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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 736 Session of  
2013

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INTRODUCED BY STACK, FARNESE, FONTANA, WASHINGTON, HUGHES AND  
TARTAGLIONE, MARCH 26, 2013

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REFERRED TO JUDICIARY, MARCH 26, 2013

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for definitions and for sale or  
4 transfer of firearms; and providing for lawful gun shows and  
5 meets.

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

8 Section 1. Section 6102 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a definition to read:

10 § 6102. Definitions.

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

17 \* \* \*

18 "Federally licensed firearms dealer." A person who is a  
19 licensed dealer under the provisions of 18 U.S.C. Ch. 44

1 (relating to firearms).

2 \* \* \*

3 Section 2. Section 6111(b) introductory paragraph, (1),  
4 (1.1) and (3), (c), (g) and (i) of Title 18 are amended to read:  
5 § 6111. Sale or transfer of firearms.

6 \* \* \*

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

13 (1) For purposes of a firearm as defined in section 6102  
14 (relating to definitions), obtained a completed  
15 application/record of sale from the potential buyer or  
16 transferee to be filled out in triplicate, the original copy  
17 to be sent to the Pennsylvania State Police, postmarked via  
18 first class mail, within 14 days of the sale, one copy to be  
19 retained by the licensed importer, licensed manufacturer or  
20 federally licensed firearms dealer for a period of 20 years  
21 and one copy to be provided to the purchaser or transferee.  
22 The form of this application/record of sale shall be no more  
23 than one page in length and shall be promulgated by the  
24 Pennsylvania State Police and provided by the licensed  
25 importer, licensed manufacturer or federally licensed  
26 firearms dealer. The application/record of sale shall include  
27 the name, address, birthdate, gender, race, physical  
28 description and Social Security number of the purchaser or  
29 transferee, the date of the application and the caliber,  
30 length of barrel, make, model and manufacturer's number of

1 the firearm to be purchased or transferred. The  
2 application/record of sale shall also contain the following  
3 question:

4 Are you the actual buyer of the firearm(s), as defined  
5 under 18 Pa.C.S. § 6102 (relating to definitions), listed  
6 on this application/record of sale? Warning: You are not  
7 the actual buyer if you are acquiring the firearm(s) on  
8 behalf of another person, unless you are legitimately  
9 acquiring the firearm as a gift for any of the following  
10 individuals who are legally eligible to own a firearm:

- 11 (1) spouse;
- 12 (2) parent;
- 13 (3) child;
- 14 (4) grandparent; or
- 15 (5) grandchild.

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

20 (i) In the event of an electronic failure under  
21 section 6111.1(b)(2) (relating to Pennsylvania State  
22 Police) for purposes of a firearm which exceeds the  
23 barrel and related lengths set forth in section 6102,  
24 obtained a completed application/record of sale from the  
25 potential buyer or transferee to be filled out in  
26 triplicate, the original copy to be sent to the  
27 Pennsylvania State Police, postmarked via first class  
28 mail, within 14 days of sale, one copy to be retained by  
29 the licensed importer, licensed manufacturer or federally  
30 licensed firearms dealer for a period of 20 years and one

1 copy to be provided to the purchaser or transferee.

2 (ii) The form of the application/record of sale  
3 shall be no more than one page in length and shall be  
4 promulgated by the Pennsylvania State Police and provided  
5 by the licensed importer, licensed manufacturer or  
6 federally licensed firearms dealer.

7 (iii) For purposes of conducting the criminal  
8 history, juvenile delinquency and mental health records  
9 background check which shall be completed within ten days  
10 of receipt of the information from the dealer, the  
11 application/record of sale shall include the name,  
12 address, birthdate, gender, race, physical description  
13 and Social Security number of the purchaser or transferee  
14 and the date of application.

15 (iv) No information regarding the type of firearm  
16 need be included other than an indication that the  
17 firearm exceeds the barrel lengths set forth in section  
18 6102.

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

1 and, further, an application/record of sale received by  
2 the Pennsylvania State Police pursuant to this subsection  
3 shall be destroyed within 72 hours of the completion of  
4 the criminal history, juvenile delinquency and mental  
5 health records background check.

6 \* \* \*

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

15 \* \* \*

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

27 \* \* \*

28 (g) Penalties.--

29 (1) Any person[, ] or federally licensed firearms dealer,  
30 licensed manufacturer or licensed importer who knowingly or

1 intentionally sells, delivers or transfers a firearm in  
2 violation of this section commits a misdemeanor of the second  
3 degree and shall, in addition, be subject to revocation of  
4 the license to sell firearms for a period of one year.

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

14 (3) Any person, federally licensed firearms dealer,  
15 licensed manufacturer or licensed importer who knowingly and  
16 intentionally requests a criminal history, juvenile  
17 delinquency or mental health record check or other  
18 confidential information from the Pennsylvania State Police  
19 under this chapter for any purpose other than compliance with  
20 this chapter or knowingly and intentionally disseminates any  
21 criminal history, juvenile delinquency or mental health  
22 record or other confidential information to any person other  
23 than the subject of the information commits a felony of the  
24 third degree and shall, in addition, be subject to revocation  
25 of the license to sell firearms for a period of one year.

26 (3.1) Any person, federally licensed firearms dealer,  
27 licensed manufacturer or licensed importer who knowingly and  
28 intentionally obtains or furnishes information collected or  
29 maintained pursuant to section 6109 for any purpose other  
30 than compliance with this chapter or who knowingly or

1 intentionally disseminates, publishes or otherwise makes  
2 available such information to any person other than the  
3 subject of the information commits a felony of the third  
4 degree and shall, in addition, be subject to revocation of  
5 the license to sell firearms for a period of one year.

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

10 (i) makes any materially false oral statement;

11 (ii) makes any materially false written statement,  
12 including a statement on any form promulgated by Federal  
13 or State agencies; or

14 (iii) willfully furnishes or exhibits any false  
15 identification intended or likely to deceive the seller,  
16 federally licensed firearms dealer or licensed  
17 manufacturer.

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

27 (5.1) Notwithstanding section 306 or any other statute  
28 to the contrary, any person, licensed importer, federally  
29 licensed firearms dealer or licensed manufacturer who sells,  
30 delivers or transfers a firearm in violation of this chapter

1 to a person who:

2 (i) is prohibited from owning or possessing the  
3 firearm; and

4 (ii) uses the firearm to commit a crime of violence  
5 within one year of the sale, delivery or transfer  
6 commits a felony of the third degree.

7 (6) Notwithstanding any act or statute to the contrary,  
8 any person, licensed importer, licensed manufacturer or  
9 federally licensed firearms dealer who knowingly and  
10 intentionally sells or delivers a firearm in violation of  
11 this chapter who has reason to believe that the firearm 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 \* \* \*

17 (i) Confidentiality.--All information provided by the  
18 potential purchaser, transferee or applicant, including, but not  
19 limited to, the potential purchaser, transferee or applicant's  
20 name or identity, furnished by a potential purchaser or  
21 transferee under this section or any applicant for a license to  
22 carry a firearm as provided by section 6109 shall be  
23 confidential and not subject to public disclosure. In addition  
24 to any other sanction or penalty imposed by this chapter, any  
25 person, federally licensed firearms dealer, State or local  
26 governmental agency or department that violates this subsection  
27 shall be liable in civil damages in the amount of \$1,000 per  
28 occurrence or three times the actual damages incurred as a  
29 result of the violation, whichever is greater, as well as  
30 reasonable attorney fees.

1 \* \* \*

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

3 § 6113.1. Lawful gun shows and meets.

4 In order for a person to operate a lawful gun show or meet,  
5 the person must:

6 (1) Be at least 21 years of age.

7 (2) Not be prohibited from transporting, shipping or  
8 receiving firearms and has not violated any Federal firearms  
9 law.

10 (3) Be registered with the Attorney General as a gun  
11 show operator and provide a photograph and fingerprints to  
12 the Attorney General.

13 (4) Not have concealed material information or made  
14 false statements in connection with obtaining a gun show  
15 operator registration.

16 (5) Notify the Attorney General of the date, time,  
17 location and duration of a the gun show or meet not later  
18 than 30 days before the commencement of the gun show or meet  
19 and verifies the identity of each vendor at the gun show or  
20 meet.

21 (6) Maintain such records relating to the gun show or  
22 meet as required by the Attorney General.

23 (7) Provide the Attorney General with access to conduct  
24 an inspection at any time for any reason of the premises  
25 where the gun show or meet is conducted in order to determine  
26 compliance with the provisions of this chapter.

27 Section 4. This act shall take effect in 60 days.