
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 725 Session of
2015

INTRODUCED BY BARTOLOTTA, SCARNATI, AUMENT, YUDICHAK, VOGEL,
STEFANO, WAGNER, WHITE, HUTCHINSON, YAW, WARD, BREWSTER AND
ALLOWAY, APRIL 16, 2015

REFERRED TO JUDICIARY, APRIL 16, 2015

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 licenses,
4 for sale or transfer of firearms, for Pennsylvania State
5 Police, for firearm sales surcharge, for the Firearm Records
6 Check Fund, for licensing of dealers, for administrative
7 regulations and for the Firearms Background Check Advisory
8 Committee.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 6102 of Title 18 of the Pennsylvania
12 Consolidated Statutes is amended by adding a definition to read:
13 § 6102. Definitions.

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

20 * * *

1 "NICS." The National Instant Criminal Background Check
2 System maintained by the Federal Bureau of Investigation in
3 accordance with the Brady Handgun Violence Prevention Act
4 (Public Law 103-159, 107 Stat. 1536).

5 * * *

6 Section 2. Sections 6109(d)(5) and 6111(a), (b), (f), (g)(3)
7 and (j) of Title 18 are amended to read:

8 § 6109. Licenses.

9 * * *

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

12 * * *

13 (5) [conduct a criminal background, juvenile delinquency
14 and mental health check following the procedures set forth in
15 section 6111 (relating to sale or transfer of firearms),
16 receive a unique approval number for that inquiry and record
17 the date and number on the application] contact the NICS and
18 comply with the requirements of 18 U.S.C. § 922(t) (relating
19 to unlawful acts).

20 * * *

21 § 6111. Sale or transfer of firearms.

22 [(a) Time and manner of delivery.--

23 (1) Except as provided in paragraph (2), no seller shall
24 deliver a firearm to the purchaser or transferee thereof
25 until 48 hours shall have elapsed from the time of the
26 application for the purchase thereof, and, when delivered,
27 the firearm shall be securely wrapped and shall be unloaded.

28 (2) Thirty days after publication in the Pennsylvania
29 Bulletin that the Instantaneous Criminal History Records
30 Check System has been established in accordance with the

1 Brady Handgun Violence Prevention Act (Public Law 103-159, 18
2 U.S.C. § 921 et seq.), no seller shall deliver a firearm to
3 the purchaser thereof until the provisions of this section
4 have been satisfied, and, when delivered, the firearm shall
5 be securely wrapped and shall be unloaded.]

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

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

1 notice to the potential buyer or transferee which contains

2 the following question:

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

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

15 (1.1) [On the date of publication in the Pennsylvania
16 Bulletin of a notice by the Pennsylvania State Police that
17 the instantaneous records check has been implemented, all of
18 the following shall apply:

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

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

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

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

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

1 the Pennsylvania State Police pursuant to this subsection
2 shall be destroyed within 72 hours of the completion of
3 the criminal history, juvenile delinquency and mental
4 health records background check.] (Reserved).

5 (1.2) [Fees collected under paragraph (3) and section
6 6111.2 (relating to firearm sales surcharge) shall be
7 transmitted to the Pennsylvania State Police within 14 days
8 of collection.] (Reserved).

9 (1.3) In addition to the criminal penalty under section
10 6119 (relating to violation penalty), any person who
11 knowingly and intentionally [maintains or fails to destroy
12 any information submitted to the Pennsylvania State Police
13 for purposes of a background check pursuant to paragraphs
14 (1.1) and (1.4) or] violates section 6111.4 shall be subject
15 to a civil penalty of \$250 per violation. [, entry or failure
16 to destroy.

17 (1.4) Following implementation of the instantaneous
18 records check by the Pennsylvania State Police on or before
19 December 1, 1998, no application/record of sale shall be
20 completed for the purchase or transfer of a firearm which
21 exceeds the barrel lengths set forth in section 6102. A
22 statement shall be submitted by the dealer to the
23 Pennsylvania State Police, postmarked via first class mail,
24 within 14 days of the sale, containing the number of firearms
25 sold which exceed the barrel and related lengths set forth in
26 section 6102, the amount of surcharge and other fees remitted
27 and a list of the unique approval numbers given pursuant to
28 paragraph (4), together with a statement that the background
29 checks have been performed on the firearms contained in the
30 statement. The form of the statement relating to performance

1 of background checks shall be promulgated by the Pennsylvania
2 State Police.]

3 (1.5) Contacted the NICS and complied with the
4 requirements of 18 U.S.C. § 922(t) (relating to unlawful
5 acts).

6 (2) Inspected photoidentification of the potential
7 purchaser or transferee, including, but not limited to, a
8 driver's license, official Pennsylvania photoidentification
9 card or official government photoidentification card. In the
10 case of a potential buyer or transferee who is a member of a
11 recognized religious sect or community whose tenets forbid or
12 discourage the taking of photographs of members of that sect
13 or community, a seller shall accept a valid-without-photo
14 driver's license or a combination of documents, as prescribed
15 by the Pennsylvania State Police, containing the applicant's
16 name, address, date of birth and the signature of the
17 applicant.

18 [(3) Requested by means of a telephone call that the
19 Pennsylvania State Police conduct a criminal history,
20 juvenile delinquency history and a mental health record
21 check. The purchaser and the licensed dealer shall provide
22 such information as is necessary to accurately identify the
23 purchaser. The requester shall be charged a fee equivalent to
24 the cost of providing the service but not to exceed \$2 per
25 buyer or transferee.

26 (4) Received a unique approval number for that inquiry
27 from the Pennsylvania State Police and recorded the date and
28 the number on the application/record of sale form.

29 (5) Issued a receipt containing the information from
30 paragraph (4), including the unique approval number of the

1 purchaser. This receipt shall be prima facie evidence of the
2 purchaser's or transferee's compliance with the provisions of
3 this section.

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

13 (7) For purposes of the enforcement of 18 U.S.C. §
14 922(d)(9), (g)(1) and (s)(1) (relating to unlawful acts), in
15 the event the criminal history or juvenile delinquency
16 background check indicates a conviction for a misdemeanor
17 that the Pennsylvania State Police cannot determine is or is
18 not related to an act of domestic violence, the Pennsylvania
19 State Police shall issue a temporary delay of the approval of
20 the purchase or transfer. During the temporary delay, the
21 Pennsylvania State Police shall conduct a review or
22 investigation of the conviction with courts, local police
23 departments, district attorneys and other law enforcement or
24 related institutions as necessary to determine whether or not
25 the misdemeanor conviction involved an act of domestic
26 violence. The Pennsylvania State Police shall conduct the
27 review or investigation as expeditiously as possible. No
28 firearm may be transferred by the dealer to the purchaser who
29 is the subject of the investigation during the temporary
30 delay. The Pennsylvania State Police shall notify the dealer

1 of the termination of the temporary delay and either deny the
2 sale or provide the unique approval number under paragraph
3 (4).]

4 * * *

5 (f) Application of section.--

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

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

17 (3) The provisions contained in subsection [(a)] (b)
18 (1.5) shall not apply to any law enforcement officer whose
19 current 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 because of a threat to the life of the transferee

1 or purchaser or any member of the household of that
2 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 * * *

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

28 * * *

29 (j) Exemption.--

30 (1) The provisions of [subsections (a) and] subsection

1 (b) shall not apply to:

2 (i) sales between Federal firearms licensees; or

3 (ii) the purchase of firearms by a chief law
4 enforcement officer or his designee, for the official use
5 of law enforcement officers.

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

11 Section 3. Section 6111.1(b)(1), (2) and (3), (c), (e), (i),
12 (j.1), (j.2) and (j.3) of Title 18 are amended and the section
13 is amended by adding a subsection to read:

14 § 6111.1. Pennsylvania State Police.

15 * * *

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

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

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

27 (ii) review the juvenile delinquency and mental
28 health records of the Pennsylvania State Police to
29 determine whether the potential purchaser or transferee
30 is prohibited from receipt or possession of a firearm

1 under Federal or State law; and

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

3 (A) that the potential purchase or transfer is
4 prohibited; or

5 (B) provide the licensee with a unique approval
6 number.

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

22 (3) The Pennsylvania State Police shall fully comply,
23 execute and enforce the directives of this section as
24 follows:

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

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

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

3 (B) December 31, 1998.]

4 * * *

5 [(c) Establish a telephone number.--The Pennsylvania State
6 Police shall establish a telephone number which shall be
7 operational seven days a week between the hours of 8 a.m. and 10
8 p.m. local time for purposes of responding to inquiries as
9 described in this section from licensed manufacturers, licensed
10 importers and licensed dealers. The Pennsylvania State Police
11 shall employ and train such personnel as are necessary to
12 administer expeditiously the provisions of this section.]

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 as a result of the [procedures established by this section]
18 information recorded in a registry of the Pennsylvania State
19 Police may challenge the accuracy of that person's criminal
20 history, juvenile delinquency history or mental health record
21 [pursuant to a denial by the instantaneous records check] by
22 submitting a challenge to the Pennsylvania State Police
23 within 30 days from the date of the denial.

24 (2) The Pennsylvania State Police shall conduct a review
25 of the accuracy of the information forming the basis for the
26 denial and shall have the burden of proving the accuracy of
27 the record. Within 20 days after receiving a challenge, the
28 Pennsylvania State Police shall notify the challenger of the
29 basis for the denial, including, but not limited to, the
30 jurisdiction and docket number of any relevant court decision

1 and provide the challenger an opportunity to provide
2 additional information for the purposes of the review. The
3 Pennsylvania State Police shall communicate its final
4 decision to the challenger within 60 days of the receipt of
5 the challenge. The decision of the Pennsylvania State Police
6 shall include all information which formed a basis for the
7 decision.

8 (3) If the challenge is ruled invalid, the person shall
9 have the right to appeal the decision to the Attorney General
10 within 30 days of the decision. The Attorney General shall
11 conduct a hearing de novo in accordance with the
12 Administrative Agency Law. The burden of proof shall be upon
13 the Commonwealth.

14 (4) The decision of the Attorney General may be appealed
15 to the Commonwealth Court by an aggrieved party.

16 (5) Pursuant to the memorandum of understanding under
17 subsection (j.4), the Pennsylvania State Police shall report
18 to the National Instant Criminal Background Check System
19 Index, Denied Persons Files, the name and other available
20 identifying information of any person who successfully
21 challenges the accuracy of that person's criminal history,
22 juvenile delinquency history or mental health record under
23 this subsection.

24 * * *

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

28 (1) number of firearm sales, including the types of
29 firearms;

30 (2) number of applications for sale of firearms denied,

1 number of challenges of the denials and number of final
2 reversals of initial denials;

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

7 (4) uniform crime reporting statistics compiled by the
8 Pennsylvania State Police based on the National Incident-
9 based Reporting System.]

10 * * *

11 [(j.1) Delinquency and mental health records.--The
12 provisions of this section which relate to juvenile delinquency
13 and mental health records checks shall be applicable when the
14 data has been made available to the Pennsylvania State Police
15 but not later than October 11, 1999.

16 (j.2) Records check.--The provisions of this section which
17 relate to the instantaneous records check conducted by telephone
18 shall be applicable 30 days following notice by the Pennsylvania
19 State Police pursuant to section 6111(a)(2).]

20 (j.3) Immunity.--[The Pennsylvania State Police and its
21 employees shall be immune from actions for damages for the use
22 of a firearm by a purchaser or for the unlawful transfer of a
23 firearm by a dealer unless the act of the Pennsylvania State
24 Police or its employees constitutes a crime, actual fraud,
25 actual malice or willful misconduct.] Unless the act of the
26 Pennsylvania State Police or its employees constitutes a crime,
27 actual fraud, actual malice or willful misconduct, the
28 Pennsylvania State Police and its employees shall be immune from
29 actions for damages for:

30 (1) the use of a firearm by a purchaser or lawful owner;

1 or

2 (2) the unlawful transfer of a firearm by a dealer.

3 (j.4) Report to NICS.--

4 (1) The Pennsylvania State Police shall, in accordance
5 with Federal and State law regarding confidentiality, enter
6 into a memorandum of understanding with the Federal Bureau of
7 Investigation for the purpose of implementing the NICS in
8 this Commonwealth. The Pennsylvania State Police shall report
9 to the National Instant Criminal Background Check System
10 Index, Denied Persons Files, the name, date of birth and
11 physical description of any person who:

12 (i) under section 6105, may not possess, use,
13 control, sell, transfer or manufacture a firearm in this
14 Commonwealth; or

15 (ii) was previously reported under paragraph (1) or
16 any predecessor statute or agreement and may currently
17 possess, use, control, sell, transfer or manufacture a
18 firearm in this Commonwealth.

19 (2) The Pennsylvania State Police shall report to the
20 National Instant Criminal Background Check System Index all
21 records relating to a disqualification to possess firearms
22 for any individual pursuant to 23 Pa.C.S. § 6108 (relating to
23 relief), including a change in disqualification status in the
24 event a court modifies, amends or terminates an order under
25 23 Pa.C.S. § 6108.

26 (3) The Pennsylvania State Police shall, as soon as
27 possible but within 72 hours of receipt, report,
28 electronically or otherwise, to the NICS any record relevant
29 to a determination of whether a person is disqualified from
30 possessing or receiving a firearm under 18 U.S.C. § 922(g)(8)

1 or (9) (relating to unlawful acts) and any record relevant to
2 a determination of whether a person is not disqualified or is
3 no longer disqualified from possessing or receiving a firearm
4 under 18 U.S.C. § 922(g) (8) or (9).

5 * * *

6 Section 4. Sections 6111.2 and 6111.3 of Title 18 are
7 repealed:

8 [§ 6111.2. Firearm sales surcharge.

9 (a) Surcharge imposed.--There is hereby imposed on each sale
10 of a firearm subject to tax under Article II of the act of March
11 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, an
12 additional surcharge of \$3. This shall be referred to as the
13 Firearm Sale Surcharge. All moneys received from this surcharge
14 shall be deposited in the Firearm Instant Records Check Fund.

15 (b) Increases or decreases.--Five years from the effective
16 date of this subsection, and every five years thereafter, the
17 Pennsylvania State Police shall provide such information as
18 necessary to the Legislative Budget and Finance Committee for
19 the purpose of reviewing the need to increase or decrease the
20 instant check fee. The committee shall issue a report of its
21 findings and recommendations to the General Assembly for a
22 statutory change in the fee.

23 (c) Revenue sources.--Funds received under the provisions of
24 this section and section 6111(b) (3) (relating to sale or
25 transfer of firearms), as estimated and certified by the
26 Secretary of Revenue, shall be deposited within five days of the
27 end of each quarter into the fund.

28 (d) Definition.--As used in this section only, the term
29 "firearm" shall mean any weapon which is designed to or may
30 readily be converted to expel any projectile by the action of an

1 explosion or the frame or receiver of any such weapon.

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). The moneys in the fund on June
9 1, 1998, are hereby appropriated to the Pennsylvania State
10 Police.

11 (b) Source.--The source of the fund shall be moneys
12 collected and transferred under section 6111.2 (relating to
13 firearm sales surcharge) and moneys collected and transferred
14 under section 6111(b)(3).]

15 Section 5. Sections 6113(a) and 6124 of Title 18 are amended
16 to read:

17 § 6113. Licensing of dealers.

18 (a) General rule.--The chief or head of any police force or
19 police department of a city, and, elsewhere, the sheriff of the
20 county, shall grant to reputable applicants licenses, in form
21 prescribed by the Pennsylvania State Police, effective for three
22 years from date of issue, permitting the licensee to sell
23 firearms direct to the consumer, subject to the following
24 conditions in addition to those specified in section 6111
25 (relating to sale or transfer of firearms), for breach of any of
26 which the license shall be forfeited and the licensee subject to
27 punishment as provided in this subchapter:

28 (1) The business shall be carried on only upon the
29 premises designated in the license or at a lawful gun show or
30 meet.

1 (2) The license, or a copy thereof, certified by the
2 issuing authority, shall be displayed on the premises where
3 it can easily be read.

4 (3) No firearm shall be sold in violation of any
5 provision of this subchapter.

6 (4) No firearm shall be sold under any circumstances
7 unless the purchaser is personally known to the seller or
8 shall present clear evidence of the purchaser's identity.

9 (5) [A true record in triplicate shall be made of every
10 firearm sold, in a book kept for the purpose, the form of
11 which may be prescribed by the Pennsylvania State Police, and
12 shall be personally signed by the purchaser and by the person
13 effecting the sale, each in the presence of the other, and
14 shall contain the information required by section 6111. The
15 record shall be maintained by the licensee for a period of 20
16 years.] (Reserved).

17 (6) No firearm as defined in section 6102 (relating to
18 definitions) shall be displayed in any part of any premises
19 where it can readily be seen from the outside. In the event
20 that the Commissioner of the Pennsylvania State Police shall
21 find a clear and present danger to public safety within this
22 Commonwealth or any area thereof, firearms shall be stored
23 and safeguarded pursuant to regulations to be established by
24 the Pennsylvania State Police by the licensee during the
25 hours when the licensee is closed for business.

26 (7) The dealer shall possess all applicable current
27 revenue licenses.

28 * * *

29 § 6124. Administrative regulations.

30 The commissioner may establish form specifications and

1 regulations, consistent with section 6109(c) (relating to
2 licenses), with respect to uniform forms control, including the
3 following:

- 4 (1) License to carry firearms.
- 5 (2) Firearm registration.
- 6 (3) Dealer's license.
- 7 [(4) Application for purchase of a firearm.
- 8 (5) Record of sale of firearms.]

9 Section 6. Section 6126 of Title 18 is repealed:

10 [§ 6126. Firearms Background Check Advisory Committee.

11 (a) Establishment.--There is hereby established the Firearms
12 Background Check Advisory Committee which shall consist of six
13 members as follows:

- 14 (1) The Governor or a designee.
- 15 (2) The Attorney General or a designee.
- 16 (3) The Majority Leader of the Senate or a designee.
- 17 (4) The Minority Leader of the Senate or a designee.
- 18 (5) The Majority Leader of the House of Representatives
19 or a designee.
- 20 (6) The Minority Leader of the House of Representatives
21 or a designee.

22 (b) Duties.--To facilitate compliance with this chapter and
23 the intent thereof, the Firearms Background Check Advisory
24 Committee shall, as follows:

- 25 (1) Review the operations and procedures of the
26 Pennsylvania State Police relating to the implementation and
27 administration of the criminal history, juvenile delinquency
28 and mental health records background checks.

- 29 (2) Advise the Pennsylvania State Police relating to the
30 development and maintenance of the instantaneous records

1 check system.

2 (3) Provide annual reports to the Governor and the
3 General Assembly on the advisory committee's findings and
4 recommendations, including discussions concerning conformance
5 with the preamble of the act of June 13, 1995 (1st Sp.Sess.,
6 P.L.1024, No.17), entitled, "An act amending Titles 18
7 (Crimes and Offenses) and 42 (Judiciary and Judicial
8 Procedure) of the Pennsylvania Consolidated Statutes, further
9 providing for the possession of firearms; establishing a
10 selected Statewide juvenile offender registry; and making an
11 appropriation."

12 (c) Terms.--Members or their designees shall serve a term of
13 office concurrent with the term of office for which the member
14 was elected. Any vacancy shall be filled by the appointing
15 authority.

16 (d) Chairperson.--The Governor shall appoint the chairperson
17 of the advisory committee.

18 (e) Expiration.--This section shall expire November 30,
19 2002.]

20 Section 7. This act shall take effect in 180 days.