation after lawfully killing big game.

14 * * *

15 (a.1) Exception.--Nothing in this section shall prohibit any
16 person from carrying a loaded handgun in the field provided that
17 person is in compliance with 18 Pa.C.S. § [6109 (relating to
18 licenses)] 6108.1 (relating to sportsman's firearm permit).

19 * * *

20 § 2503. Loaded firearms in vehicles.

21 * * *

22 (b) Exceptions.--This section shall not be construed to
23 apply to:

24 * * *

25 (3) A person carrying a loaded pistol or revolver when
26 in possession of a valid firearms license issued by the chief
27 or head of any police force or the sheriff of a county when
28 the license is issued for protection under 18 Pa.C.S. Ch. 61
29 Subch. A (relating to Uniform Firearms Act) or issued under
30 18 Pa.C.S. § 6108.1 (relating to sportsman's firearm permit).

1 * * *

2 § 2525. Possession of firearm for protection of self or others.

3 (a) General rule.--It is lawful for a law enforcement
4 officer or any person who possesses a valid license to carry a
5 firearm issued under 18 Pa.C.S. § [~~6109 (relating to licenses)~~]
6 6108.1 (relating to sportsman's firearm permit) to be in
7 possession of a loaded or unloaded firearm while engaged in any
8 activity regulated by this title.

9 * * *

10 Section 10. This act shall take effect in 60 days.