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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1029 Session of  
2018

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INTRODUCED BY HAYWOOD, MARCH 28, 2018

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REFERRED TO JUDICIARY, MARCH 28, 2018

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AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic  
2 Relations) and 34 (Game) of the Pennsylvania Consolidated  
3 Statutes, in inchoate crimes, further providing for  
4 possession of firearm or other dangerous weapon in court  
5 facility; in firearms and other dangerous articles, further  
6 providing for definitions, for evidence of intent, for  
7 persons not to possess, use, manufacture, control, sell or  
8 transfer firearms, for firearms not to be carried without a  
9 license, for prohibited conduct during emergency and for  
10 licenses, providing for firearm eligibility license, for  
11 application for firearm eligibility license, for fee and  
12 qualification, for investigations and training course and for  
13 issuance and terms and further providing for sale or transfer  
14 of firearms, for Pennsylvania State Police, for loans on, or  
15 lending or giving firearms prohibited, for proof of license  
16 and exception and for administrative regulations; in  
17 protection from abuse, further providing for relief; in  
18 hunting and furtaking, further providing for cooperation  
19 after lawfully killing big game; and, in protection of  
20 property and persons, further providing for possession of  
21 firearm for protection of self or others.

22 The General Assembly of the Commonwealth of Pennsylvania  
23 hereby enacts as follows:

24 Section 1. Section 913(b) (3) of Title 18 of the Pennsylvania  
25 Consolidated Statutes is amended to read:

26 § 913. Possession of firearm or other dangerous weapon in court  
27 facility.

28 \* \* \*

1 (b) Grading.--

2 \* \* \*

3 (3) An offense under subsection (a)(1) is a summary  
4 offense if the person was carrying a firearm under section  
5 6106(b) (relating to firearms not to be carried without a  
6 license) or 6109 (relating to [licenses] license to carry)  
7 and failed to check the firearm under subsection (e) prior to  
8 entering the court facility.

9 \* \* \*

10 Section 2. Section 6102 of Title 18 is amended by adding  
11 definitions to read:

12 § 6102. Definitions.

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

19 \* \* \*

20 "Firearm eligibility license." A license issued by the  
21 commissioner that authorizes a person to purchase, possess,  
22 control or use a firearm.

23 \* \* \*

24 "Qualified firearm instructor." A certified firearms  
25 instructor who is recognized by the Pennsylvania State Police  
26 and has one of the following:

27 (1) A valid qualified firearm instructor license issued  
28 by the commissioner.

29 (2) A certificate issued by a nationally recognized  
30 firearms organization.

1 \* \* \*

2 Section 3. Section 6104 of Title 18 is amended to read:

3 § 6104. Evidence of intent.

4 In the trial of a person for committing or attempting to  
5 commit a crime enumerated in section 6105 (relating to persons  
6 not to possess, use, manufacture, control, sell or transfer  
7 firearms), the fact that that person was armed with a firearm,  
8 used or attempted to be used, and had no license to possess or  
9 carry the same, shall be evidence of that person's intention to  
10 commit the offense.

11 Section 4. Section 6105(h) of Title 18 is amended and  
12 subsection (c) is amended by adding a paragraph to read:

13 § 6105. Persons not to possess, use, manufacture, control, sell  
14 or transfer firearms.

15 \* \* \*

16 (c) Other persons.--In addition to any person who has been  
17 convicted of any offense listed under subsection (b), the  
18 following persons shall be subject to the prohibition of  
19 subsection (a):

20 \* \* \*

21 (10) A person who does not possess a valid firearm  
22 eligibility license required under section 6109.1 (relating  
23 to firearm eligibility license).

24 \* \* \*

25 (h) License prohibition.--Any person who is prohibited from  
26 possessing, using, controlling, selling, purchasing,  
27 transferring or manufacturing any firearm under this section  
28 shall not be eligible for or permitted to obtain a license to  
29 carry a firearm under section 6109 (relating to [licenses]  
30 license to carry).

1 \* \* \*

2 Section 5. Sections 6106(a) and 6107(a)(2) of Title 18 are  
3 amended to read:

4 § 6106. Firearms not to be carried without a license.

5 (a) Offense defined.--

6 (1) Except as provided in paragraph (2), any person who  
7 carries a firearm in any vehicle or any person who carries a  
8 firearm concealed on or about his person, except in his place  
9 of abode or fixed place of business, without a valid and  
10 lawfully issued license [under this chapter] to carry under  
11 section 6109 (relating to license to carry) commits a felony  
12 of the third degree.

13 (2) A person who is otherwise eligible to possess a  
14 valid license [under this chapter] to carry under section  
15 6109 but carries a firearm in any vehicle or any person who  
16 carries a firearm concealed on or about his person, except in  
17 his place of abode or fixed place of business, without a  
18 valid and lawfully issued license to carry and has not  
19 committed any other criminal violation commits a misdemeanor  
20 of the first degree.

21 \* \* \*

22 § 6107. Prohibited conduct during emergency.

23 (a) General rule.--No person shall carry a firearm upon the  
24 public streets or upon any public property during an emergency  
25 proclaimed by a State or municipal governmental executive unless  
26 that person is:

27 \* \* \*

28 (2) Licensed to carry firearms under section 6109  
29 (relating to [licenses] license to carry) or is exempt from  
30 licensing under section 6106(b) (relating to firearms not to

1 be carried without a license).

2 \* \* \*

3 Section 6. Section 6109 heading and (c) of Title 18 are  
4 amended, subsection (d) is amended by adding a paragraph and  
5 subsection (e)(1) and (3) are amended by adding subparagraphs to  
6 read:

7 § 6109. [Licenses.] License to carry.

8 \* \* \*

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

21 I am the holder of a valid firearm eligibility license. I  
22 have never been convicted of a crime that prohibits me  
23 from possessing or acquiring a firearm under Federal or  
24 State law. I am of sound mind and have never been  
25 committed to a mental institution. I hereby certify that  
26 the statements contained herein are true and correct to  
27 the best of my knowledge and belief. I understand that,  
28 if I knowingly make any false statements herein, I am  
29 subject to penalties prescribed by law. I authorize the  
30 sheriff, or his designee, or, in the case of first class

1 cities, the chief or head of the police department, or  
2 his designee, to inspect only those records or documents  
3 relevant to information required for this application. If  
4 I am issued a license and knowingly become ineligible to  
5 legally possess or acquire firearms, I will promptly  
6 notify the sheriff of the county in which I reside or, if  
7 I reside in a city of the first class, the chief of  
8 police of that city.

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

11 \* \* \*

12 (6) confirm with the Pennsylvania State Police that the  
13 applicant holds a valid firearm eligibility license.

14 (e) Issuance of license.--

15 (1) A license to carry a firearm shall be for the  
16 purpose of carrying a firearm concealed on or about one's  
17 person or in a vehicle and shall be issued if, after an  
18 investigation not to exceed 45 days, it appears that the  
19 applicant is an individual concerning whom no good cause  
20 exists to deny the license. A license shall not be issued to  
21 any of the following:

22 \* \* \*

23 (xv) An individual who does not possess a valid  
24 firearm eligibility license under section 6109.1  
25 (relating to firearm eligibility license).

26 (3) The license to carry a firearm shall be designed to  
27 be uniform throughout this Commonwealth and shall be in a  
28 form prescribed by the Pennsylvania State Police. The license  
29 shall bear the following:

30 \* \* \*

1           (vii) The number of the licensee's firearm  
2           eligibility license.

3           \* \* \*

4           Section 7. Title 18 is amended by adding sections to read:

5   § 6109.1. Firearm eligibility license.

6           (a) Required.--Except as provided in subsection (b), a  
7   firearm eligibility license shall be required to own or possess  
8   a firearm within this Commonwealth.

9           (b) Exception.--Subsection (a) may not apply to any of the  
10 following:

11           (1) A licensed firearms manufacturer.

12           (2) A dealer licensed under section 6113 (relating to  
13 licensing of dealers).

14           (3) A law enforcement officer or person who is retired  
15 in good standing from service with a law enforcement agency  
16 of the United States, this Commonwealth or a local law  
17 enforcement agency of this Commonwealth.

18           (4) A member or retired member of the armed forces of  
19 the United States or the Pennsylvania National Guard.

20           (5) A person purchasing, owning, possessing or receiving  
21 an antique firearm as defined in section 6118 (relating to  
22 antique firearms) or reproductions or replicas of firearms if  
23 the antique firearm, reproduction or replica is not suitable  
24 for use.

25 § 6109.2. Application for firearm eligibility license.

26           (a) Place of application.--An individual may apply to an  
27 issuing authority for a firearm eligibility license. If the  
28 applicant is a resident of this Commonwealth, the applicant must  
29 apply with the sheriff of the county in which the applicant  
30 resides. If the applicant lives in a city of the first class,

1 the applicant must apply with the chief of police of the city.

2 (b) Form of application and content.--The application for a  
3 firearm eligibility license shall be uniform across this  
4 Commonwealth and shall be on a form prescribed by the  
5 Pennsylvania State Police. Each application shall be signed and  
6 dated by the applicant. The form may contain provisions, not  
7 exceeding one page, to assure compliance with this section.  
8 Issuing authorities shall use only the application form  
9 prescribed by the Pennsylvania State Police. The application  
10 shall contain the following statement:

11 I have never been convicted of a crime that prohibits me  
12 from possessing or acquiring a firearm under Federal or  
13 State law. I am of sound mind and have never been  
14 committed to a mental institution. I hereby certify that  
15 the statements contained herein are true and correct to  
16 the best of my knowledge and belief. I understand that,  
17 if I knowingly make any false statement herein, I am  
18 subject to penalties prescribed by law. I authorize the  
19 sheriff or the sheriff's designee, or the chief of the  
20 police department or the chief's designee, to inspect  
21 only those records or documents relevant to the  
22 information required for this application. If I am issued  
23 a license and knowingly become ineligible to legally  
24 possess or acquire firearms, I will promptly notify the  
25 sheriff of the county in which I reside or, if I reside  
26 in a city of the first class, the chief of police of that  
27 city.

28 § 6109.3. Fee and qualification.

29 (a) Firearm eligibility license fee.--

30 (1) The fees for a firearm eligibility license are as



1 follows:

2 (i) Fifty dollars for the original license.

3 (ii) Thirty dollars for a license renewal which

4 includes the following:

5 (A) A renewal processing fee of \$1.50.

6 (B) An administrative fee of \$5 under section  
7 14(2) of the act of July 6, 1984 (P.L.614, No.127),  
8 known as the Sheriff Fee Act.

9 (C) An administrative fee of \$2 for the costs of  
10 completing the background investigation under section  
11 6109.2(b) (relating to application for firearm  
12 eligibility license). This fee shall be deposited  
13 into the Firearms Instant Records Check Fund under  
14 section 6111.2 (relating to firearms sales  
15 surcharge).

16 (2) All license fees remaining after the deduction under  
17 paragraph (1) shall be deposited in the General Fund.

18 (3) No fee other than under this section or the Sheriff  
19 Fee Act may be assessed by the issuing authority for the cost  
20 of a background check performed in the process of issuing a  
21 firearm eligibility license.

22 (b) Qualifications for license.--The issuing authority shall  
23 issue a firearm eligibility license to an applicant who meets  
24 the following criteria:

25 (1) Be at least 18 years of age.

26 (2) Be a resident of this Commonwealth.

27 (3) Within three years prior to the submission of the  
28 application, demonstrate satisfactory completion of a  
29 certified firearms training course approved by the  
30 commissioner that includes all the following:

1           (i) A minimum of 16 hours of instruction by a  
2           qualified firearm instructor.

3           (ii) Classroom instruction on all the following:

4                   (A) Commonwealth firearm law.

5                   (B) Home firearm safety.

6                   (C) Firearm mechanisms and operations.

7           (iii) A firearms orientation component that  
8           demonstrates the person's safe operation, handling and  
9           use of a firearm.

10          (4) Is not prohibited by Federal or State law from  
11          purchasing or possessing a firearm. For purposes of  
12          determining this, the following shall apply:

13                  (i) The applicant shall provide a full set of  
14                  fingerprints to the Pennsylvania State Police.

15                  (ii) The Pennsylvania State Police shall submit the  
16                  fingerprints to the Federal Bureau of Investigation to  
17                  verify the identity of the applicant and obtain a current  
18                  record of criminal arrests and convictions.

19          § 6109.4. Investigations and training course.

20          (a) Firearms training course.--The commissioner has the  
21          following powers and duties:

22                  (1) To promulgate guidelines setting forth the  
23                  requirements to become a qualified firearm instructor in this  
24                  Commonwealth.

25                  (2) To designate any program as a certified firearm  
26                  training course if the program meets the minimum requirements  
27                  established by the commissioner.

28          (b) Waiver of training course.--An applicant for a firearm  
29          eligibility license is not required to complete a firearm safety  
30          training course under subsection (a) if the applicant is any of

1 the following:

2 (1) A qualified firearm instructor.

3 (2) A member or honorably discharged member of the armed  
4 forces of the United States or the National Guard.

5 (3) A police officer, as defined in 53 Pa.C.S. § 2162  
6 (relating to definitions) who is certified under 53 Pa.C.S.  
7 Ch. 21 Subch. D (relating to municipal police education and  
8 training). The term includes a school police officer  
9 appointed under section 778 of the act of March 10, 1949  
10 (P.L.30, No.14), known as the Public School Code of 1949.

11 (4) An active or retired Federal or State law  
12 enforcement officer.

13 (5) Certified under 61 Pa.C.S. Ch. 63 (relating to  
14 county probation officers' firearm education and training).

15 (6) A Commonwealth or county corrections officer or  
16 probation or parole agent.

17 (7) A county sheriff, deputy sheriff or constable.

18 (8) The lawful owner of a firearm prior to the effective  
19 date of this subsection.

20 (c) Conduct of investigation.--The issuing authority to whom  
21 the application is made shall:

22 (1) Investigate the applicant's record of criminal  
23 conviction.

24 (2) Review the applicant's completed Federal criminal  
25 history check.

26 (3) Investigate whether the applicant would be precluded  
27 from or is prohibited from possessing, using, controlling,  
28 selling, purchasing, transferring or manufacturing a firearm  
29 under section 6105 (relating to persons not to possess, use,  
30 manufacture, control, sell or transfer firearms).

1       (4) Conduct a criminal background, juvenile delinquency  
2 and mental health check following the procedures set forth in  
3 section 6111 (relating to sale or transfer of firearms),  
4 receive a unique approval number for that inquiry and record  
5 the date and number on the application.

6       (d) Notice to issuing authority.--Notwithstanding any other  
7 law to the contrary, a court, mental health review officer or  
8 county mental health and mental retardation administrator shall  
9 notify the issuing authority of the county or city in which an  
10 individual holds a firearm eligibility license on a form  
11 prescribed by the Pennsylvania State Police within seven days of  
12 the individual's conviction or adjudication or upon  
13 determination of any of the following:

14           (1) A crime specified in section 6105(a) or (b).

15           (2) A crime punishable by imprisonment exceeding one  
16 year.

17           (3) Conduct that meets the criteria of section 6105(c)  
18 (1), (2), (3), (5), (6) or (9).

19           (4) Incompetency.

20           (5) Involuntary commitment to a mental institution for  
21 inpatient care and treatment under the act of July 9, 1976  
22 (P.L.817, No.143), known as the Mental Health Procedures Act.

23           (6) Involuntary treatment for an individual meeting the  
24 criteria of section 6105(c)(4).

25       (e) Immunity.--An issuing authority which complies in good  
26 faith with this section shall be immune from liability resulting  
27 or arising from the action of misconduct with a firearm  
28 committed by an individual who was issued a firearm eligibility  
29 license.

30       (f) Definition.--As used in this section, the term "issuing

1 authority" shall mean a county sheriff or chief of police of a  
2 city of the the first class.

3 § 6109.5. Issuance and terms.

4 (a) Issuance of license.--

5 (1) If the applicant meets the requirements of this  
6 section, a firearm eligibility license shall be issued. A  
7 license shall not be issued to an individual who is  
8 prohibited from possessing, using, controlling, selling,  
9 purchasing, transferring or manufacturing a firearm under  
10 section 6105 (relating to persons not to possess, use,  
11 manufacture, control, sell or transfer firearms) or under any  
12 other Federal or State law.

13 (2) The firearm eligibility license shall be designed to  
14 be uniform throughout this Commonwealth and shall be in a  
15 form prescribed by the Pennsylvania State Police. The license  
16 shall bear the following:

17 (i) The name, address, date of birth, race, sex,  
18 citizenship, height, weight, color of hair, color of eyes  
19 and signature of the licensee.

20 (ii) The signature of the issuing authority.

21 (iii) A license number of which the first two  
22 numbers shall be a county location code. The remaining  
23 numbers shall be issued in numerical sequence.

24 (iv) The period of validation.

25 (3) The firearm eligibility license shall include a  
26 photograph of the licensee. The photograph shall be in a form  
27 compatible with the Commonwealth Photo Imaging Network.

28 (4) The original firearm eligibility license shall be  
29 issued to the applicant. The first copy of the license shall  
30 be forwarded to the Pennsylvania State Police within seven

1 days of the date of issuance. The second copy shall be  
2 retained by the issuing authority for a period of seven  
3 years. Except under a court order, both copies and the  
4 application shall, at the end of the seven-year period, be  
5 destroyed unless the license has been renewed.

6 (b) Grant or denial of license.--Upon receipt of an  
7 application for a firearm eligibility license, the issuing  
8 authority shall issue or refuse to issue within 30 days a  
9 license on the basis of the investigation under subsection (d)  
10 and the accuracy of the information contained in the  
11 application. If the issuing authority refuses to issue a  
12 license, the issuing authority shall notify the applicant in  
13 writing of the refusal and the specific reason. The notice shall  
14 be sent by certified mail to the applicant at the address  
15 included in the application.

16 (c) Term of license.--

17 (1) A firearm eligibility license issued under  
18 subsection (e) shall be valid throughout this Commonwealth  
19 for a period of five years unless extended under paragraph  
20 (3) or revoked.

21 (2) At least 60 days prior to the expiration of each  
22 license, the issuing authority shall send to the licensee an  
23 application for renewal of the license. Failure to receive a  
24 renewal application shall not relieve a licensee from the  
25 responsibility to renew the license.

26 (3) Notwithstanding paragraph (1) or any other  
27 provisions of law to the contrary, a firearm eligibility  
28 license that is held by a member of the United States Armed  
29 Forces or the Pennsylvania National Guard on Federal active  
30 duty and deployed overseas that is scheduled to expire during

1 the period of deployment shall be extended until 90 days  
2 after the end of the deployment.

3 (4) Possession of a firearm eligibility license,  
4 together with a copy of the person's military orders showing  
5 the dates of the overseas deployment, including the date that  
6 the overseas deployment ends, shall constitute a defense to  
7 any charge filed under this section during the extension  
8 period.

9 (d) Revocation.--

10 (1) A firearm eligibility license may be revoked by the  
11 issuing authority for any reason under section 6105(b) or (c)  
12 if the violation occurs during the term of the license. The  
13 revocation shall be in accordance with the following:

14 (i) Notice of revocation shall:

15 (A) Be in writing and shall state the specific  
16 reason for revocation.

17 (B) Be sent by certified mail to the individual.

18 (C) Be provided to the Pennsylvania State Police  
19 by electronic means including e-mail or facsimile  
20 transmission.

21 (ii) An individual who has had a license revoked may  
22 appeal to the court of common pleas for the judicial  
23 district in which the individual resides.

24 (2) Anyone who violates this subsection commits a  
25 summary offense.

26 (e) Immunity.--An issuing authority which complies in good  
27 faith with this section shall be immune from liability resulting  
28 or arising from the action of misconduct with a firearm  
29 committed by an individual who was issued a firearm eligibility  
30 license.

1 (f) Reciprocity.--The Attorney General shall:

2 (1) Have the power and duty to enter into reciprocity  
3 agreements with other states providing for the mutual  
4 recognition of a firearm eligibility license issued by the  
5 Commonwealth and a firearm eligibility license or permit  
6 issued by another state.

7 (2) Have the power to negotiate reciprocity agreements  
8 and grant recognition to a firearm eligibility license or  
9 permit issued by another state.

10 (3) Report to the General Assembly within 180 days of  
11 the effective date of this paragraph and annually thereafter  
12 on the agreements which have been made under this section.

13 (g) Definition.--As used in this section, the term "issuing  
14 authority" means a county sheriff or chief of police of a city  
15 of the first class.

16 Section 8. Section 6111(b)(1.1)(iii), (f)(3) and (g)(4)(iii)  
17 of Title 18 are amended and subsection (b) is amended by adding  
18 a paragraph to read:

19 § 6111. Sale or transfer of firearms.

20 \* \* \*

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

27 \* \* \*

28 (1.1) On the date of publication in the Pennsylvania  
29 Bulletin of a notice by the Pennsylvania State Police that  
30 the instantaneous records check has been implemented, all of



1 the following shall apply:

2 \* \* \*

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

12 \* \* \*

13 (2.1) Inspected the firearm eligibility license of the  
14 potential purchaser or transferee.

15 \* \* \*

16 (f) Application of section.--

17 \* \* \*

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

24 \* \* \*

25 (g) Penalties.--

26 \* \* \*

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

1 \* \* \*

2 (iii) willfully furnishes or exhibits any false  
3 identification, including a false firearm eligibility  
4 license, intended or likely to deceive the seller,  
5 licensed dealer or licensed manufacturer.

6 \* \* \*

7 Section 9. Section 6111.1(b)(2) and (3) and (e)(1) of Title  
8 18 are amended and subsections (b) and (i) are amended by adding  
9 paragraphs to read:

10 § 6111.1. Pennsylvania State Police.

11 \* \* \*

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

13 \* \* \*

14 (1.1) Upon receipt of an application for a firearm  
15 eligibility license under section 6109.1 (relating to firearm  
16 eligibility license), the Pennsylvania State Police shall  
17 immediately:

18 (i) Review the Pennsylvania State Police criminal  
19 history and fingerprint records to determine whether the  
20 applicant is prohibited from receipt or possession of a  
21 firearm under 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 applicant is prohibited from  
25 receipt or possession of a firearm under Federal or State  
26 law.

27 (iii) Inform the issuing authority of one of the  
28 following:

29 (A) That the issuance of a firearm eligibility  
30 license is prohibited.

1                   (B) The the individual is cleared for a firearm  
2                   eligibility license. If the Pennsylvania State Police  
3                   determine that the individual is eligible, the  
4                   Pennsylvania State Police shall provide the issuing  
5                   authority with the individual's firearm eligibility  
6                   license.

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 under  
11 paragraph (1) or the applicant under paragraph (1.1) of the  
12 reason for and estimated length of the delay. If the failure  
13 or event lasts for a period exceeding 48 hours, the dealer  
14 shall not be subject to any penalty for completing a  
15 transaction absent the completion of an instantaneous records  
16 check for the remainder of the failure or similar event, but  
17 the dealer shall obtain a completed application/record of  
18 sale following the provisions of section 6111(b)(1) and (1.1)  
19 (relating to sale or transfer of firearms) as if an  
20 instantaneous records check has not been established for any  
21 sale or transfer of a firearm for the purpose of a subsequent  
22 background check.

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

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

29           (ii) The instantaneous background check for firearms  
30 that exceed the barrel lengths set forth in section 6102

1 shall begin on the later of:

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

4 (B) December 31, 1998.

5 (iii) The instantaneous background check for a  
6 firearm eligibility license shall take effect on the  
7 effective date of this subparagraph.

8 \* \* \*

9 (e) Challenge to records.--

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

19 \* \* \*

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

23 \* \* \*

24 (1.1) number of firearm eligibility license applications  
25 submitted, number of applications denied, number of  
26 challenges of the denials and number of reversals of initial  
27 denials;

28 \* \* \*

29 Section 10. Sections 6115(b) (1) (i), 6122(a) and 6124 of  
30 Title 18 are amended to read:

1 § 6115. Loans on, or lending or giving firearms prohibited.

2 \* \* \*

3 (b) Exception.--

4 (1) Subsection (a) shall not apply if any of the  
5 following apply:

6 (i) The person who receives the firearm is licensed  
7 to carry a firearm under section 6109 (relating to  
8 [licenses] license to carry).

9 \* \* \*

10 § 6122. Proof of license and exception.

11 (a) General rule.--When carrying a firearm concealed on or  
12 about one's person or in a vehicle, an individual licensed to  
13 carry a firearm shall, upon lawful demand of a law enforcement  
14 officer, produce the [license] individual's firearm eligibility  
15 license and license to carry for inspection. Failure to produce  
16 such license either at the time of arrest or at the preliminary  
17 hearing shall create a rebuttable presumption of nonlicensure.

18 \* \* \*

19 § 6124. Administrative regulations.

20 The commissioner may establish form specifications and  
21 regulations, consistent with [section] sections 6109(c)  
22 (relating to [licenses] license to carry) and 6109.1 (relating  
23 to firearm eligibility license), with respect to uniform forms  
24 control, including the following:

25 (1) License to carry firearms.

26 (2) Firearm registration.

27 (3) Dealer's license.

28 (4) Application for purchase of a firearm.

29 (5) Record of sale of firearms.

30 (6) Firearm eligibility license.

1 Section 11. Section 6108(a) (7) introductory paragraph of  
2 Title 23 is amended to read:

3 § 6108. Relief.

4 (a) General rule.--The court may grant any protection order  
5 or approve any consent agreement to bring about a cessation of  
6 abuse of the plaintiff or minor children. The order or agreement  
7 may include:

8 \* \* \*

9 (7) Ordering the defendant to temporarily relinquish to  
10 the sheriff the defendant's other weapons and ammunition  
11 which have been used or been threatened to be used in an  
12 incident of abuse against the plaintiff or the minor children  
13 and the defendant's firearms and prohibiting the defendant  
14 from acquiring or possessing any firearm for the duration of  
15 the order and requiring the defendant to relinquish to the  
16 sheriff any firearm license issued under section 6108.3  
17 (relating to relinquishment to third party for safekeeping)  
18 or 18 Pa.C.S. § 6106 (relating to firearms not to be carried  
19 without a license) or 6109 (relating to [licenses] license to  
20 carry) the defendant may possess. A copy of the court's order  
21 shall be transmitted to the chief or head of the police force  
22 or police department of the municipality and to the sheriff  
23 of the county of which the defendant is a resident. When  
24 relinquishment is ordered, the following shall apply:

25 \* \* \*

26 Section 12. Sections 2325(a.1) and 2525(a) of Title 34 are  
27 amended to read:

28 § 2325. Cooperation after lawfully killing big game.

29 \* \* \*

30 (a.1) Exception.--Nothing in this section shall prohibit any

1 person from carrying a loaded handgun in the field provided that  
2 person is in compliance with 18 Pa.C.S. § 6109 (relating to  
3 [licenses] license to carry).

4 \* \* \*

5 § 2525. Possession of firearm for protection of self or others.

6 (a) General rule.--It is lawful for a law enforcement officer  
7 or any person who possesses a valid license to carry a firearm  
8 issued under 18 Pa.C.S. § 6109 (relating to [licenses] license  
9 to carry) to be in possession of a loaded or unloaded firearm  
10 while engaged in any activity regulated by this title.

11 \* \* \*

12 Section 13. This act shall take effect in 60 days.