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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 908 Session of  
2023

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INTRODUCED BY HAYWOOD, KANE, CAPPELLETTI, TARTAGLIONE, SAVAL,  
FONTANA, DILLON, KEARNEY, A. WILLIAMS, COSTA AND COLLETT,  
SEPTEMBER 7, 2023

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REFERRED TO JUDICIARY, SEPTEMBER 7, 2023

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic  
2 Relations) and 42 (Judiciary and Judicial Procedure) of the  
3 Pennsylvania Consolidated Statutes, in firearms and other  
4 dangerous articles, further providing for definitions, for  
5 the offense of persons not to possess, use, manufacture,  
6 control, sell or transfer firearms, for sale or transfer of  
7 firearms, for Pennsylvania State Police, for firearm sales  
8 surcharge, for retail dealer required to be licensed and for  
9 licensing of dealers and providing for ammunition purchase  
10 authorization permits and for transporting ammunition into  
11 this Commonwealth; establishing the Ammunition Safety and  
12 Enforcement Fund; and making editorial changes.

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

15 Section 1. Section 908.1(c) of Title 18 of the Pennsylvania  
16 Consolidated Statutes is amended to read:

17 § 908.1. Use or possession of electric or electronic  
18 incapacitation device.

19 \* \* \*

20 (c) Prohibited possession.--No person prohibited from  
21 possessing a firearm pursuant to section 6105 (relating to  
22 persons not to possess, use, manufacture, control, sell or

1 transfer firearms and ammunition) may possess or use an electric  
2 or electronic incapacitation device.

3 \* \* \*

4 Section 2. Section 6102 of Title 18 is amended by adding  
5 definitions to read:

6 § 6102. Definitions.

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

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

16 \* \* \*

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

18 (1) An enclosed or open-air firing range or area  
19 designed and operated for the use of rifle or handgun  
20 practice with targets.

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

25 \* \* \*

26 "Other weapon." Anything readily capable of lethal use and  
27 possessed under circumstances not manifestly lawful. The term  
28 does not include a firearm.

29 \* \* \*

30 Section 3. Sections 6103, 6104 and 6105 heading, (a), (c),

1 (d), (f) (1) and (h) of Title 18 are amended to read:

2 § 6103. Crimes committed with firearms.

3 If any person commits or attempts to commit a crime  
4 enumerated in section 6105 (relating to persons not to possess,  
5 use, manufacture, control, sell or transfer firearms and  
6 ammunition) when armed with a firearm contrary to the provisions  
7 of this subchapter, that person may, in addition to the  
8 punishment provided for the crime, also be punished as provided  
9 by this subchapter.

10 § 6104. Evidence of intent.

11 In the trial of a person for committing or attempting to  
12 commit a crime enumerated in section 6105 (relating to persons  
13 not to possess, use, manufacture, control, sell or transfer  
14 firearms and ammunition), the fact that that person was armed  
15 with a firearm, used or attempted to be used, and had no license  
16 to carry the same, shall be evidence of that person's intention  
17 to commit the offense.

18 § 6105. Persons not to possess, use, manufacture, control, sell  
19 or transfer firearms and ammunition.

20 (a) Offense defined.--

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

28 (2) (i) Except as otherwise provided in this paragraph,  
29 a person who is prohibited from possessing, using,  
30 controlling, selling, transferring or manufacturing a

1 firearm or ammunition under paragraph (1) or subsection  
2 (b) or (c) shall have a reasonable period of time, not to  
3 exceed 60 days from the date of the imposition of the  
4 disability under this subsection, in which to sell or  
5 transfer that person's firearms or ammunition to another  
6 eligible person who is not a member of the prohibited  
7 person's household.

8 (ii) This paragraph shall not apply to any person  
9 whose disability is imposed pursuant to subsection (c)  
10 (6).

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

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

22 \* \* \*

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

27 (1) A person who is a fugitive from justice. This  
28 paragraph does not apply to an individual whose fugitive  
29 status is based upon a nonmoving or moving summary offense  
30 under Title 75 (relating to vehicles).

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

7           (3) A person who has been convicted of driving under the  
8 influence of alcohol or controlled substance as provided in  
9 75 Pa.C.S. § 3802 (relating to driving under influence of  
10 alcohol or controlled substance) or the former 75 Pa.C.S. §  
11 3731, on three or more separate occasions within a five-year  
12 period. For the purposes of this paragraph only, the  
13 prohibition of subsection (a) shall only apply to transfers  
14 or purchases of firearms or ammunition after the third  
15 conviction.

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

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

27           (6) A person who is the subject of an active final  
28 protection from abuse order issued pursuant to 23 Pa.C.S. §  
29 6108, is the subject of any other active protection from  
30 abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which

1 provided for the relinquishment of firearms, other weapons or  
2 ammunition during the period of time the order is in effect  
3 or is otherwise prohibited from possessing or acquiring a  
4 firearm under 18 U.S.C. § 922(g)(8). This prohibition shall  
5 terminate upon the expiration or vacation of the order or  
6 portion thereof relating to the relinquishment of firearms, and  
7 other weapons or ammunition.

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

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

24 (9) A person who is prohibited from possessing or  
25 acquiring a firearm under 18 U.S.C. § 922(g)(9). If the  
26 offense which resulted in the prohibition under 18 U.S.C. §  
27 922(g)(9) was committed, as provided in 18 U.S.C. § 921(a)  
28 (33)(A)(ii) (relating to definitions), by a person in any of  
29 the following relationships:

30 (i) the current or former spouse, parent or guardian

1 of the victim;

2 (ii) a person with whom the victim shares a child in  
3 common;

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

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

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

10 (10) A person who has been convicted of an offense under  
11 subsection (a.1)(2). The prohibition shall terminate five  
12 years after the date of conviction, final release from  
13 confinement or final release from supervision, whichever is  
14 later.

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

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

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

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

30 (i) The Secretary of the Treasury of the United

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

9 (ii) A period of ten years, not including any time  
10 spent in incarceration, has elapsed since the most recent  
11 conviction of the applicant of a crime enumerated in  
12 subsection (b), a felony violation of The Controlled  
13 Substance, Drug, Device and Cosmetic Act or the offense  
14 which resulted in the prohibition under 18 U.S.C. §  
15 922(g)(9).

16 \* \* \*

17 (f) Other exemptions and proceedings.--

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

24 \* \* \*

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

1 \* \* \*

2 Section 4. Sections 6105.1(a)(1), 6105.2(a)(1), 6109(d)(4)  
3 and (5) and (m.1)(1)(ii) and 6110.2(c) of Title 18 are amended  
4 to read:

5 § 6105.1. Restoration of firearm rights for offenses under  
6 prior laws of this Commonwealth.

7 (a) Restoration.--A person convicted of a disabling offense  
8 may make application to the court of common pleas in the county  
9 where the principal residence of the applicant is situated for  
10 restoration of firearms rights. The court shall grant  
11 restoration of firearms rights after a hearing in open court to  
12 determine whether the requirements of this section have been met  
13 unless:

14 (1) the applicant has been convicted of any other  
15 offense specified in section 6105(a) or (b) (relating to  
16 persons not to possess, use, manufacture, control, sell or  
17 transfer firearms and ammunition) or the applicant's conduct  
18 meets the criteria in section 6105(c)(1), (2), (3), (4), (5),  
19 (6) or (7);

20 \* \* \*

21 § 6105.2. Relinquishment of firearms and firearm licenses by  
22 convicted persons.

23 (a) Procedure.--

24 (1) A person subject to a firearms disability pursuant  
25 to section 6105(c)(9) (relating to persons not to possess,  
26 use, manufacture, control, sell or transfer firearms and  
27 ammunition) shall relinquish any firearms under the person's  
28 possession or control to the appropriate law enforcement  
29 agency of the municipality as described in subsection (b) or  
30 to a dealer as described in subsection (c).

1 \* \* \*

2 § 6109. Licenses.

3 \* \* \*

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

6 \* \* \*

7 (4) investigate whether the applicant would be precluded  
8 from receiving a license under subsection (e)(1) or section  
9 6105(h) (relating to persons not to possess, use,  
10 manufacture, control, sell or transfer firearms and  
11 ammunition); and

12 (5) conduct a criminal background, juvenile delinquency  
13 and mental health check following the procedures set forth in  
14 section 6111 (relating to sale or transfer of firearms or  
15 ammunition), receive a unique approval number for that  
16 inquiry and record the date and number on the application.

17 \* \* \*

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

19 (1) A person seeking a temporary emergency license to  
20 carry a concealed firearm shall submit to the sheriff of the  
21 county in which the person resides all of the following:

22 \* \* \*

23 (ii) A sworn affidavit that contains the information  
24 required on an application for a license to carry a  
25 firearm and attesting that the person is 21 years of age  
26 or older, is not prohibited from owning firearms under  
27 section 6105 [(relating to persons not to possess, use,  
28 manufacture, control, sell or transfer firearms)] or any  
29 other Federal or State law and is not currently subject  
30 to a protection from abuse order or a protection order

1 issued by a court of another state.

2 \* \* \*

3 § 6110.2. Possession of firearm with altered manufacturer's  
4 number.

5 \* \* \*

6 (c) Definition.--As used in this section, the term "firearm"  
7 shall have the same meaning as that term is defined in section  
8 6105(i) (relating to persons not to possess, use, manufacture,  
9 control, sell or transfer firearms and ammunition), except that  
10 the term shall not include antique firearms as defined in  
11 section 6118 (relating to antique firearms).

12 Section 5. Section 6111 heading, (b) introductory paragraph,  
13 (1.1) (v), (1.2) and (6), (c), (f), (g), (h) (1) and (j) of Title  
14 18 are amended and the section is amended by adding a subsection  
15 to read:

16 § 6111. Sale or transfer of firearms or ammunition.

17 \* \* \*

18 (b) Duty of seller.--No licensed importer, licensed  
19 manufacturer or licensed dealer shall sell or deliver any  
20 firearm or ammunition to another person, other than a licensed  
21 importer, licensed manufacturer, licensed dealer [or], licensed  
22 collector, gun range or target facility or, in the case of  
23 ammunition, a person who purchases or receives the ammunition at  
24 a gun range or target facility if the ammunition is kept within  
25 the facility's premises at all times, until the conditions of  
26 subsection (a) have been satisfied and until he has:

27 \* \* \*

28 (1.1) On the date of publication in the Pennsylvania  
29 Bulletin of a notice by the Pennsylvania State Police that  
30 the instantaneous records check has been implemented, all of

1 the following shall apply:

2 \* \* \*

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

20 (1.2) Fees collected under paragraph (3) and section  
21 6111.2 (relating to firearm and ammunition sales surcharge)  
22 shall be transmitted to the Pennsylvania State Police within  
23 14 days of collection.

24 \* \* \*

25 (6) Unless it has been discovered pursuant to a criminal  
26 history, juvenile delinquency and mental health records  
27 background check that the potential purchaser or transferee  
28 is prohibited from possessing a firearm and ammunition  
29 pursuant to section 6105, no information received via  
30 telephone following the implementation of the instantaneous

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

4 \* \* \*

5 (b.1) Remote ordering.--

6 (1) Except for the sale, delivery or transfer of  
7 firearms by gun ranges or target facilities and as otherwise  
8 provided in paragraph (2), the sale, delivery or transfer of  
9 firearms or ammunition by a licensed importer, licensed  
10 manufacturer or licensed dealer to a purchaser or transferee  
11 other than another licensed importer, licensed manufacturer  
12 or licensed dealer may only occur in a face-to-face  
13 transaction with the licensed importer, licensed manufacturer  
14 or licensed dealer being provided bona fide evidence of  
15 identity from the purchaser or other transferee.

16 (2) Firearms or ammunition may be purchased over the  
17 Internet or through other means of remote ordering if a  
18 licensed importer, licensed manufacturer or licensed dealer  
19 in this Commonwealth initially receives the firearm or  
20 ammunition and processes the transfer in compliance with this  
21 section.

22 (c) Duty of other persons.--Any person who is not a licensed  
23 importer, manufacturer or dealer and who desires to sell or  
24 transfer a firearm or ammunition to another unlicensed person  
25 shall do so only upon the place of business of a licensed  
26 importer, manufacturer, dealer or county sheriff's office, the  
27 latter of whom shall follow the procedure set forth in this  
28 section as if he were the seller of the firearm or ammunition.

29 The provisions of this section shall not apply to transfers  
30 between spouses or to transfers between a parent and child or to

1 transfers between grandparent and grandchild or to transfers  
2 between siblings.

3 \* \* \*

4 (f) Application of section.--

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

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

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

23 (4) (i) The provisions of subsection (a) shall not  
24 apply to any person who presents to the seller or  
25 transferor a written statement issued by the official  
26 described in subparagraph (iii) during the ten-day period  
27 ending on the date of the most recent proposal of such  
28 transfer or sale by the transferee or purchaser stating  
29 that the transferee or purchaser requires access to a  
30 firearm and ammunition because of a threat to the life of

1 the transferee or purchaser or any member of the  
2 household of that transferee or purchaser.

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

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

15 (g) Penalties.--

16 (1) Any person, licensed dealer, licensed manufacturer  
17 or licensed importer who knowingly or intentionally sells,  
18 delivers or transfers a firearm or ammunition in violation of  
19 this section commits a misdemeanor of the second degree.

20 (2) Any person, licensed dealer, licensed manufacturer  
21 or licensed importer who knowingly or intentionally sells,  
22 delivers or transfers a firearm or ammunition under  
23 circumstances intended to provide a firearm or ammunition to  
24 any person, purchaser or transferee who is unqualified or  
25 ineligible to control, possess or use a firearm or ammunition  
26 under this chapter commits a felony of the third degree and  
27 shall in addition be subject to revocation of the license to  
28 sell firearms and ammunition for a period of three years.

29 (3) Any person, licensed dealer, licensed manufacturer  
30 or licensed importer who knowingly and intentionally requests

1 a criminal history, juvenile delinquency or mental health  
2 record check or other confidential information from the  
3 Pennsylvania State Police under this chapter for any purpose  
4 other than compliance with this chapter or knowingly and  
5 intentionally disseminates any criminal history, juvenile  
6 delinquency or mental health record or other confidential  
7 information to any person other than the subject of the  
8 information commits a felony of the third degree.

9 (3.1) Any person, licensed dealer, licensed manufacturer  
10 or licensed importer who knowingly and intentionally obtains  
11 or furnishes information collected or maintained pursuant to  
12 section 6109 for any purpose other than compliance with this  
13 chapter or who knowingly or intentionally disseminates,  
14 publishes or otherwise makes available such information to  
15 any person other than the subject of the information commits  
16 a felony of the third degree.

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

21 (i) makes any materially false oral statement;

22 (ii) makes any materially false written statement,  
23 including a statement on any form promulgated by Federal  
24 or State agencies; or

25 (iii) willfully furnishes or exhibits any false  
26 identification intended or likely to deceive the seller,  
27 licensed dealer or licensed manufacturer.

28 (5) Notwithstanding section 306 (relating to liability  
29 for conduct of another; complicity) or any other statute to  
30 the contrary, any person, licensed importer, licensed dealer

1 or licensed manufacturer who knowingly and intentionally  
2 sells, delivers or transfers a firearm or ammunition in  
3 violation of this chapter who has reason to believe that the  
4 firearm or ammunition is intended to be used in the  
5 commission of a crime or attempt to commit a crime shall be  
6 criminally liable for such crime or attempted crime.

7 (6) Notwithstanding any act or statute to the contrary,  
8 any person, licensed importer, licensed manufacturer or  
9 licensed dealer who knowingly and intentionally sells or  
10 delivers a firearm or ammunition in violation of this chapter  
11 who has reason to believe that the firearm or ammunition is  
12 intended to be used in the commission of a crime or attempt  
13 to commit a crime shall be liable in the amount of the civil  
14 judgment for injuries suffered by any person so injured by  
15 such crime or attempted crime.

16 (h) Subsequent violation penalty.--

17 (1) A second or subsequent violation of this section  
18 shall be a felony of the second degree. A person who at the  
19 time of sentencing has been convicted of another offense  
20 under this section shall be sentenced to a mandatory minimum  
21 sentence of imprisonment of five years. A second or  
22 subsequent offense shall also result in permanent revocation  
23 of any license to sell, import or manufacture a firearm and  
24 ammunition.

25 \* \* \*

26 (j) Exemption.--

27 (1) The provisions of subsections (a) and (b) shall not  
28 apply to:

29 (i) sales between Federal firearms licensees; or

30 (ii) the purchase of firearms or ammunition by a

1 chief law enforcement officer or his designee, for the  
2 official use of law enforcement officers.

3 (2) For the purposes of this subsection, the term "chief  
4 law enforcement officer" shall include the Commissioner of  
5 the Pennsylvania State Police, the chief or head of a police  
6 department, a county sheriff or any equivalent law  
7 enforcement official.

8 Section 6. Sections 6111.1(b), (e)(1), (f)(1), (i), (j.3)  
9 and (k), 6111.2 heading, (a) and (c), 6111.3, 6112 and 6113(a)  
10 of Title 18 are amended to read:

11 § 6111.1. Pennsylvania State Police.

12 \* \* \*

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

14 (1) Upon receipt of a request for a criminal history,  
15 juvenile delinquency history and mental health record check  
16 of the potential purchaser or transferee, the Pennsylvania  
17 State Police shall immediately during the licensee's call or  
18 by return call forthwith:

19 (i) review the Pennsylvania State Police criminal  
20 history and fingerprint records to determine if the  
21 potential purchaser or transferee is prohibited from  
22 receipt or possession of a firearm or ammunition under  
23 Federal or State law;

24 (ii) review the juvenile delinquency and mental  
25 health records of the Pennsylvania State Police to  
26 determine whether the potential purchaser or transferee  
27 is prohibited from receipt or possession of a firearm or  
28 ammunition under Federal or State law; and

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

30 (A) that the potential purchase or transfer is

1 prohibited; or

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

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

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

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

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

28 (A) the date of publication of the notice under  
29 section 6111(a)(2); or

30 (B) December 31, 1998.

1           (4) The Pennsylvania State Police and any local law  
2 enforcement agency shall make all reasonable efforts to  
3 determine the lawful owner of any firearm confiscated or  
4 recovered by the Pennsylvania State Police or any local law  
5 enforcement agency and return said firearm to its lawful  
6 owner if the owner is not otherwise prohibited from  
7 possessing the firearm. When a court of law has determined  
8 that the Pennsylvania State Police or any local law  
9 enforcement agency have failed to exercise the duty under  
10 this subsection, reasonable attorney fees shall be awarded to  
11 any lawful owner of said firearm who has sought judicial  
12 enforcement of this subsection.

13           \* \* \*

14           (e) Challenge to records.--

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

23           \* \* \*

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

26           (1) Notwithstanding any statute to the contrary, judges  
27 of the courts of common pleas shall notify the Pennsylvania  
28 State Police, on a form developed by the Pennsylvania State  
29 Police, of:

30           (i) the identity of any individual who has been

1 adjudicated as an incompetent or as a mental defective or  
2 who has been involuntarily committed to a mental  
3 institution under the act of July 9, 1976 (P.L.817,  
4 No.143), known as the Mental Health Procedures Act, or  
5 who has been involuntarily treated as described in  
6 section 6105(c)(4) (relating to persons not to possess,  
7 use, manufacture, control, sell or transfer firearms and  
8 ammunition) or as described in 18 U.S.C. § 922(g)(4)  
9 (relating to unlawful acts) and its implementing Federal  
10 regulations; and

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

13 \* \* \*

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

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

20 (2) number of applications for sale of firearms and  
21 ammunition denied, number of challenges of the denials and  
22 number of final reversals of initial denials, delineated in a  
23 separate manner;

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

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

1 \* \* \*

2 (j.3) Immunity.--The Pennsylvania State Police and its  
3 employees shall be immune from actions for damages for the use  
4 of a firearm or ammunition by a purchaser or for the unlawful  
5 transfer of a firearm or ammunition by a dealer unless the act  
6 of the Pennsylvania State Police or its employees constitutes a  
7 crime, actual fraud, actual malice or willful misconduct.

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

11 "Firearm." The term shall have the same meaning as in  
12 section 6111.2 (relating to firearm and ammunition sales  
13 surcharge).

14 "Physician." Any licensed psychiatrist or clinical  
15 psychologist as defined in the act of July 9, 1976 (P.L.817,  
16 No.143), known as the Mental Health Procedures Act.  
17 § 6111.2. Firearm and ammunition sales surcharge.

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

25 \* \* \*

26 (c) Revenue sources.--Funds received under the provisions of  
27 this section and section 6111(b) (3) (relating to sale or  
28 transfer of firearms or ammunition), as estimated and certified  
29 by the Secretary of Revenue, shall be deposited within five days  
30 of the end of each quarter into the 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 or ammunition sold, in a book kept for the purpose,  
17 the form of which may be prescribed by the Pennsylvania State  
18 Police, and shall be personally signed by the purchaser and  
19 by the person effecting the sale, each in the presence of the  
20 other, and shall contain the information required by section  
21 6111. The record shall be maintained by the licensee for a  
22 period of 20 years.

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

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

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

5 \* \* \*

6 Section 7. Sections 6115(b)(1)(iv)(B)(II), 6117(a) and  
7 6118(b) of Title 18 are amended to read:

8 § 6115. Loans on, or lending or giving firearms prohibited.

9 \* \* \*

10 (b) Exception.--

11 (1) Subsection (a) shall not apply if any of the  
12 following apply:

13 \* \* \*

14 (iv) The person who receives the firearm meets all  
15 of the following:

16 \* \* \*

17 (B) Pursuant to section 6110.1 (relating to  
18 possession of firearm by minor) is under the  
19 supervision, guidance and instruction of a  
20 responsible individual who:

21 \* \* \*

22 (II) is not prohibited from owning or  
23 possessing a firearm under section 6105 (relating  
24 to persons not to possess, use, manufacture,  
25 control, sell or transfer firearms and  
26 ammunition).

27 \* \* \*

28 § 6117. Altering or obliterating marks of identification.

29 (a) Offense defined.--No person shall change, alter, remove,  
30 or obliterate the manufacturer's number integral to the frame or

1 receiver of any firearm which shall have the same meaning as  
2 provided in section 6105 (relating to persons not to possess,  
3 use, manufacture, control, sell or transfer firearms and  
4 ammunition).

5 \* \* \*

6 § 6118. Antique firearms.

7 \* \* \*

8 (b) Exception.--Subsection (a) shall not apply to the extent  
9 that such antique firearms, reproductions or replicas of  
10 firearms are concealed weapons as provided in section 6106  
11 (relating to firearms not be carried without a license), nor  
12 shall it apply to the provisions of section 6105 (relating to  
13 persons not to possess, use, manufacture, control, sell or  
14 transfer firearms and ammunition) if such antique firearms,  
15 reproductions or replicas of firearms are suitable for use.

16 \* \* \*

17 Section 8. Title 18 is amended by adding sections to read:

18 § 6121.1. Ammunition purchase authorization permits.

19 (a) Use.--A person holding an ammunition purchase  
20 authorization permit issued under this section may purchase or  
21 otherwise seek the transfer of ownership of ammunition from a  
22 retailer that sells ammunition.

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

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

29 (1) The person submits an application for an ammunition  
30 purchase authorization permit as prescribed by the

1 Pennsylvania State Police.

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

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

5 (4) The person pays the fee as specified under  
6 subsection (g).

7 (d) Approval process.--

8 (1) Upon receipt of an application for an ammunition  
9 purchase authorization permit, the Pennsylvania State Police  
10 shall examine its records and the Pennsylvania Instant Check  
11 System in order to determine if the applicant is prohibited  
12 from possessing or acquiring ammunition under Federal or  
13 State law.

14 (2) The applicant shall be approved or denied within 30  
15 days of the date of the submission of the application to the  
16 department.

17 (3) If the Pennsylvania State Police is unable to make a  
18 determination under paragraph (2) within 30 days, the  
19 Pennsylvania State Police shall issue the ammunition purchase  
20 authorization permit.

21 (4) The Pennsylvania State Police shall renew an  
22 ammunition purchase authorization permit before its  
23 expiration if the Pennsylvania State Police determines that  
24 the holder is not prohibited from acquiring or possessing  
25 ammunition under Federal or State law and pays the fee as  
26 specified under subsection (g).

27 (e) Revocation.--

28 (1) An ammunition purchase authorization permit shall be  
29 revoked by the Pennsylvania State Police if the holder of the  
30 ammunition purchase authorization commits an act that would

1 have disqualified the holder from being issued the ammunition  
2 purchase authorization permit under this section.

3 (2) If an ammunition purchase authorization permit is  
4 revoked under paragraph (1), the Pennsylvania State Police  
5 shall, upon the written request of the holder and in a manner  
6 as prescribed by the Pennsylvania State Police, provide the  
7 holder with the reasons for the revocation and the process to  
8 appeal the revocation.

9 (f) List.--

10 (1) The Pennsylvania State Police shall create and  
11 maintain an internal centralized list of all persons who  
12 hold an ammunition purchase authorization permit.

13 (2) The Pennsylvania State Police shall remove a person  
14 from the list under paragraph (1) whose authorization has  
15 been revoked by the Pennsylvania State Police under  
16 subsection (e)(1).

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

19 (i) Retailers that sell or otherwise seek the  
20 transfer of ownership of ammunition.

21 (ii) Law enforcement agencies for purposes of  
22 enforcing the law.

23 (g) Fee.--

24 (1) The Pennsylvania State Police may charge a fee not  
25 to exceed \$50 for the issuance or renewal of an ammunition  
26 purchase authorization permit under this section. The fee  
27 shall not be greater than the amount necessary to recover the  
28 reasonable, estimated costs to administer this section.

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

1 (h) Fund established.--The Ammunition Safety and Enforcement  
2 Fund is established within the State Treasury. Revenue collected  
3 from the fee charged under subsection (g) shall be deposited  
4 into the Ammunition Safety and Enforcement Fund on a continuing  
5 basis for the purpose of administering this section.

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

9 (j) Regulations.--The Pennsylvania State Police may  
10 promulgate regulations necessary to implement the provisions of  
11 this section.

12 § 6121.2. Transporting ammunition into this Commonwealth.

13 (a) Prohibition.--A resident of this Commonwealth may not  
14 transport ammunition into this Commonwealth if the resident  
15 purchased or otherwise obtained the ammunition from outside of  
16 this Commonwealth and the ammunition has not been delivered to a  
17 licensed importer, licensed manufacturer or licensed dealer in  
18 this Commonwealth for delivery to the resident in accordance  
19 with section 6121.1 (relating to ammunition purchase  
20 authorization permits).

21 (b) Applicability.--This section shall not apply to a  
22 licensed importer, licensed manufacturer, licensed dealer, law  
23 enforcement agency or law enforcement officer or a grandparent,  
24 spouse, sibling, child or grandchild of the transferor.

25 Section 9. Sections 6123 and 6301(a)(2) of Title 18 are  
26 amended to read:

27 § 6123. Waiver of disability or pardons.

28 A waiver of disability from Federal authorities as provided  
29 for in 18 U.S.C. § 925 (relating to exceptions; relief from  
30 disabilities), a full pardon from the Governor or an overturning

1 of a conviction shall remove any corresponding disability under  
2 this subchapter except the disability under section 6105  
3 (relating to persons not to possess, use, manufacture, control,  
4 sell or transfer firearms and ammunition).

5 § 6301. Corruption of minors.

6 (a) Offense defined.--

7 \* \* \*

8 (2) Any person who knowingly aids, abets, entices or  
9 encourages a minor younger than 18 years of age to commit  
10 truancy commits a summary offense. Any person who violates  
11 this paragraph within one year of the date of a first  
12 conviction under this section commits a misdemeanor of the  
13 third degree. A conviction under this paragraph shall not,  
14 however, constitute a prohibition under section 6105  
15 (relating to persons not to possess, use, manufacture,  
16 control, sell or transfer firearms and ammunition).

17 \* \* \*

18 Section 10. The definition of "firearm" in subsection (a) of  
19 section 6102 of Title 23 is amended to read:

20 § 6102. Definitions.

21 (a) General rule.--The following words and phrases when used  
22 in this chapter shall have the meanings given to them in this  
23 section unless the context clearly indicates otherwise:

24 \* \* \*

25 "Firearm." Any weapon which is designed to or may readily be  
26 converted to expel any projectile by the action of an explosive  
27 or the frame or receiver of any such weapon as defined by 18  
28 Pa.C.S. § 6105(i) (relating to persons not to possess, use,  
29 manufacture, control, sell or transfer firearms and ammunition).

30 \* \* \*

1 Section 11. Sections 6107(a), 6108(a) (7) (ii), 6108.3(b) (3)  
2 (i) (F) and (ii) (F) and 6119(b) of Title 23 are amended to read:  
3 § 6107. Hearings.

4 (a) General rule.--Within ten business days of the filing of  
5 a petition under this chapter, a hearing shall be held before  
6 the court, at which the plaintiff must prove the allegation of  
7 abuse by a preponderance of the evidence. The court shall, at  
8 the time the defendant is given notice of the hearing, advise  
9 the defendant of the right to be represented by counsel, of the  
10 right to present evidence, of the right to compel attendance of  
11 witnesses, of the method by which witnesses may be compelled, of  
12 the possibility that any firearm, other weapon or ammunition  
13 owned and any firearm license possessed may be ordered  
14 temporarily relinquished, of the options for relinquishment of a  
15 firearm pursuant to this chapter, of the possibility that  
16 Federal or State law may prohibit the possession of firearms,  
17 including an explanation of 18 U.S.C. § 922(g) (8) (relating to  
18 unlawful acts) and 18 Pa.C.S. § 6105 (relating to persons not to  
19 possess, use, manufacture, control, sell or transfer firearms  
20 and ammunition), and that any protection order granted by a  
21 court may be considered in any subsequent proceedings under this  
22 title. This notice shall be printed and delivered in a manner  
23 which easily attracts attention to its content and shall specify  
24 that child custody is one of the proceedings where prior  
25 protection orders may be considered.

26 \* \* \*

27 § 6108. Relief.

28 (a) General rule.--Subject to subsection (a.1), the court  
29 may grant any protection order or approve any consent agreement  
30 to bring about a cessation of abuse of the plaintiff or minor

1 children. The order or agreement may include:

2 \* \* \*

3 (7) Prohibiting the defendant from acquiring or  
4 possessing any firearm for the duration of the order,  
5 ordering the defendant to temporarily relinquish to the  
6 sheriff or the appropriate law enforcement agency any  
7 firearms under the defendant's possession or control, and  
8 requiring the defendant to relinquish to the sheriff or the  
9 appropriate law enforcement agency any firearm license issued  
10 under section 6108.3 (relating to relinquishment to third  
11 party for safekeeping) or 18 Pa.C.S. § 6106 (relating to  
12 firearms not to be carried without a license) or 6109  
13 (relating to licenses) the defendant may possess. The court  
14 may also order the defendant to relinquish the defendant's  
15 other weapons or ammunition that have been used or been  
16 threatened to be used in an incident of abuse against the  
17 plaintiff or the minor children. A copy of the court's order  
18 shall be transmitted to the chief or head of the appropriate  
19 law enforcement agency and to the sheriff of the county of  
20 which the defendant is a resident. When relinquishment is  
21 ordered, the following shall apply:

22 \* \* \*

23 (ii) The court's order shall contain a list of any  
24 firearm, other weapon or ammunition ordered relinquished.  
25 Upon the entry of a final order, the defendant shall  
26 inform the court in what manner the defendant is going to  
27 relinquish any firearm, other weapon or ammunition  
28 ordered relinquished. Relinquishment may occur pursuant  
29 to section 6108.2 (relating to relinquishment for  
30 consignment sale, lawful transfer or safekeeping) or

1 6108.3 or to the sheriff or the appropriate law  
2 enforcement agency pursuant to this paragraph. Where the  
3 sheriff or the appropriate law enforcement agency is  
4 designated, the sheriff or the appropriate law  
5 enforcement agency shall secure custody of the  
6 defendant's firearms, other weapons or ammunition and any  
7 firearm license listed in the court's order for the  
8 duration of the order or until otherwise directed by  
9 court order. In securing custody of the defendant's  
10 relinquished firearms, the sheriff or the appropriate law  
11 enforcement agency shall comply with 18 Pa.C.S. § 6105(f)  
12 (4) (relating to persons not to possess, use,  
13 manufacture, control, sell or transfer firearms and  
14 ammunition). In securing custody of the defendant's other  
15 weapons and ammunition, the sheriff or the appropriate  
16 law enforcement agency shall provide the defendant with a  
17 signed and dated written receipt which shall include a  
18 detailed description of the other weapon or ammunition  
19 and its condition. The court shall inform the defendant  
20 that firearms, other weapons or ammunition shall be  
21 deemed abandoned when the conditions under 18 Pa.C.S. §  
22 6128(a) (relating to abandonment of firearms, weapons or  
23 ammunition) are satisfied and may then be disposed of in  
24 accordance with 18 Pa.C.S. § 6128.

25 \* \* \*

26 § 6108.3. Relinquishment to third party for safekeeping.

27 \* \* \*

28 (b) Transfer to third party.--

29 \* \* \*

30 (3) (i) A defendant wishing to relinquish firearms,

1 other weapons or ammunition to a third party pursuant to  
2 subsection (a) shall, in the presence of the sheriff or  
3 the sheriff's designee, execute an affidavit on a form  
4 prescribed by the Pennsylvania State Police which shall  
5 include, at a minimum, the following:

6 \* \* \*

7 (F) A plain-language summary of 18 Pa.C.S. §  
8 6105(a.1)(2) and (c)(6) (relating to persons not to  
9 possess, use, manufacture, control, sell or transfer  
10 firearms and ammunition).

11 \* \* \*

12 (ii) A third party who will be accepting possession  
13 of firearms, other weapons and ammunition pursuant to  
14 subsection (a) shall, in the presence of the sheriff or  
15 the sheriff's designee, execute an affidavit on a form  
16 prescribed by the Pennsylvania State Police which shall  
17 include, at a minimum, the following:

18 \* \* \*

19 (F) A plain-language summary of 18 Pa.C.S. §§  
20 6105(a.1)(5) and (c)(6), 6111(c) (relating to sale or  
21 transfer of firearms or ammunition) and 6115  
22 (relating to loans on, or lending or giving firearms  
23 prohibited).

24 \* \* \*

25 § 6119. Immunity.

26 \* \* \*

27 (b) Exception.--Law enforcement agencies and their  
28 employees, including police officers and sheriffs, shall be  
29 liable to the lawful owner of confiscated, seized or  
30 relinquished firearms in accordance with 18 Pa.C.S. § 6105(f)

1 (relating to persons not to possess, use, manufacture, control,  
2 sell or transfer firearms and ammunition) and shall be liable to  
3 the lawful owner of confiscated, seized or relinquished other  
4 weapons or ammunition for any loss, damage or substantial  
5 decrease in the value of the other weapons or ammunition that is  
6 a direct result of a lack of reasonable care by the law  
7 enforcement agency or its employees.

8 Section 12. Sections 5552(b)(1), 5802(7) and 6308(d)(1)(i)  
9 of Title 42 are amended to read:

10 § 5552. Other offenses.

11 \* \* \*

12 (b) Major offenses.--A prosecution for any of the following  
13 offenses must be commenced within five years after it is  
14 committed:

15 (1) Under the following provisions of Title 18 (relating  
16 to crimes and offenses):

17 Section 901 (relating to criminal attempt) involving  
18 attempt to commit murder where no murder occurs.

19 Section 902 (relating to criminal solicitation)  
20 involving solicitation to commit murder where no murder  
21 occurs.

22 Section 903 (relating to criminal conspiracy)  
23 involving conspiracy to commit murder where no murder  
24 occurs.

25 Section 911 (relating to corrupt organizations).

26 Section 2702 (relating to aggravated assault).

27 Section 2706 (relating to terroristic threats).

28 Section 2713 (relating to neglect of care-dependent  
29 person).

30 Section 2901 (relating to kidnapping).

1           Section 3301 (relating to arson and related  
2 offenses).

3           Section 3502 (relating to burglary).

4           Section 3701 (relating to robbery).

5           Section 3921 (relating to theft by unlawful taking or  
6 disposition) through section 3933 (relating to unlawful  
7 use of computer).

8           Section 4101 (relating to forgery).

9           Section 4107 (relating to deceptive or fraudulent  
10 business practices).

11          Section 4108 (relating to commercial bribery and  
12 breach of duty to act disinterestedly).

13          Section 4109 (relating to rigging publicly exhibited  
14 contest).

15          Section 4117 (relating to insurance fraud).

16          Section 4701 (relating to bribery in official and  
17 political matters) through section 4703 (relating to  
18 retaliation for past official action).

19          Section 4902 (relating to perjury) through section  
20 4912 (relating to impersonating a public servant).

21          Section 4952 (relating to intimidation of witnesses  
22 or victims).

23          Section 4953 (relating to retaliation against  
24 witness, victim or party).

25          Section 5101 (relating to obstructing administration  
26 of law or other governmental function).

27          Section 5111 (relating to dealing in proceeds of  
28 unlawful activities).

29          Section 5512 (relating to lotteries, etc.) through  
30 section 5514 (relating to pool selling and bookmaking).

1           Section 5902(b) (relating to prostitution and related  
2 offenses).

3           Section 6111(g) (2) and (4) (relating to sale or  
4 transfer of firearms or ammunition).

5           \* \* \*

6 § 5802. Controlled substances forfeiture.

7           The following shall be subject to forfeiture to the  
8 Commonwealth and no property right shall exist in them:

9           \* \* \*

10           (7) Any firearms, including, but not limited to, rifles,  
11 shotguns, pistols, revolvers, machine guns, zip guns or any  
12 type of prohibited offensive weapon, as that term is defined  
13 in 18 Pa.C.S. § 6105 (relating to persons not to possess,  
14 use, manufacture, control, sell or transfer firearms and  
15 ammunition), which are used or intended for use to facilitate  
16 a violation of The Controlled Substance, Drug, Device and  
17 Cosmetic Act. Firearms as are found in close proximity to  
18 illegally possessed controlled substances shall be rebuttably  
19 presumed to be used or intended for use to facilitate a  
20 violation of The Controlled Substance, Drug, Device and  
21 Cosmetic Act. All weapons forfeited under this chapter shall  
22 be immediately destroyed by the receiving law enforcement  
23 agency.

24 § 6308. Law enforcement records.

25           \* \* \*

26           (d) Pennsylvania State Police registry.--

27           (1) The contents of law enforcement records and files  
28 concerning a child shall not be disclosed to the public  
29 except if the child is 14 years of age or older at the time  
30 of the alleged conduct and if any of the following apply:

1           (i) The child has been adjudicated delinquent by a  
2 court as a result of any offense enumerated in 18 Pa.C.S.  
3 § 6105 (relating to persons not to possess, use,  
4 manufacture, control, sell or transfer firearms and  
5 ammunition).

6                   \* \* \*

7           Section 13. This act shall take effect July 1, 2024, or  
8 immediately, whichever is later.