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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2251 Session of  
2018

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INTRODUCED BY MURT, BARRAR, CALTAGIRONE, DEAN, J. McNEILL AND  
SAYLOR, APRIL 10, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 10, 2018

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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, for persons not  
4 to possess, use, manufacture, control, sell or transfer  
5 firearms, for sale or transfer of firearms, for Pennsylvania  
6 State Police, for firearm sales surcharge, for Firearm  
7 Records Check Fund, for retail dealer required to be licensed  
8 and for licensing of dealers and providing for ammunition  
9 purchase authorization permits and for transporting  
10 ammunition into this Commonwealth.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 6102 of Title 18 of the Pennsylvania  
14 Consolidated Statutes is amended by adding definitions to read:

15 § 6102. Definitions.

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

22 "Ammunition." A loaded cartridge with one or more

1 projectiles that consists of a primed case and propellant. The  
2 term does not include blanks.

3 \* \* \*

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

5 (1) An enclosed or open air firing range or area  
6 designed and operated for the use of rifle or handgun  
7 practice with targets.

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

12 \* \* \*

13 "Other weapon." Anything readily capable of lethal use and  
14 possessed under circumstances not manifestly lawful. The term  
15 does not include a firearm.

16 \* \* \*

17 Section 2. Section 6105 heading, (a), (c), (d), (f) (1) and  
18 (h) of Title 18 are amended to read:

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

21 (a) Offense defined.--

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

29 (2) (i) A person who is prohibited from possessing,  
30 using, controlling, selling, transferring or

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

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

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

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

26 (3) A person who has been convicted of driving under the  
27 influence of alcohol or controlled substance as provided in  
28 75 Pa.C.S. § 3802 (relating to driving under influence of  
29 alcohol or controlled substance) or the former 75 Pa.C.S. §  
30 3731, on three or more separate occasions within a five-year

1 period. For the purposes of this paragraph only, the  
2 prohibition of subsection (a) shall only apply to transfers  
3 or purchases of firearms or ammunition after the third  
4 conviction.

5 (4) A person who has been adjudicated as an incompetent  
6 or who has been involuntarily committed to a mental  
7 institution for inpatient care and treatment under section  
8 302, 303 or 304 of the provisions of the act of July 9, 1976  
9 (P.L.817, No.143), known as the Mental Health Procedures Act.  
10 This paragraph shall not apply to any proceeding under  
11 section 302 of the Mental Health Procedures Act unless the  
12 examining physician has issued a certification that inpatient  
13 care was necessary or that the person was committable.

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

16 (6) A person who is the subject of an active protection  
17 from abuse order issued pursuant to 23 Pa.C.S. § 6108, which  
18 order provided for the relinquishment of firearms, other  
19 weapons or ammunition during the period of time the order is  
20 in effect. This prohibition shall terminate upon the  
21 expiration or vacation of an active protection from abuse  
22 order or portion thereof relating to the relinquishment of  
23 firearms, other weapons or ammunition.

24 (7) A person who was adjudicated delinquent by a court  
25 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or  
26 under any equivalent Federal statute or statute of any other  
27 state as a result of conduct which if committed by an adult  
28 would constitute an offense under sections 2502, 2503, 2702,  
29 2703 (relating to assault by prisoner), 2704, 2901, 3121,  
30 3123, 3301, 3502, 3701 and 3923.

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

10           (9) A person who is prohibited from possessing or  
11 acquiring a firearm under 18 U.S.C. § 922(g)(9) (relating to  
12 unlawful acts). If the offense which resulted in the  
13 prohibition under 18 U.S.C. § 922(g)(9) was committed, as  
14 provided in 18 U.S.C. § 921(a)(33)(A)(ii) (relating to  
15 definitions), by a person in any of the following  
16 relationships:

17           (i) the current or former spouse, parent or guardian  
18 of the victim;

19           (ii) a person with whom the victim shares a child in  
20 common;

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

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

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

27           (d) Exemption.--A person who has been convicted of a crime  
28 specified in subsection (a) or (b) or a person whose conduct  
29 meets the criteria in subsection (c)(1), (2), (5), (7) or (9)  
30 may make application to the court of common pleas of the county

1 where the principal residence of the applicant is situated for  
2 relief from the disability imposed by this section upon the  
3 possession, transfer or control of a firearm and ammunition. The  
4 court shall grant such relief if it determines that any of the  
5 following apply:

6 (1) The conviction has been vacated under circumstances  
7 where all appeals have been exhausted or where the right to  
8 appeal has expired.

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

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

12 (i) The Secretary of the Treasury of the United  
13 States has relieved the applicant of an applicable  
14 disability imposed by Federal law upon the possession,  
15 ownership or control of a firearm as a result of the  
16 applicant's prior conviction, except that the court may  
17 waive this condition if the court determines that the  
18 Congress of the United States has not appropriated  
19 sufficient funds to enable the Secretary of the Treasury  
20 to grant relief to applicants eligible for the relief.

21 (ii) A period of ten years, not including any time  
22 spent in incarceration, has elapsed since the most recent  
23 conviction of the applicant of a crime enumerated in  
24 subsection (b), a felony violation of The Controlled  
25 Substance, Drug, Device and Cosmetic Act or the offense  
26 which resulted in the prohibition under 18 U.S.C. §  
27 922 (g) (9) .

28 \* \* \*

29 (f) Other exemptions and proceedings.--

30 (1) Upon application to the court of common pleas under

1 this subsection by an applicant subject to the prohibitions  
2 under subsection (c)(4), the court may grant such relief as  
3 it deems appropriate if the court determines that the  
4 applicant may possess a firearm and ammunition without risk  
5 to the applicant or any other person.

6 \* \* \*

7 (h) License prohibition.--Any person who is prohibited from  
8 possessing, using, controlling, selling, purchasing,  
9 transferring or manufacturing any firearm and ammunition under  
10 this section shall not be eligible for or permitted to obtain a  
11 license to carry a firearm under section 6109 (relating to  
12 licenses).

13 \* \* \*

14 Section 3. Section 6111 heading, (b) introductory paragraph,  
15 (1.1)(v) and (6), (c), (f), (g), (h)(1) and (j) of Title 18 are  
16 amended and the section is amended by adding a subsection to  
17 read:

18 § 6111. Sale or transfer of firearms or ammunition.

19 \* \* \*

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

29 \* \* \*

30 (1.1) On the date of publication in the Pennsylvania

1 Bulletin of a notice by the Pennsylvania State Police that  
2 the instantaneous records check has been implemented, all of  
3 the following shall apply:

4 \* \* \*

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

22 \* \* \*

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

1 the Pennsylvania State Police.

2 \* \* \*

3 (b.1) Remote ordering.--

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

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

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

1 \* \* \*

2 (f) Application of section.--

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

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

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

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

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

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

13 (g) Penalties.--

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

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

27           (3) Any person, licensed dealer, licensed manufacturer  
28 or licensed importer who knowingly and intentionally requests  
29 a criminal history, juvenile delinquency or mental health  
30 record check or other confidential information from the

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

7 (3.1) Any person, licensed dealer, licensed manufacturer  
8 or licensed importer who knowingly and intentionally obtains  
9 or furnishes information collected or maintained pursuant to  
10 section 6109 for any purpose other than compliance with this  
11 chapter or who knowingly or intentionally disseminates,  
12 publishes or otherwise makes available such information to  
13 any person other than the subject of the information commits  
14 a felony of the third degree.

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

19 (i) makes any materially false oral statement;

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

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

26 (5) Notwithstanding section 306 (relating to liability  
27 for conduct of another; complicity) or any other statute to  
28 the contrary, any person, licensed importer, licensed dealer  
29 or licensed manufacturer who knowingly and intentionally  
30 sells, delivers or transfers a firearm or ammunition in

1 violation of this chapter who has reason to believe that the  
2 firearm or ammunition is intended to be used in the  
3 commission of a crime or attempt to commit a crime shall be  
4 criminally liable for such crime or attempted crime.

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

14 (h) Subsequent violation penalty.--

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

23 \* \* \*

24 (j) Exemption.--

25 (1) The provisions of subsections (a) and (b) shall not  
26 apply to:

27 (i) sales between Federal firearms licensees; or

28 (ii) the purchase of firearms or ammunition by a  
29 chief law enforcement officer or his designee, for the  
30 official use of law enforcement officers.

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

6           Section 4. Sections 6111.1(b), (e)(1), (f)(1), (i) and  
7 (j.3), 6111.2 heading and (a), 6111.3, 6112 and 6113(a) of Title  
8 18 are amended to read:

9   § 6111.1. Pennsylvania State Police.

10       \* \* \*

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

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

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

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

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

28                       (A) that the potential purchase or transfer is  
29 prohibited; or

30                       (B) provide the licensee with a unique approval

1           number.

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

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

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

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

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

28           (B) December 31, 1998.

29           (4) The Pennsylvania State Police and any local law  
30 enforcement agency shall make all reasonable efforts to

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

11 \* \* \*

12 (e) Challenge to records.--

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

21 \* \* \*

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

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

28 (i) the identity of any individual who has been  
29 adjudicated as an incompetent or as a mental defective or  
30 who has been involuntarily committed to a mental

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

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

11 \* \* \*

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

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

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

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

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

29 \* \* \*

30 (j.3) Immunity.--The Pennsylvania State Police and its

1 employees shall be immune from actions for damages for the use  
2 of a firearm or ammunition by a purchaser or for the unlawful  
3 transfer of a firearm or ammunition by a dealer unless the act  
4 of the Pennsylvania State Police or its employees constitutes a  
5 crime, actual fraud, actual malice or willful misconduct.

6 \* \* \*

7 § 6111.2. Firearm and ammunition sales surcharge.

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

15 \* \* \*

16 § 6111.3. Firearm Records Check Fund.

17 (a) Establishment.--The Firearm Records Check Fund is hereby  
18 established as a restricted account in the State Treasury,  
19 separate and apart from all other public money or funds of the  
20 Commonwealth, to be appropriated annually by the General  
21 Assembly, for use in carrying out the provisions of section 6111  
22 (relating to [firearm ownership] sale or transfer of firearms or  
23 ammunition). The moneys in the fund on June 1, 1998, are hereby  
24 appropriated to the Pennsylvania State Police.

25 (b) Source.--The source of the fund shall be moneys  
26 collected and transferred under section 6111.2 (relating to  
27 firearm and ammunition sales surcharge) and moneys collected and  
28 transferred under section 6111(b)(3).

29 § 6112. Retail dealer required to be licensed.

30 No retail dealer shall sell, or otherwise transfer or expose

1 for sale or transfer, or have in his possession with intent to  
2 sell or transfer, any ammunition or any firearm as defined in  
3 section 6113(d) (relating to licensing of dealers) without being  
4 licensed as provided in this chapter.

5 § 6113. Licensing of dealers.

6 (a) General rule.--The chief or head of any police force or  
7 police department of a city, and, elsewhere, the sheriff of the  
8 county, shall grant to reputable applicants licenses, in form  
9 prescribed by the Pennsylvania State Police, effective for three  
10 years from date of issue, permitting the licensee to sell  
11 firearms, ammunition, or both, direct to the consumer, subject  
12 to the following conditions in addition to those specified in  
13 section 6111 (relating to sale or transfer of firearms or  
14 ammunition), for breach of any of which the license shall be  
15 forfeited and the licensee subject to punishment as provided in  
16 this subchapter:

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

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

23 (3) No firearm or ammunition shall be sold in violation  
24 of any provision of this subchapter.

25 (4) No firearm or ammunition shall be sold under any  
26 circumstances unless the purchaser is personally known to the  
27 seller or shall present clear evidence of the purchaser's  
28 identity.

29 (5) A true record in triplicate shall be made of every  
30 firearm or ammunition sold, in a book kept for the purpose,

1 the form of which may be prescribed by the Pennsylvania State  
2 Police, and shall be personally signed by the purchaser and  
3 by the person effecting the sale, each in the presence of the  
4 other, and shall contain the information required by section  
5 6111. The record shall be maintained by the licensee for a  
6 period of 20 years.

7 (6) No firearm as defined in section 6102 (relating to  
8 definitions) or ammunition shall be displayed in any part of  
9 any premises where it can readily be seen from the outside.  
10 In the event that the Commissioner of the Pennsylvania State  
11 Police shall find a clear and present danger to public safety  
12 within this Commonwealth or any area thereof, firearms and  
13 ammunition shall be stored and safeguarded pursuant to  
14 regulations to be established by the Pennsylvania State  
15 Police by the licensee during the hours when the licensee is  
16 closed for business.

17 (7) The dealer shall possess all applicable current  
18 revenue licenses.

19 \* \* \*

20 Section 5. Title 18 is amended by adding sections to read:

21 § 6121.1. Ammunition purchase authorization permits.

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

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

29 (c) Eligibility.--The Pennsylvania State Police shall issue  
30 an ammunition purchase authorization permit to a person if all

1 of the following requirements are met:

2 (1) The person submits an application for an ammunition  
3 purchase authorization permit as prescribed by the  
4 Pennsylvania State Police.

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

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

8 (4) The person pays the fee as specified under  
9 subsection (g).

10 (d) Approval process.--The following shall apply:

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

17 (2) The applicant shall be approved or denied within 30  
18 days of the date of the submission of the application to the  
19 department.

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

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

30 (e) Revocation.--The following shall apply:

1       (1) An ammunition purchase authorization permit shall be  
2 revoked by the Pennsylvania State Police if the holder of the  
3 ammunition purchase authorization commits an act that would  
4 have disqualified the holder from being issued the ammunition  
5 purchase authorization permit under this section.

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

12 (f) List.--The following shall apply:

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

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

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

22           (i) Retailers that sell or otherwise seek the  
23 transfer of ownership of ammunition.

24           (ii) Law enforcement agencies for purposes of  
25 enforcing the law.

26 (g) Fee.--The following shall apply:

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

1 reasonable, estimated costs to administer this section.

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

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

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

13 (j) Regulations.--The Pennsylvania State Police may  
14 promulgate regulations necessary to implement the provisions of  
15 this section.

16 § 6121.2. Transporting ammunition into this Commonwealth.

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

25 (b) Applicability.--This section shall not apply to a  
26 licensed importer, licensed manufacturer, licensed dealer, law  
27 enforcement agency or law enforcement officer, or a grandparent  
28 spouse, sibling, child or grandchild of the transferor.

29 Section 6. This act shall take effect July 1, 2018, or  
30 immediately, whichever is later.