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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 65 Session of  
2023

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INTRODUCED BY HAYWOOD, HUGHES, KEARNEY, STREET, FONTANA, KANE,  
COLLETT, DILLON, CAPPELLETTI, TARTAGLIONE AND COMMITTA,  
JANUARY 19, 2023

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REFERRED TO JUDICIARY, JANUARY 19, 2023

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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 firearms and other dangerous articles, further  
4 providing for definitions, for persons not to possess, use,  
5 manufacture, control, sell or transfer firearms, for firearms  
6 not to be carried without a license and for licenses,  
7 providing for firearm eligibility license, for application  
8 for firearm eligibility license, for fee and qualification,  
9 for investigations and training course and for issuance and  
10 terms and further providing for sale or transfer of firearms,  
11 for Pennsylvania State Police, for proof of license and  
12 exception and for administrative regulations; and making  
13 editorial changes.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

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

18 § 913. Possession of firearm or other dangerous weapon in court  
19 facility.

20 \* \* \*

21 (b) Grading.--

22 \* \* \*

23 (3) An offense under subsection (a)(1) is a summary

1 offense if the person was carrying a firearm under section  
2 6106(b) (relating to firearms not to be carried without a  
3 license) or 6109 (relating to [licenses] license to carry)  
4 and failed to check the firearm under subsection (e) prior to  
5 entering the court facility.

6 \* \* \*

7 Section 2. Section 6102 of Title 18 is amended by adding  
8 definitions to read:

9 § 6102. Definitions.

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

16 \* \* \*

17 "Firearm eligibility license." A license issued by the  
18 commissioner that authorizes a person to purchase a firearm.

19 \* \* \*

20 "Qualified firearm instructor." A certified firearms  
21 instructor who is recognized by the Pennsylvania State Police  
22 and has one of the following:

23 (1) A valid qualified firearm instructor license issued  
24 by the commissioner.

25 (2) A certificate issued by a nationally recognized  
26 firearms organization.

27 \* \* \*

28 Section 3. Section 6105(h) of Title 18 is amended and  
29 subsection (c) is amended by adding a paragraph to read:

30 § 6105. Persons not to possess, use, manufacture, control, sell

1 or transfer firearms.

2 \* \* \*

3 (c) Other persons.--In addition to any person who has been  
4 convicted of any offense listed under subsection (b), the  
5 following persons shall be subject to the prohibition of  
6 subsection (a):

7 \* \* \*

8 (11) A person who does not possess a valid firearm  
9 eligibility license required under section 6109.1 (relating  
10 to firearm eligibility license).

11 \* \* \*

12 (h) License prohibition.--Any person who is prohibited from  
13 possessing, using, controlling, selling, purchasing,  
14 transferring or manufacturing any firearm under this section  
15 shall not be eligible for or permitted to obtain a license to  
16 carry a firearm under section 6109 (relating to [licenses]  
17 license to carry).

18 \* \* \*

19 Section 4. Sections 6106(a) and 6107(a)(2) of Title 18 are  
20 amended to read:

21 § 6106. Firearms not to be carried without a license.

22 (a) Offense defined.--

23 (1) Except as provided in paragraph (2), any person who  
24 carries a firearm in any vehicle or any person who carries a  
25 firearm concealed on or about his person, except in his place  
26 of abode or fixed place of business, without a valid and  
27 lawfully issued license [under this chapter] to carry under  
28 section 6109 (relating to license to carry) commits a felony  
29 of the third degree.

30 (2) A person who is otherwise eligible to possess a

1 valid license [under this chapter] to carry under section  
2 6109 but carries a firearm in any vehicle or any person who  
3 carries a firearm concealed on or about his person, except in  
4 his place of abode or fixed place of business, without a  
5 valid and lawfully issued license to carry and has not  
6 committed any other criminal violation commits a misdemeanor  
7 of the first degree.

8 \* \* \*

9 § 6107. Prohibited conduct during emergency.

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

14 \* \* \*

15 (2) Licensed to carry firearms under section 6109  
16 (relating to [licenses] license to carry) or is exempt from  
17 licensing under section 6106(b) (relating to firearms not to  
18 be carried without a license).

19 \* \* \*

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

24 § 6109. [Licenses.] License to carry.

25 \* \* \*

26 (c) Form of application and content.--The application for a  
27 license to carry a firearm shall be uniform throughout this  
28 Commonwealth and shall be on a form prescribed by the  
29 Pennsylvania State Police. The form may contain provisions, not  
30 exceeding one page, to assure compliance with this section.

1 Issuing authorities shall use only the application form  
2 prescribed by the Pennsylvania State Police. One of the  
3 following reasons for obtaining a firearm license shall be set  
4 forth in the application: self-defense, employment, hunting and  
5 fishing, target shooting, gun collecting or another proper  
6 reason. The application form shall be dated and signed by the  
7 applicant and shall contain the following statement:

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

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

28 \* \* \*

29 (4) investigate whether the applicant would be precluded  
30 from receiving a license under subsection (e) (1) or section

1 6105(h) (relating to persons not to possess, use,  
2 manufacture, control, sell or transfer firearms); [and]

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

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

10 (e) Issuance of license.--

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

18 \* \* \*

19 (xv) An individual who does not possess a valid  
20 firearm eligibility license under section 6109.1  
21 (relating to firearm eligibility license).

22 (3) The license to carry a firearm shall be designed to  
23 be uniform throughout this Commonwealth and shall be in a  
24 form prescribed by the Pennsylvania State Police. The license  
25 shall bear the following:

26 \* \* \*

27 (vii) The number of the licensee's firearm  
28 eligibility license.

29 \* \* \*

30 Section 6. Title 18 is amended by adding sections to read:

1 § 6109.1. Firearm eligibility license.

2 (a) Required.--Except as provided in subsection (b), a  
3 firearm eligibility license shall be required to purchase a  
4 firearm within this Commonwealth.

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

7 (1) A licensed firearms manufacturer.

8 (2) A dealer licensed under section 6113 (relating to  
9 licensing of dealers).

10 (3) A law enforcement officer or person who is retired  
11 in good standing from service with a law enforcement agency  
12 of the United States, this Commonwealth or a local law  
13 enforcement agency of this Commonwealth.

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

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

21 § 6109.2. Application for firearm eligibility license.

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

28 (b) Form of application and content.--The application for a  
29 firearm eligibility license shall be uniform across this  
30 Commonwealth and shall be on a form prescribed by the

1 Pennsylvania State Police. Each application shall be signed and  
2 dated by the applicant. The form may contain provisions, not  
3 exceeding one page, to assure compliance with this section.  
4 Issuing authorities shall use only the application form  
5 prescribed by the Pennsylvania State Police. The application  
6 shall contain the following statement:

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

24 § 6109.3. Fee and qualification.

25 (a) Firearm eligibility license fee.--

26 (1) The fees for a firearm eligibility license are as  
27 follows:

28 (i) Fifty dollars for the original license.

29 (ii) Thirty dollars for a license renewal which  
30 includes the following:



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

2                   (B) An administrative fee of \$5 under section  
3                   14(2) of the act of July 6, 1984 (P.L.614, No.127),  
4                   known as the Sheriff Fee Act.

5                   (C) An administrative fee of \$2 for the costs of  
6                   completing the background investigation under section  
7                   6109.2(b) (relating to application for firearm  
8                   eligibility license). This fee shall be deposited  
9                   into the Firearms Instant Records Check Fund under  
10                   section 6111.2 (relating to firearm sales surcharge).

11                   (2) All license fees remaining after the deduction under  
12                   paragraph (1) shall be deposited into the General Fund.

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

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

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

21                   (2) Be a resident of this Commonwealth.

22                   (3) Within three years prior to the submission of the  
23                   application, demonstrate satisfactory completion of a  
24                   certified firearms training course approved by the  
25                   commissioner that includes all the following:

26                   (i) A minimum of 16 hours of instruction by a  
27                   qualified firearm instructor.

28                   (ii) Classroom instruction on all the following:

29                   (A) Commonwealth firearm law.

30                   (B) Home firearm safety.

1                   (C) Firearm mechanisms and operations.

2                   (iii) A firearms orientation component that  
3                   demonstrates the person's safe operation, handling and  
4                   use of a firearm.

5                   (4) Is not prohibited by Federal or State law from  
6                   purchasing or possessing a firearm. For purposes of  
7                   purchasing or possessing a firearm, the following shall  
8                   apply:

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

11                   (ii) The Pennsylvania State Police shall submit the  
12                   fingerprints to the Federal Bureau of Investigation to  
13                   verify the identity of the applicant and obtain a current  
14                   record of criminal arrests and convictions.

15 § 6109.4. Investigations and training course.

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

18                   (1) To promulgate guidelines specifying the requirements  
19                   to become a qualified firearm instructor in this  
20                   Commonwealth.

21                   (2) To designate any program as a certified firearm  
22                   training course if the program meets the minimum requirements  
23                   established by the commissioner.

24                   (b) Waiver of training course.--An applicant for a firearm  
25 eligibility license is not required to complete a firearm safety  
26 training course under subsection (a) if the applicant is any of  
27 the following:

28                   (1) A qualified firearm instructor.

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

1           (3) A police officer, as defined in 53 Pa.C.S. § 2162  
2 (relating to definitions) who is certified under 53 Pa.C.S.  
3 Ch. 21 Subch. D (relating to municipal police education and  
4 training). The term includes a school police officer  
5 appointed under section 1302-C of the act of March 10, 1949  
6 (P.L.30, No.14), known as the Public School Code of 1949.

7           (4) An active or retired Federal or State law  
8 enforcement officer.

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

11           (6) A Commonwealth or county corrections officer or  
12 probation or parole agent.

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

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

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

18           (1) Investigate the applicant's record of criminal  
19 conviction.

20           (2) Review the applicant's completed Federal criminal  
21 history check.

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

27           (4) Conduct a criminal background, juvenile delinquency  
28 and mental health check following the procedures specified in  
29 section 6111 (relating to sale or transfer of firearms),  
30 receive a unique approval number for that inquiry and record

1 the date and number on the application.

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

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

11 (2) A crime punishable by imprisonment exceeding one  
12 year.

13 (3) Conduct that meets the criteria of section 6105(c)  
14 (1), (2), (3), (5), (6) or (9).

15 (4) Incompetency.

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

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

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

26 (f) Definition.--As used in this section, the term "issuing  
27 authority" shall mean a county sheriff or chief of police of a  
28 city of the first class.

29 § 6109.5. Issuance and terms.

30 (a) Issuance of license.--

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

9       (2) The firearm eligibility license shall be designed to  
10 be uniform throughout this Commonwealth and shall be in a  
11 form prescribed by the Pennsylvania State Police. The license  
12 shall bear the following:

13           (i) The name, address, date of birth, race, sex,  
14 citizenship, height, weight, color of hair, color of eyes  
15 and signature of the licensee.

16           (ii) The signature of the issuing authority.

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

20           (iv) The period of validation.

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

24       (4) The original firearm eligibility license shall be  
25 issued to the applicant. The first copy of the license shall  
26 be forwarded to the Pennsylvania State Police within seven  
27 days of the date of issuance. The second copy shall be  
28 retained by the issuing authority for a period of seven  
29 years. Except under a court order, both copies and the  
30 application shall, at the end of the seven-year period, be

1 destroyed unless the license has been renewed.

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

12 (c) Term of license.--

13 (1) A firearm eligibility license issued under  
14 subsection (a) shall be valid throughout this Commonwealth  
15 for a period of five years unless extended under paragraph  
16 (3) or revoked.

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

22 (3) Notwithstanding paragraph (1) or any other  
23 provisions of law to the contrary, a firearm eligibility  
24 license that is held by a member of the United States Armed  
25 Forces or the Pennsylvania National Guard on Federal active  
26 duty and deployed overseas that is scheduled to expire during  
27 the period of deployment shall be extended until 90 days  
28 after the end of the deployment.

29 (4) Possession of a firearm eligibility license,  
30 together with a copy of the person's military orders showing

1 the dates of the overseas deployment, including the date that  
2 the overseas deployment ends, shall constitute a defense to  
3 any charge filed under this section during the extension  
4 period.

5 (d) Revocation.--

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

10 (i) Notice of revocation shall:

11 (A) Be in writing and shall state the specific  
12 reason for revocation.

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

14 (C) Be provided to the Pennsylvania State Police  
15 by electronic means, including email or facsimile  
16 transmission.

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

20 (2) Anyone who violates this subsection commits a  
21 summary offense.

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

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

28 (1) Have the power and duty to enter into reciprocity  
29 agreements with other states providing for the mutual  
30 recognition of a firearm eligibility license issued by the

1 Commonwealth and a firearm eligibility license or permit  
2 issued by another state.

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

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

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

12 Section 7. Section 6111(b)(1.1)(iii), (f)(3) and (g)(4)(iii)  
13 of Title 18 are amended and subsection (b) is amended by adding  
14 a paragraph to read:

15 § 6111. Sale or transfer of firearms.

16 \* \* \*

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

23 \* \* \*

24 (1.1) On the date of publication in the Pennsylvania  
25 Bulletin of a notice by the Pennsylvania State Police that  
26 the instantaneous records check has been implemented, all of  
27 the following shall apply:

28 \* \* \*

29 (iii) For purposes of conducting the criminal  
30 history, juvenile delinquency and mental health records



1 background check which shall be completed within ten days  
2 of receipt of the information from the dealer, the  
3 application/record of sale shall include the name,  
4 address, birthdate, gender, race, physical description  
5 [and], Social Security number of the purchaser or  
6 transferee, the purchaser or transferee's firearm  
7 eligibility license number and the date of application.

8 \* \* \*

9 (2.1) Inspected the firearm eligibility license of the  
10 potential purchaser or transferee.

11 \* \* \*

12 (f) Application of section.--

13 \* \* \*

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

20 \* \* \*

21 (g) Penalties.--

22 \* \* \*

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

27 \* \* \*

28 (iii) willfully furnishes or exhibits any false  
29 identification, including a false firearm eligibility  
30 license, intended or likely to deceive the seller,

1 licensed dealer or licensed manufacturer.

2 \* \* \*

3 Section 8. Section 6111.1(b)(2) and (3) and (e)(1) of Title  
4 18 are amended and subsections (b) and (i) are amended by adding  
5 paragraphs to read:

6 § 6111.1. Pennsylvania State Police.

7 \* \* \*

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

9 \* \* \*

10 (1.1) Upon receipt of an application for a firearm  
11 eligibility license under section 6109.1 (relating to firearm  
12 eligibility license), the Pennsylvania State Police shall  
13 immediately:

14 (i) Review the Pennsylvania State Police criminal  
15 history and fingerprint records to determine whether the  
16 applicant is prohibited from receipt or possession of a  
17 firearm under Federal or State law.

18 (ii) Review the juvenile delinquency and mental  
19 health records of the Pennsylvania State Police to  
20 determine whether the applicant is prohibited from  
21 receipt or possession of a firearm under Federal or State  
22 law.

23 (iii) Inform the issuing authority of one of the  
24 following:

25 (A) That the issuance of a firearm eligibility  
26 license is prohibited.

27 (B) The individual is cleared for a firearm  
28 eligibility license. If the Pennsylvania State Police  
29 determine that the individual is eligible, the  
30 Pennsylvania State Police shall provide the issuing

1 authority with the individual's firearm eligibility  
2 license.

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

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

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

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

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

30 (B) December 31, 1998.

1           (iii) The instantaneous background check for a  
2           firearm eligibility license shall take effect on the  
3           effective date of this subparagraph.

4           \* \* \*

5           (e) Challenge to records.--

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

15          \* \* \*

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

19          \* \* \*

20          (1.1) number of firearm eligibility license applications  
21          submitted, number of applications denied, number of  
22          challenges of the denials and number of reversals of initial  
23          denials;

24          \* \* \*

25          Section 9. Sections 6115(b)(1)(i), 6122(a) and 6124 of Title  
26          18 are amended to read:

27          § 6115. Loans on, or lending or giving firearms prohibited.

28          \* \* \*

29          (b) Exception.--

30          (1) Subsection (a) shall not apply if any of the

1 following apply:

2 (i) The person who receives the firearm is licensed  
3 to carry a firearm under section 6109 (relating to  
4 [licenses] license to carry).

5 \* \* \*

6 § 6122. Proof of license and exception.

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

14 \* \* \*

15 § 6124. Administrative regulations.

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

- 21 (1) License to carry firearms.
- 22 (2) Firearm registration.
- 23 (3) Dealer's license.
- 24 (4) Application for purchase of a firearm.
- 25 (5) Record of sale of firearms.
- 26 (6) Firearm eligibility license.

27 Section 10. Section 6108(a)(7) introductory paragraph of  
28 Title 23 is amended to read:

29 § 6108. Relief.

30 (a) General rule.--Subject to subsection (a.1), the court

1 may grant any protection order or approve any consent agreement  
2 to bring about a cessation of abuse of the plaintiff or minor  
3 children. The order or agreement may include:

4 \* \* \*

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

24 \* \* \*

25 Section 11. Sections 2325(a.1) and 2525(a) of Title 34 are  
26 amended to read:

27 § 2325. Cooperation after lawfully killing big game.

28 \* \* \*

29 (a.1) Exception.--Nothing in this section shall prohibit any  
30 person from carrying a loaded handgun in the field provided that

1 person is in compliance with 18 Pa.C.S. § 6109 (relating to  
2 [licenses] license to carry).

3 \* \* \*

4 § 2525. Possession of firearm for protection of self or others.

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

10 \* \* \*

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