
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2344 Session of
2020

INTRODUCED BY MURT, ZABEL, KINSEY, WILLIAMS, WEBSTER, SANCHEZ,
CIRESI, OTTEN, SCHLOSSBERG, FREEMAN, KIM AND MADDEN,
MARCH 10, 2020

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2020

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, providing for ammunition
9 purchase authorization permits, establishing the Ammunition
10 Safety and Enforcement Fund and providing for transporting
11 ammunition into this Commonwealth.

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

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

16 § 6102. Definitions.

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

1 "Ammunition." A loaded cartridge with one or more
2 projectiles that consists of a primed case and propellant. The
3 term does not include blanks.

4 * * *

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

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

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

13 * * *

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

17 * * *

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

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

22 (a) Offense defined.--

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

30 (2) (i) Except as otherwise provided in this paragraph,

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

10 (ii) This paragraph shall not apply to any person
11 whose disability is imposed pursuant to subsection (c)
12 (6).

13 (iii) A person whose disability is imposed pursuant
14 to subsection (c)(9) shall relinquish any firearms, ammunition
15 and firearm licenses under that person's
16 possession or control, as described in section 6105.2
17 (relating to relinquishment of firearms and firearm
18 licenses by convicted persons).

19 (iv) A person whose disability is imposed pursuant
20 to a protection from abuse order shall relinquish any
21 firearms, other weapons, ammunition and firearm licenses
22 under that person's possession or control, as described
23 in 23 Pa.C.S. § 6108(a)(7) (relating to relief).

24 * * *

25 (c) Other persons.--In addition to any person who has been
26 convicted of any offense listed under subsection (b), the
27 following persons shall be subject to the prohibition of
28 subsection (a):

29 (1) A person who is a fugitive from justice. This
30 paragraph does not apply to an individual whose fugitive

1 status is based upon a nonmoving or moving summary offense
2 under Title 75 (relating to vehicles).

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

9 (3) A person who has been convicted of driving under the
10 influence of alcohol or controlled substance as provided in
11 75 Pa.C.S. § 3802 (relating to driving under influence of
12 alcohol or controlled substance) or the former 75 Pa.C.S. §
13 3731, on three or more separate occasions within a five-year
14 period. For the purposes of this paragraph only, the
15 prohibition of subsection (a) shall only apply to transfers
16 or purchases of firearms or ammunition after the third
17 conviction.

18 (4) A person who has been adjudicated as an incompetent
19 or who has been involuntarily committed to a mental
20 institution for inpatient care and treatment under section
21 302, 303 or 304 of the provisions of the act of July 9, 1976
22 (P.L.817, No.143), known as the Mental Health Procedures Act.
23 This paragraph shall not apply to any proceeding under
24 section 302 of the Mental Health Procedures Act unless the
25 examining physician has issued a certification that inpatient
26 care was necessary or that the person was committable.

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

29 (6) A person who is the subject of an active final
30 protection from abuse order issued pursuant to 23 Pa.C.S. §

1 6108, is the subject of any other active protection from
2 abuse order issued pursuant to 23 Pa.C.S. § 6107(b), which
3 provided for the relinquishment of firearms, other weapons or
4 ammunition during the period of time the order is in effect
5 or is otherwise prohibited from possessing or acquiring a
6 firearm or ammunition under 18 U.S.C. § 922(g) (8). This
7 prohibition shall terminate upon the expiration or vacation
8 of the order or portion thereof relating to the
9 relinquishment of firearms, other weapons or ammunition.

10 (7) A person who was adjudicated delinquent by a court
11 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
12 under any equivalent Federal statute or statute of any other
13 state as a result of conduct which if committed by an adult
14 would constitute an offense under sections 2502, 2503, 2702,
15 2703 (relating to assault by prisoner), 2704, 2901, 3121,
16 3123, 3301, 3502, 3701 and 3923.

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

26 (9) A person who is prohibited from possessing or
27 acquiring a firearm or ammunition under 18 U.S.C. § 922(g)
28 (9). If the offense which resulted in the prohibition under
29 18 U.S.C. § 922(g) (9) was committed, as provided in 18 U.S.C.
30 § 921(a) (33) (A) (ii) (relating to definitions), by a person in

1 any of the following relationships:

2 (i) the current or former spouse, parent or guardian
3 of the victim;

4 (ii) a person with whom the victim shares a child in
5 common;

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

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

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

12 (d) Exemption.--A person who has been convicted of a crime
13 specified in subsection (a) or (b) or a person whose conduct
14 meets the criteria in subsection (c)(1), (2), (5), (7) or (9)
15 may make application to the court of common pleas of the county
16 where the principal residence of the applicant is situated for
17 relief from the disability imposed by this section upon the
18 possession, transfer or control of a firearm and ammunition. The
19 court shall grant such relief if it determines that any of the
20 following apply:

21 (1) The conviction has been vacated under circumstances
22 where all appeals have been exhausted or where the right to
23 appeal has expired.

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

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

27 (i) The Secretary of the Treasury of the United
28 States has relieved the applicant of an applicable
29 disability imposed by Federal law upon the possession,
30 ownership or control of a firearm as a result of the

1 applicant's prior conviction, except that the court may
2 waive this condition if the court determines that the
3 Congress of the United States has not appropriated
4 sufficient funds to enable the Secretary of the Treasury
5 to grant relief to applicants eligible for the relief.

6 (ii) A period of ten years, not including any time
7 spent in incarceration, has elapsed since the most recent
8 conviction of the applicant of a crime enumerated in
9 subsection (b), a felony violation of The Controlled
10 Substance, Drug, Device and Cosmetic Act or the offense
11 which resulted in the prohibition under 18 U.S.C. §
12 922 (g) (9) .

13 * * *

14 (f) Other exemptions and proceedings.--

15 (1) Upon application to the court of common pleas under
16 this subsection by an applicant subject to the prohibitions
17 under subsection (c) (4), the court may grant such relief as
18 it deems appropriate if the court determines that the
19 applicant may possess a firearm and ammunition without risk
20 to the applicant or any other person.

21 * * *

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

28 * * *

29 Section 3. Section 6111 heading, (b) introductory paragraph,
30 (1.1) (v) and (6), (c), (f), (g), (h) (1) and (j) of Title 18 are

1 amended and the section is amended by adding a subsection to
2 read:

3 § 6111. Sale or transfer of firearms or ammunition.

4 * * *

5 (b) Duty of seller.--No licensed importer, licensed
6 manufacturer or licensed dealer shall sell or deliver any
7 firearm or ammunition to another person, other than a licensed
8 importer, licensed manufacturer, licensed dealer [or], licensed
9 collector, gun range or target facility or, in the case of
10 ammunition, a person who purchases or receives the ammunition at
11 a gun range or target facility if the ammunition is kept within
12 the facility's premises at all times, until the conditions of
13 subsection (a) have been satisfied and until he has:

14 * * *

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 * * *

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

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

7 * * *

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

17 * * *

18 (b.1) Remote ordering.--

19 (1) Except for the sale, delivery or transfer of
20 firearms by gun ranges or target facilities and as otherwise
21 provided in paragraph (2), the sale, delivery or transfer of
22 firearms or ammunition by a licensed importer, licensed
23 manufacturer or licensed dealer to a purchaser or transferee
24 other than another licensed importer, licensed manufacturer
25 or licensed dealer may only occur in a face-to-face
26 transaction with the licensed importer, licensed manufacturer
27 or licensed dealer being provided bona fide evidence of
28 identity from the purchaser or other transferee.

29 (2) Firearms or ammunition may be purchased over the
30 Internet or through other means of remote ordering if a

1 licensed importer, licensed manufacturer or licensed dealer
2 in this Commonwealth initially receives the firearm or
3 ammunition and processes the transfer in compliance with this
4 section.

5 (c) Duty of other persons.--Any person who is not a licensed
6 importer, manufacturer or dealer and who desires to sell or
7 transfer a firearm or ammunition to another unlicensed person
8 shall do so only upon the place of business of a licensed
9 importer, manufacturer, dealer or county sheriff's office, the
10 latter of whom shall follow the procedure set forth in this
11 section as if he were the seller of the firearm or ammunition.
12 The provisions of this section shall not apply to transfers
13 between spouses or to transfers between a parent and child or to
14 transfers between grandparent and grandchild or to transfers
15 between siblings.

16 * * *

17 (f) Application of section.--

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

23 (2) The provisions contained in subsections (a), (b.1)
24 and (c) shall only apply to [pistols or revolvers] a firearm
25 if the firearm is a pistol or revolver with a barrel length
26 of less than 15 inches, [any] a shotgun with a barrel length
27 of less than 18 inches, [any] a rifle with a barrel length of
28 less than 16 inches or [any] a firearm with an overall length
29 of less than 26 inches.

30 (3) The provisions contained in subsection (a) shall not

1 apply to any law enforcement officer whose current
2 identification as a law enforcement officer shall be
3 construed as a valid license to carry a firearm or any person
4 who possesses a valid license to carry a firearm under
5 section 6109 (relating to licenses).

6 (4) (i) The provisions of subsection (a) shall not
7 apply to any person who presents to the seller or
8 transferor a written statement issued by the official
9 described in subparagraph (iii) during the ten-day period
10 ending on the date of the most recent proposal of such
11 transfer or sale by the transferee or purchaser stating
12 that the transferee or purchaser requires access to a
13 firearm and ammunition because of a threat to the life of
14 the transferee or purchaser or any member of the
15 household of that transferee or purchaser.

16 (ii) The issuing official shall notify the
17 applicant's local police authority that such a statement
18 has been issued. In counties of the first class the chief
19 of police shall notify the police station or substation
20 closest to the applicant's residence.

21 (iii) The statement issued under subparagraph (ii)
22 shall be issued by the district attorney, or his
23 designee, of the county of residence if the transferee or
24 purchaser resides in a municipality where there is no
25 chief of police. Otherwise, the statement shall be issued
26 by the chief of police in the municipality in which the
27 purchaser or transferee resides.

28 (g) Penalties.--

29 (1) Any person, licensed dealer, licensed manufacturer
30 or licensed importer who knowingly or intentionally sells,

1 delivers or transfers a firearm or ammunition in violation of
2 this section commits a misdemeanor of the second degree.

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

12 (3) Any person, licensed dealer, licensed manufacturer
13 or licensed importer who knowingly and intentionally requests
14 a criminal history, juvenile delinquency or mental health
15 record check or other confidential information from the
16 Pennsylvania State Police under this chapter for any purpose
17 other than compliance with this chapter or knowingly and
18 intentionally disseminates any criminal history, juvenile
19 delinquency or mental health record or other confidential
20 information to any person other than the subject of the
21 information commits a felony of the third degree.

22 (3.1) Any person, licensed dealer, licensed manufacturer
23 or licensed importer who knowingly and intentionally obtains
24 or furnishes information collected or maintained pursuant to
25 section 6109 for any purpose other than compliance with this
26 chapter or who knowingly or intentionally disseminates,
27 publishes or otherwise makes available such information to
28 any person other than the subject of the information commits
29 a felony of the third degree.

30 (4) Any person, purchaser or transferee commits a felony

1 of the third degree if, in connection with the purchase,
2 delivery or transfer of a firearm or ammunition under this
3 chapter, he knowingly and intentionally:

4 (i) makes any materially false oral statement;

5 (ii) makes any materially false written statement,
6 including a statement on any form promulgated by Federal
7 or State agencies; or

8 (iii) willfully furnishes or exhibits any false
9 identification intended or likely to deceive the seller,
10 licensed dealer or licensed manufacturer.

11 (5) Notwithstanding section 306 (relating to liability
12 for conduct of another; complicity) or any other statute to
13 the contrary, any person, licensed importer, licensed dealer
14 or licensed manufacturer who knowingly and intentionally
15 sells, delivers or transfers a firearm or ammunition in
16 violation of this chapter who has reason to believe that the
17 firearm or ammunition is intended to be used in the
18 commission of a crime or attempt to commit a crime shall be
19 criminally liable for such crime or attempted crime.

20 (6) Notwithstanding any act or statute to the contrary,
21 any person, licensed importer, licensed manufacturer or
22 licensed dealer who knowingly and intentionally sells or
23 delivers a firearm or ammunition in violation of this chapter
24 who has reason to believe that the firearm or ammunition is
25 intended to be used in the commission of a crime or attempt
26 to commit a crime shall be liable in the amount of the civil
27 judgment for injuries suffered by any person so injured by
28 such crime or attempted crime.

29 (h) Subsequent violation penalty.--

30 (1) A second or subsequent violation of this section

1 shall be a felony of the second degree. A person who at the
2 time of sentencing has been convicted of another offense
3 under this section shall be sentenced to a mandatory minimum
4 sentence of imprisonment of five years. A second or
5 subsequent offense shall also result in permanent revocation
6 of any license to sell, import or manufacture a firearm and
7 ammunition.

8 * * *

9 (j) Exemption.--

10 (1) The provisions of subsections (a) and (b) shall not
11 apply to:

12 (i) sales between Federal firearms licensees; or

13 (ii) the purchase of firearms or ammunition by a
14 chief law enforcement officer or his designee, for the
15 official use of law enforcement officers.

16 (2) For the purposes of this subsection, the term "chief
17 law enforcement officer" shall include the Commissioner of
18 the Pennsylvania State Police, the chief or head of a police
19 department, a county sheriff or any equivalent law
20 enforcement official.

21 Section 4. Sections 6111.1(b), (e)(1), (f)(1), (i) and
22 (j.3), 6111.2 heading and (a), 6111.3, 6112 and 6113(a) of Title
23 18 are amended to read:

24 § 6111.1. Pennsylvania State Police.

25 * * *

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

27 (1) Upon receipt of a request for a criminal history,
28 juvenile delinquency history and mental health record check
29 of the potential purchaser or transferee, the Pennsylvania
30 State Police shall immediately during the licensee's call or

1 by return call forthwith:

2 (i) review the Pennsylvania State Police criminal
3 history and fingerprint records to determine if the
4 potential purchaser or transferee is prohibited from
5 receipt or possession of a firearm or ammunition under
6 Federal or State law;

7 (ii) review the juvenile delinquency and mental
8 health records of the Pennsylvania State Police to
9 determine whether the potential purchaser or transferee
10 is prohibited from receipt or possession of a firearm or
11 ammunition under Federal or State law; and

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

13 (A) that the potential purchase or transfer is
14 prohibited; or

15 (B) provide the licensee with a unique approval
16 number.

17 (2) In the event of electronic failure, scheduled
18 computer downtime or similar event beyond the control of the
19 Pennsylvania State Police, the Pennsylvania State Police
20 shall immediately notify the requesting licensee of the
21 reason for and estimated length of the delay. If the failure
22 or event lasts for a period exceeding 48 hours, the dealer
23 shall not be subject to any penalty for completing a
24 transaction absent the completion of an instantaneous records
25 check for the remainder of the failure or similar event, but
26 the dealer shall obtain a completed application/record of
27 sale following the provisions of section 6111(b)(1) and (1.1)
28 (relating to sale or transfer of firearms or ammunition) as
29 if an instantaneous records check has not been established
30 for any sale or transfer of a firearm or ammunition for the

1 purpose of a subsequent background check.

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

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

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

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

13 (B) December 31, 1998.

14 (4) The Pennsylvania State Police and any local law
15 enforcement agency shall make all reasonable efforts to
16 determine the lawful owner of any firearm confiscated or
17 recovered by the Pennsylvania State Police or any local law
18 enforcement agency and return said firearm to its lawful
19 owner if the owner is not otherwise prohibited from
20 possessing the firearm. When a court of law has determined
21 that the Pennsylvania State Police or any local law
22 enforcement agency have failed to exercise the duty under
23 this subsection, reasonable attorney fees shall be awarded to
24 any lawful owner of said firearm who has sought judicial
25 enforcement of this subsection.

26 * * *

27 (e) Challenge to records.--

28 (1) Any person who is denied the right to receive, sell,
29 transfer, possess, carry, manufacture or purchase a firearm
30 or ammunition as a result of the procedures established by

1 this section may challenge the accuracy of that person's
2 criminal history, juvenile delinquency history or mental
3 health record pursuant to a denial by the instantaneous
4 records check by submitting a challenge to the Pennsylvania
5 State Police within 30 days from the date of the denial.

6 * * *

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

9 (1) Notwithstanding any statute to the contrary, judges
10 of the courts of common pleas shall notify the Pennsylvania
11 State Police, on a form developed by the Pennsylvania State
12 Police, of:

13 (i) the identity of any individual who has been
14 adjudicated as an incompetent or as a mental defective or
15 who has been involuntarily committed to a mental
16 institution under the act of July 9, 1976 (P.L.817,
17 No.143), known as the Mental Health Procedures Act, or
18 who has been involuntarily treated as described in
19 section 6105(c)(4) (relating to persons not to possess,
20 use, manufacture, control, sell or transfer firearms and
21 ammunition) or as described in 18 U.S.C. § 922(g)(4)
22 (relating to unlawful acts) and its implementing Federal
23 regulations; and

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

26 * * *

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

30 (1) number of firearm and ammunition sales, including

1 the types of firearms and ammunition, delineated in a
2 separate manner;

3 (2) number of applications for sale of firearms and
4 ammunition denied, number of challenges of the denials and
5 number of final reversals of initial denials, delineated in a
6 separate manner;

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

11 (4) uniform crime reporting statistics compiled by the
12 Pennsylvania State Police based on the National Incident-
13 based Reporting System.

14 * * *

15 (j.3) Immunity.--The Pennsylvania State Police and its
16 employees shall be immune from actions for damages for the use
17 of a firearm or ammunition by a purchaser or for the unlawful
18 transfer of a firearm or ammunition by a dealer unless the act
19 of the Pennsylvania State Police or its employees constitutes a
20 crime, actual fraud, actual malice or willful misconduct.

21 * * *

22 § 6111.2. Firearm and ammunition sales surcharge.

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

30 * * *

1 § 6111.3. Firearm Records Check Fund.

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

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

14 § 6112. Retail dealer required to be licensed.

15 No retail dealer shall sell, or otherwise transfer or expose
16 for sale or transfer, or have in his possession with intent to
17 sell or transfer, any ammunition or any firearm as defined in
18 section 6113(d) (relating to licensing of dealers) without being
19 licensed as provided in this chapter.

20 § 6113. Licensing of dealers.

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

1 this subchapter:

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

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

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

10 (4) No firearm or ammunition shall be sold under any
11 circumstances unless the purchaser is personally known to the
12 seller or shall present clear evidence of the purchaser's
13 identity.

14 (5) A true record in triplicate shall be made of every
15 firearm and all ammunition sold, in a book kept for the
16 purpose, the form of which may be prescribed by the
17 Pennsylvania State Police, and shall be personally signed by
18 the purchaser and by the person effecting the sale, each in
19 the presence of the other, and shall contain the information
20 required by section 6111. The record shall be maintained by
21 the licensee for a period of 20 years.

22 (6) No firearm or ammunition as those terms are defined
23 in section 6102 (relating to definitions) shall be displayed
24 in any part of any premises where it can readily be seen from
25 the outside. In the event that the Commissioner of the
26 Pennsylvania State Police shall find a clear and present
27 danger to public safety within this Commonwealth or any area
28 thereof, firearms and ammunition shall be stored and
29 safeguarded pursuant to regulations to be established by the
30 Pennsylvania State Police by the licensee during the hours

1 when the licensee is closed for business.

2 (7) The dealer shall possess all applicable current
3 revenue licenses.

4 * * *

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

6 § 6121.1. Ammunition purchase authorization permits.

7 (a) Use.--A person holding an ammunition purchase
8 authorization permit issued under this section may purchase or
9 otherwise seek the transfer of ownership of ammunition from a
10 retailer that sells ammunition.

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

14 (c) Eligibility.--The Pennsylvania State Police shall issue
15 an ammunition purchase authorization permit to a person if all
16 of the following requirements are met:

17 (1) The person submits an application for an ammunition
18 purchase authorization permit as prescribed by the
19 Pennsylvania State Police.

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

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

23 (4) The person pays the fee as specified under
24 subsection (g).

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

26 (1) Upon receipt of an application for an ammunition
27 purchase authorization permit, the Pennsylvania State Police
28 shall examine its records and the Pennsylvania Instant Check
29 System in order to determine if the applicant is prohibited
30 from possessing or acquiring ammunition under Federal or

1 State law.

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

5 (3) If the Pennsylvania State Police is unable to make a
6 determination under paragraph (2) within 30 days, the
7 Pennsylvania State Police shall issue the ammunition purchase
8 authorization permit.

9 (4) The Pennsylvania State Police shall renew an
10 ammunition purchase authorization permit before its
11 expiration if the Pennsylvania State Police determines that
12 the holder is not prohibited from acquiring or possessing
13 ammunition under Federal or State law and pays the fee as
14 specified under subsection (g).

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

16 (1) An ammunition purchase authorization permit shall be
17 revoked by the Pennsylvania State Police if the holder of the
18 ammunition purchase authorization permit commits an act that
19 would have disqualified the holder from being issued the
20 ammunition purchase authorization permit under this section.

21 (2) If an ammunition purchase authorization permit is
22 revoked under paragraph (1), the Pennsylvania State Police
23 shall, upon the written request of the holder and in a manner
24 as prescribed by the Pennsylvania State Police, provide the
25 holder with the reasons for the revocation and the process to
26 appeal the revocation.

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

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

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

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

7 (i) Retailers that sell or otherwise seek the
8 transfer of ownership of ammunition.

9 (ii) Law enforcement agencies for purposes of
10 enforcing the law.

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

12 (1) The Pennsylvania State Police may charge a fee not
13 to exceed \$50 for the issuance or renewal of an ammunition
14 purchase authorization permit under this section. The fee
15 shall not be greater than the amount necessary to recover the
16 reasonable estimated costs to administer this section.

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

19 (h) Fund established.--The Ammunition Safety and Enforcement
20 Fund is established as a special fund within the State Treasury.
21 Revenue collected from the fee charged under subsection (g)
22 shall be deposited into the Ammunition Safety and Enforcement
23 Fund on a continuing basis for the purpose of administering
24 this section.

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

28 (j) Regulations.--The Pennsylvania State Police may
29 promulgate regulations necessary to implement the provisions of
30 this section.

1 § 6121.2. Transporting ammunition into this Commonwealth.

2 (a) Prohibition.--A resident of this Commonwealth may not
3 transport ammunition into this Commonwealth if the resident
4 purchased or otherwise obtained the ammunition from outside of
5 this Commonwealth and the ammunition has not been delivered to a
6 licensed importer, licensed manufacturer or licensed dealer in
7 this Commonwealth for delivery to the resident in accordance
8 with section 6121.1 (relating to ammunition purchase
9 authorization permits).

10 (b) Applicability.--This section shall not apply to a
11 licensed importer, licensed manufacturer, licensed dealer, law
12 enforcement agency or law enforcement officer, or a parent,
13 grandparent, spouse, sibling, child or grandchild of the
14 transferor.

15 Section 6. This act shall take effect July 1, 2020, or
16 immediately, whichever is later.