

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 326 Session of  
2019

---

INTRODUCED BY WARREN, KINSEY, ULLMAN, A. DAVIS, HILL-EVANS,  
SHUSTERMAN, MURT, ISAACSON, CALTAGIRONE, McCLINTON, CIRESI  
AND NEILSON, FEBRUARY 1, 2019

---

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 2019

---

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, for persons not  
4 to possess, use, manufacture, control, sell or transfer  
5 firearms, for sale or transfer of firearms and for  
6 Pennsylvania State Police.

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

9 Section 1. Section 6102 of Title 18 of the Pennsylvania  
10 Consolidated Statutes is amended by adding a definition to read:  
11 § 6102. Definitions.

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

18 \* \* \*

19 "Terrorist screening database." A list compiled by the

1 Federal Bureau of Investigation and used by various agencies to  
2 consolidate and screen information relating to individuals who  
3 are known or suspected as being international terrorists and  
4 domestic terrorists.

5 Section 2. Section 6105(c) of Title 18 is amended by adding  
6 a paragraph to read:

7 § 6105. Persons not to possess, use, manufacture, control, sell  
8 or transfer firearms.

9 \* \* \*

10 (c) Other persons.--In addition to any person who has been  
11 convicted of any offense listed under subsection (b), the  
12 following persons shall be subject to the prohibition of  
13 subsection (a):

14 \* \* \*

15 (11) A person whose name is included on the terrorist  
16 screening database.

17 \* \* \*

18 Section 3. Sections 6111(b) (3) and (6) and (g) (3) and  
19 6111.1(b) (1) of Title 18 are amended to read:

20 § 6111. Sale or transfer of firearms.

21 \* \* \*

22 (b) Duty of seller.--No licensed importer, licensed  
23 manufacturer or licensed dealer shall sell or deliver any  
24 firearm to another person, other than a licensed importer,  
25 licensed manufacturer, licensed dealer or licensed collector,  
26 until the conditions of subsection (a) have been satisfied and  
27 until he has:

28 \* \* \*

29 (3) Requested by means of a telephone call that the  
30 Pennsylvania State Police conduct a criminal history,

1 juvenile delinquency history, terrorist screening database  
2 and a mental health record check. The purchaser and the  
3 licensed dealer shall provide such information as is  
4 necessary to accurately identify the purchaser. The requester  
5 shall be charged a fee equivalent to the cost of providing  
6 the service but not to exceed \$2 per buyer or transferee.

7 \* \* \*

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

17 \* \* \*

18 (g) Penalties.--

19 \* \* \*

20 (3) Any person, licensed dealer, licensed manufacturer  
21 or licensed importer who knowingly and intentionally requests  
22 a criminal history, juvenile delinquency, terrorist screening  
23 database or mental health record check or other confidential  
24 information from the Pennsylvania State Police under this  
25 chapter for any purpose other than compliance with this  
26 chapter or knowingly and intentionally disseminates any  
27 criminal history, juvenile delinquency or mental health  
28 record or other confidential information to any person other  
29 than the subject of the information commits a felony of the  
30 third degree.

1 \* \* \*

2 § 6111.1. Pennsylvania State Police.

3 \* \* \*

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

5 (1) Upon receipt of a request for a criminal history,  
6 juvenile delinquency history, terrorist screening database  
7 and mental health record check of the potential purchaser or  
8 transferee, the Pennsylvania State Police shall immediately  
9 during the licensee's call or by return call [**forthwith**]:

10 (i) review the Pennsylvania State Police criminal  
11 history and fingerprint records to determine if the  
12 potential purchaser or transferee is prohibited from  
13 receipt or possession of a firearm under Federal or State  
14 law[**;**] and determine whether the name of the potential  
15 purchaser or transferee is included on the terrorist  
16 screening database;

17 (ii) review the juvenile delinquency and mental  
18 health records of the Pennsylvania State Police to  
19 determine whether the potential purchaser or transferee  
20 is prohibited from receipt or possession of a firearm  
21 under Federal or State law; and

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

23 (A) that the potential purchase or transfer is  
24 prohibited; or

25 (B) provide the licensee with a unique approval  
26 number.

27 \* \* \*

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