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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1412 Session of  
2019

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INTRODUCED BY BERNSTINE, RYAN, ROTHMAN, DIAMOND, DUNBAR, GROVE,  
RAPP, KEEFER, BOROWICZ, ZIMMERMAN AND METCALFE, MAY 6, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 6, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in general provisions, further  
3 providing for definitions; in inchoate crimes, further  
4 providing for prohibited offensive weapons; and, in firearms  
5 and other dangerous articles, repealing provisions relating  
6 to firearms not to be carried without a license, providing  
7 for license not required, repealing provisions relating to  
8 carrying firearms on public streets or public property in  
9 Philadelphia, providing for sportsman's firearm permit,  
10 further providing for licenses and repealing provisions  
11 relating to proof of license and exception.

12 The General Assembly finds that:

13 (1) The laws in existence regulating firearms ownership,  
14 possession and use are ineffectual in preventing crime and  
15 only interfere with the natural rights of law-abiding  
16 citizens.

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

22 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 103 of Title 18 of the Pennsylvania  
3 Consolidated Statutes is amended by adding a definition to read:

4 § 103. Definitions.

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

10 \* \* \*

11 "Lawful purpose." The term includes possession for the  
12 purpose of self-defense or the exercise of reasonable force in  
13 defense of the person or the person's property under Chapter 5  
14 (relating to general principles of justification).

15 \* \* \*

16 Section 2. Section 908(c) of Title 18 is amended to read:  
17 § 908. Prohibited offensive weapons.

18 \* \* \*

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

22 "Firearm." Any weapon which is designed to or may readily be  
23 converted to expel any projectile by the action of an explosive  
24 or the frame or receiver of any such weapon.

25 "Offensive weapons." Any bomb, grenade, machine gun, sawed-  
26 off shotgun with a barrel less than 18 inches, firearm specially  
27 made or specially adapted for concealment or silent discharge,  
28 any blackjack, sandbag[,], or metal knuckles, [dagger, knife,  
29 razor or cutting instrument, the blade of which is exposed in an  
30 automatic way by switch, push-button, spring mechanism, or

1 otherwise,] any stun gun, stun baton, taser or other electronic  
2 or electric weapon or other implement for the infliction of  
3 serious bodily injury which serves no [common] lawful purpose.

4 \* \* \*

5 Section 3. Section 6106 of Title 18 is repealed:

6 [§ 6106. Firearms not to be carried without a license.

7 (a) Offense defined.--

8 (1) Except as provided in paragraph (2), any person who  
9 carries a firearm in any vehicle or any person who carries a  
10 firearm concealed on or about his person, except in his place  
11 of abode or fixed place of business, without a valid and  
12 lawfully issued license under this chapter commits a felony  
13 of the third degree.

14 (2) A person who is otherwise eligible to possess a  
15 valid license under this chapter but carries a firearm in any  
16 vehicle or any person who carries a firearm concealed on or  
17 about his person, except in his place of abode or fixed place  
18 of business, without a valid and lawfully issued license and  
19 has not committed any other criminal violation commits a  
20 misdemeanor of the first degree.

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

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

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

29 (3) The regularly enrolled members of any organization  
30 duly organized to purchase or receive such firearms from the

1 United States or from this Commonwealth.

2 (4) Any persons engaged in target shooting with a  
3 firearm, if such persons are at or are going to or from their  
4 places of assembly or target practice and if, while going to  
5 or from their places of assembly or target practice, the  
6 firearm is not loaded.

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

9 (6) Agents, messengers and other employees of common  
10 carriers, banks, or business firms, whose duties require them  
11 to protect moneys, valuables and other property in the  
12 discharge of such duties.

13 (7) Any person engaged in the business of manufacturing,  
14 repairing, or dealing in firearms, or the agent or  
15 representative of any such person, having in his possession,  
16 using or carrying a firearm in the usual or ordinary course  
17 of such business.

18 (8) Any person while carrying a firearm which is not  
19 loaded and is in a secure wrapper from the place of purchase  
20 to his home or place of business, or to a place of repair,  
21 sale or appraisal or back to his home or place of business,  
22 or in moving from one place of abode or business to another  
23 or from his home to a vacation or recreational home or  
24 dwelling or back, or to recover stolen property under section  
25 6111.1(b)(4) (relating to Pennsylvania State Police), or to a  
26 place of instruction intended to teach the safe handling, use  
27 or maintenance of firearms or back or to a location to which  
28 the person has been directed to relinquish firearms under 23  
29 Pa.C.S. § 6108 (relating to relief) or back upon return of  
30 the relinquished firearm or to a licensed dealer's place of

1 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2  
2 (relating to relinquishment for consignment sale, lawful  
3 transfer or safekeeping) or back upon return of the  
4 relinquished firearm or to a location for safekeeping  
5 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment  
6 to third party for safekeeping) or back upon return of the  
7 relinquished firearm.

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

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

15 (11) Any person while carrying a firearm in any vehicle,  
16 which person possesses a valid and lawfully issued license  
17 for that firearm which has been issued under the laws of the  
18 United States or any other state.

19 (12) A person who has a lawfully issued license to carry  
20 a firearm pursuant to section 6109 (relating to licenses) and  
21 that said license expired within six months prior to the date  
22 of arrest and that the individual is otherwise eligible for  
23 renewal of the license.

24 (13) Any person who is otherwise eligible to possess a  
25 firearm under this chapter and who is operating a motor  
26 vehicle which is registered in the person's name or the name  
27 of a spouse or parent and which contains a firearm for which  
28 a valid license has been issued pursuant to section 6109 to  
29 the spouse or parent owning the firearm.

30 (14) A person lawfully engaged in the interstate

1 transportation of a firearm as defined under 18 U.S.C. §  
2 921(a)(3) (relating to definitions) in compliance with 18  
3 U.S.C. § 926A (relating to interstate transportation of  
4 firearms).

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

10 (i) The state provides a reciprocal privilege for  
11 individuals licensed to carry firearms under section  
12 6109.

13 (ii) The Attorney General has determined that the  
14 firearm laws of the state are similar to the firearm laws  
15 of this Commonwealth.

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

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

19 (1) Before any exception shall be granted under  
20 paragraph (b)(9) or (10) of this section to any person 18  
21 years of age or older licensed to hunt, trap or fish or who  
22 has been issued a permit relating to hunting dogs, such  
23 person shall, at the time of securing his hunting, furtaking  
24 or fishing license or any time after such license has been  
25 issued, secure a sportsman's firearm permit from the county  
26 treasurer. The sportsman's firearm permit shall be issued  
27 immediately and be valid throughout this Commonwealth for a  
28 period of five years from the date of issue for any legal  
29 firearm, when carried in conjunction with a valid hunting,  
30 furtaking or fishing license or permit relating to hunting

1 dogs. The sportsman's firearm permit shall be in triplicate  
2 on a form to be furnished by the Pennsylvania State Police.  
3 The original permit shall be delivered to the person, and the  
4 first copy thereof, within seven days, shall be forwarded to  
5 the Commissioner of the Pennsylvania State Police by the  
6 county treasurer. The second copy shall be retained by the  
7 county treasurer for a period of two years from the date of  
8 expiration. The county treasurer shall be entitled to collect  
9 a fee of not more than \$6 for each such permit issued, which  
10 shall include the cost of any official form. The Pennsylvania  
11 State Police may recover from the county treasurer the cost  
12 of any such form, but may not charge more than \$1 for each  
13 official permit form furnished to the county treasurer.

14 (2) Any person who sells or attempts to sell a  
15 sportsman's firearm permit for a fee in excess of that amount  
16 fixed under this subsection commits a summary offense.

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

21 (e) Definitions.--

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

27 (2) As used in this section, the phrase "place of  
28 instruction" shall include any hunting club, rifle club,  
29 rifle range, pistol range, shooting range, the premises of a  
30 licensed firearms dealer or a lawful gun show or meet.]

1 Section 4. Title 18 is amended by adding a section to read:

2 § 6106.2. License not required.

3 (a) Declaration.--Notwithstanding any other provision of  
4 law, every person present in this Commonwealth shall have an  
5 affirmative, fundamental and constitutional right to keep and  
6 bear firearms, including the right to carry openly or concealed,  
7 carry loaded or unloaded, transport, possess, use, acquire,  
8 purchase, transfer, inherit, buy, sell, give or otherwise  
9 dispose of or receive any firearm or self-defense device without  
10 a license, permission or restriction of any kind from or by this  
11 Commonwealth or any of its political subdivisions.

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

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

17 [§ 6108. Carrying firearms on public streets or public property  
18 in Philadelphia.

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

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

23 (2) such person is exempt from licensing under section  
24 6106(b) of this title (relating to firearms not to be carried  
25 without a license).]

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

27 § 6108.1. Sportsman's firearm permit.

28 (a) Permit allowed.--Any person 18 years of age or older who  
29 has been issued a hunting license, trapping license or fishing  
30 license or who has been issued a permit relating to hunting dogs

1 may, at the time of obtaining his hunting, trapping or fishing  
2 license or any time after the license has been issued, obtain a  
3 sportsman's firearm permit from the county treasurer.

4 (b) Issuance.--The sportsman's firearm permit shall be  
5 issued immediately and shall be valid throughout this  
6 Commonwealth for a period of five years from the date of issue  
7 for any legal firearm when carried in conjunction with a valid  
8 hunting, furtaking or fishing license or permit relating to  
9 hunting dogs.

10 (c) Form.--The sportsman's firearm permit shall be in  
11 triplicate on a form to be furnished by the Pennsylvania State  
12 Police. The original permit shall be delivered to the person,  
13 and a copy of the permit shall be forwarded to the Commissioner  
14 of Pennsylvania State Police by the county treasurer within  
15 seven days of the date of delivery. A copy of the permit shall  
16 be retained by the county treasurer for a period of two years  
17 from the date of expiration.

18 (d) Fee.--The county treasurer may collect a fee of not more  
19 than \$6 for each permit issued, which shall include the cost of  
20 any official form. The Pennsylvania State Police may recover  
21 from the county treasurer the cost of the form, but may not  
22 charge more than \$1 for each official permit form furnished to  
23 the county treasurer.

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

27 Section 7. Section 6109(a), (b), (c), (d) heading,  
28 introductory paragraph, (3), (4) and (5), (e)(1) introductory  
29 paragraph, (i), (v) and (vii), (3) introductory paragraph and  
30 (ii) and (4), (f)(2) and (4), (g), (h)(3) and (4), (i.1) heading

1 and (1), (j) and (m.1)(1) introductory paragraph and (ii), (2),  
2 (3), (4), (7) and (9) of Title 18 are amended to read:  
3 § 6109. Licenses.

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

7 (1) Due to every Commonwealth citizen having a  
8 fundamental constitutional right to keep and bear arms,  
9 obtaining a license under this section shall be optional.  
10 Nothing in this section shall be construed to require that a  
11 person must obtain a license under this section in order to  
12 carry a concealed firearm.

13 (2) The voluntary nature of a license to carry a firearm  
14 may not be construed to relieve the issuing authority of the  
15 burden of proof for denying an application for a license.  
16 Issuance of a license to carry a firearm under this section  
17 by the proper authority shall be prima facie evidence that  
18 law enforcement authorities have verified that the individual  
19 is qualified under the law and is not prohibited from  
20 possessing firearms under section 6105 (relating to persons  
21 not to possess, use, manufacture, control, sell or transfer  
22 firearms) or under any other provision of the laws of this  
23 Commonwealth.

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

28 (4) A license to carry a firearm shall provide citizens  
29 of this Commonwealth with the ability to carry a firearm in  
30 any state with which the Commonwealth maintains a reciprocal

1 agreement for the mutual recognition of licenses to carry  
2 firearms.

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

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

26 I have never been convicted of a crime that prohibits me  
27 from possessing or acquiring a firearm under Federal or  
28 State law. I am of sound mind and have never been  
29 involuntarily committed to a mental institution or if I  
30 was involuntarily committed, the involuntary commitment

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

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

19           \* \* \*

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

23           (4) investigate whether the applicant would be precluded  
24 from receiving a license under subsection (e)(1) or section  
25 6105(h) [(relating to persons not to possess, use,  
26 manufacture, control, sell or transfer firearms)]; and

27           (5) conduct a criminal background, juvenile delinquency  
28 and mental health check [following the procedures set forth  
29 in section 6111 (relating to sale or transfer of firearms),  
30 receive] by contacting the National Instant Criminal

1 Background Check System and must have received a unique  
2 approval number for that inquiry and record the date and  
3 number on the application.

4 (e) Issuance of license.--

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

12 [(i) An individual whose character and reputation is  
13 such that the individual would be likely to act in a  
14 manner dangerous to public safety.]

15 \* \* \*

16 (v) An individual who is not of sound mind or who  
17 has ever been involuntarily committed to a mental  
18 institution, unless the involuntary commitment has been  
19 expunged.

20 \* \* \*

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

22 \* \* \*

23 (3) The license to carry a firearm shall be designed to  
24 be uniform throughout this Commonwealth and shall be in a  
25 form prescribed by the [Pennsylvania State Police] Attorney  
26 General. The license shall bear the following:

27 \* \* \*

28 (ii) The signature of the [sheriff] authority  
29 issuing the license.

30 \* \* \*

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

5           \* \* \*

6           (f) Term of license.--

7           \* \* \*

8           (2) At least 60 days prior to the expiration of each  
9 license, the issuing [sheriff] authority shall send to the  
10 licensee an application for renewal of license. Failure to  
11 receive a renewal application shall not relieve a licensee  
12 from the responsibility to renew the license.

13          \* \* \*

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

22           (g) Grant or denial of license.--Upon the receipt of an  
23 application for a license to carry a firearm, the [sheriff]  
24 issuing authority shall, within [45] 14 calendar days, issue or  
25 refuse to issue a license on the basis of the investigation  
26 under subsection (d) and the accuracy of the information  
27 contained in the application. If the [sheriff] issuing authority  
28 refuses to issue a license, the [sheriff] issuing authority  
29 shall notify the applicant in writing of the refusal and the  
30 specific reasons. The notice shall be sent by certified mail to

1 the applicant at the address set forth in the application.

2 (h) Fee.--

3 \* \* \*

4 (3) An additional fee of \$1 shall be paid by the  
5 applicant for a license to carry a firearm and shall be  
6 remitted by the [sheriff] issuing authority to the Firearms  
7 License Validation System Account, which is hereby  
8 established as a special restricted receipt account within  
9 the General Fund of the State Treasury. The account shall be  
10 used for purposes under subsection (1). Moneys credited to  
11 the account and any investment income accrued are hereby  
12 appropriated on a continuing basis to the Pennsylvania State  
13 Police.

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

18 \* \* \*

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

20 Notwithstanding any statute to the contrary:

21 (1) Upon conviction of a person for a crime specified in  
22 section 6105(a) or (b) or upon conviction of a person for a  
23 crime punishable by imprisonment exceeding one year or upon a  
24 determination that the conduct of a person meets the criteria  
25 specified in section 6105(c) (1), (2), (3), (5), (6) or (9),  
26 the court shall determine if the defendant has a license to  
27 carry firearms issued pursuant to this section. If the  
28 defendant has such a license, the court shall notify the  
29 [sheriff of the county in which that person resides] issuing  
30 authority, on a form developed by the [Pennsylvania State

1 Police] Attorney General, of the identity of the person and  
2 the nature of the crime or conduct which resulted in the  
3 notification. The notification shall be transmitted by the  
4 judge within seven days of the conviction or determination.

5 \* \* \*

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

11 \* \* \*

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

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

17 \* \* \*

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

27 \* \* \*

28 (2) Upon receipt of the items required under paragraph  
29 (1), the [sheriff] issuing authority immediately shall  
30 conduct a criminal history, juvenile delinquency and mental

1 health record check of the applicant pursuant to section  
2 6105. Immediately upon receipt of the results of the records  
3 check, the [sheriff] issuing authority shall review the  
4 information and shall determine whether the applicant meets  
5 the criteria set forth in this subsection. If the [sheriff]  
6 issuing authority determines that the applicant has met all  
7 of the criteria, the [sheriff] issuing authority shall  
8 immediately issue the applicant a temporary emergency license  
9 to carry a concealed firearm.

10 (3) If the [sheriff] issuing authority refuses to issue  
11 a temporary emergency license, the [sheriff] issuing  
12 authority shall specify the grounds for the denial in a  
13 written notice to the applicant. The applicant may appeal the  
14 denial or challenge criminal records check results that were  
15 the basis of the denial, if applicable, in the same manner as  
16 a denial of a license to carry a firearm under this section.

17 (4) A temporary emergency license issued under this  
18 subsection shall be valid for 45 days and may not be renewed.  
19 A person who has been issued a temporary emergency license  
20 under this subsection shall not be issued another temporary  
21 emergency license unless at least five years have expired  
22 since the issuance of the prior temporary emergency license.  
23 During the 45 days the temporary emergency license is valid,  
24 the [sheriff] issuing authority shall conduct an additional  
25 investigation of the person for the purposes of determining  
26 whether the person may be issued a license pursuant to this  
27 section. If, during the course of this investigation, the  
28 [sheriff] issuing authority discovers any information that  
29 would have prohibited the issuance of a license pursuant to  
30 this section, the [sheriff] issuing authority shall be

1 authorized to revoke the temporary emergency license as  
2 provided in subsection (i).

3 \* \* \*

4 (7) [A sheriff] An issuing authority who issues a  
5 temporary emergency license to carry a firearm shall retain,  
6 for the entire period during which the temporary emergency  
7 license is in effect, the evidence of imminent danger that  
8 the applicant submitted to the [sheriff] issuing authority  
9 that was the basis for the license, or a copy of the  
10 evidence, as appropriate.

11 \* \* \*

12 (9) Prior to the expiration of a temporary emergency  
13 license, if the [sheriff] issuing authority has determined  
14 pursuant to investigation that the person issued a temporary  
15 emergency license is not disqualified and if the temporary  
16 emergency license has not been revoked pursuant to subsection  
17 (i), the [sheriff] issuing authority shall issue a license  
18 pursuant to this section that is effective for the balance of  
19 the five-year period from the date of the issuance of the  
20 temporary emergency license. Records and all other  
21 information, duties and obligations regarding such licenses  
22 shall be applicable as otherwise provided in this section.

23 \* \* \*

24 Section 8. Section 6122 of Title 18 is repealed:

25 [§ 6122. Proof of license and exception.

26 (a) General rule.--When carrying a firearm concealed on or  
27 about one's person or in a vehicle, an individual licensed to  
28 carry a firearm shall, upon lawful demand of a law enforcement  
29 officer, produce the license for inspection. Failure to produce  
30 such license either at the time of arrest or at the preliminary

1 hearing shall create a rebuttable presumption of nonlicensure.

2 (b) Exception.--An individual carrying a firearm on or about  
3 his person or in a vehicle and claiming an exception under  
4 section 6106(b) (relating to firearms not to be carried without  
5 a license) shall, upon lawful demand of a law enforcement  
6 officer, produce satisfactory evidence of qualification for  
7 exception.]

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