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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 445 Session of  
2015

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INTRODUCED BY WILLIAMS, FONTANA, HUGHES, TARTAGLIONE, FARNESE  
AND LEACH, FEBRUARY 12, 2015

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REFERRED TO JUDICIARY, FEBRUARY 12, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, further providing for sale or transfer of firearms  
4 and for registration of firearms.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Sections 6111(b)(1.1) and 6111.4 of Title 18 are  
8 amended to read:

9 § 6111. Sale or transfer of firearms.

10 \* \* \*

11 (b) Duty of seller.--No licensed importer, licensed  
12 manufacturer or licensed dealer shall sell or deliver any  
13 firearm to another person, other than a licensed importer,  
14 licensed manufacturer, licensed dealer or licensed collector,  
15 until the conditions of subsection (a) have been satisfied and  
16 until he has:

17 \* \* \*

18 (1.1) On the date of publication in the Pennsylvania  
19 Bulletin of a notice by the Pennsylvania State Police that

1 the instantaneous records check has been implemented, all of  
2 the following shall apply:

3 (i) In the event of an electronic failure under  
4 section 6111.1(b)(2) (relating to Pennsylvania State  
5 Police) for purposes of a firearm which exceeds the  
6 barrel and related lengths set forth in section 6102,  
7 obtained a completed application/record of sale from the  
8 potential buyer or transferee to be filled out in  
9 triplicate, the original copy to be sent to the  
10 Pennsylvania State Police, postmarked via first class  
11 mail, within 14 days of sale, one copy to be retained by  
12 the licensed importer, licensed manufacturer or licensed  
13 dealer for a period of 20 years and one copy to be  
14 provided to the purchaser or transferee.

15 (ii) The form of the application/record of sale  
16 shall be no more than one page in length and shall be  
17 promulgated by the Pennsylvania State Police and provided  
18 by the licensed importer, licensed manufacturer or  
19 licensed dealer.

20 (iii) For purposes of conducting the criminal  
21 history, juvenile delinquency and mental health records  
22 background check which shall be completed within ten days  
23 of receipt of the information from the dealer, the  
24 application/record of sale shall include the name,  
25 address, birthdate, gender, race, physical description  
26 and Social Security number of the purchaser or transferee  
27 and the date of application.

28 (iv) No information regarding the type of firearm  
29 need be included other than an indication that the  
30 firearm exceeds the barrel lengths set forth in section

1 6102.

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

24 \* \* \*

25 § 6111.4. Registration of firearms.

26 [Notwithstanding any section of this chapter to the contrary,  
27 nothing in this chapter shall be construed to allow any  
28 government or law enforcement agency or any agent thereof to  
29 create, maintain or operate any registry of firearm ownership  
30 within this Commonwealth. For the purposes of this section only,

1 the term "firearm" shall include any weapon that is designed to  
2 or may readily be converted to expel any projectile by the  
3 action of an explosive or the frame or receiver of any such  
4 weapon.] (a) General rule.--Every person who owns, possesses,  
5 purchases or otherwise receives ownership of a firearm under  
6 section 6111 (relating to sale or transfer of firearms), or who  
7 brings or causes to be brought into this Commonwealth a firearm,  
8 shall register the firearm with the Pennsylvania State Police  
9 within seven days of acquisition of the firearm or within seven  
10 days after the firearm is brought into this Commonwealth.

11 (b) Registration form.--Every person required to register a  
12 firearm under this section shall submit registration on a form  
13 prescribed by the Pennsylvania State Police. The form shall be  
14 uniform throughout this Commonwealth. The following shall apply:

15 (1) The form shall include all of the following:

16 (i) The name, address, birth date, gender, race,  
17 physical description and Social Security number of the  
18 registrant.

19 (ii) The date of registration.

20 (iii) The caliber, length of barrel, make, model and  
21 manufacturer's number of the firearm to be registered.

22 (2) Every licensed importer, licensed manufacturer or  
23 licensed dealer who sells or otherwise transfers ownership or  
24 possession of a firearm to a person shall provide a  
25 registration form to the person receiving ownership or  
26 possession of the firearm.

27 (3) The Pennsylvania State Police may retain information  
28 received from the form provided under this subsection through  
29 retention of the form or through entering the information on  
30 the form onto a computer.

1 (c) Confidentiality.--All information provided by a  
2 registrant under this section, including the name or identity of  
3 the potential purchaser, transferee or registrant, shall be  
4 confidential and not subject to public disclosure, except as may  
5 be required:

6 (1) for processing the registration;

7 (2) by a law enforcement agency for the lawful  
8 performance of its duties; or

9 (3) by order of a court.

10 (d) Renewal.--Every person required to register a firearm  
11 under this section shall renew the registration annually.

12 (e) Notification of changes.--The registrant shall notify  
13 the Pennsylvania State Police of any changes to the information  
14 provided on the registration within seven days of the change of  
15 information.

16 (f) Registration fee.--The Pennsylvania State Police may  
17 establish a fee by regulation to cover the reasonable and  
18 necessary costs to develop and furnish the application and to  
19 store the registration information required by this section.

20 (g) Penalty.--Any person who violates this section commits a  
21 summary offense.

22 (h) Rules and regulations.--The Pennsylvania State Police  
23 shall promulgate rules and regulations necessary to implement  
24 this section, including regulations to ensure the  
25 confidentiality and security of all records and data provided  
26 under this section.

27 (i) Nonapplicability.--

28 (1) This section shall not apply to any of the  
29 following:

30 (i) Firearms owned or possessed by a law enforcement

1 officer maintained or used in the course of the officer's  
2 official duties.

3 (ii) Firearms lawfully owned, possessed or in the  
4 custody of any Federal, State or local law enforcement  
5 agency.

6 (iii) Firearms sold or transferred between Federal  
7 firearms licensees.

8 (iv) Firearms purchased or acquired by a chief law  
9 enforcement officer or the officer's designee for the  
10 official use of law enforcement officers.

11 (v) Firearms owned or possessed by a corrections  
12 officer in the course of the officer's official duties.

13 (vi) Firearms in the lawful possession of a private  
14 security officer in the course of the officer's official  
15 duties for a private security company. The firearm must  
16 be registered by the private security company.

17 (vii) Firearms owned or possessed by licensed  
18 manufacturers or licensed dealers, bulk transporters or  
19 licensed sellers at wholesale or retail, provided that  
20 such persons have obtained all licenses as required by  
21 Federal, State and local laws.

22 (viii) Firearms owned or possessed by any  
23 nonresident of this Commonwealth participating in any  
24 lawful recreational firearm-related activity in this  
25 Commonwealth or in any other jurisdiction, provided that  
26 the firearm shall be disassembled in a nonfunctioning  
27 state and unloaded.

28 (2) As used in this subsection, the term "chief law  
29 enforcement officer" means the Commissioner of Pennsylvania  
30 State Police, the chief or head of a police department, a

1 county sheriff, the chief of police for a city of the first  
2 class or any equivalent law enforcement official.

3 (j) Construction.--Nothing contained in this section shall  
4 be construed to make unlawful any act of a law enforcement  
5 officer which is performed in the lawful performance of the  
6 officer's official duties.

7 (k) Definition.--As used in this section, the term "firearm"  
8 shall mean any weapon that is designed to or may readily be  
9 converted to expel any projectile by the action of an explosive  
10 or the frame or receiver of such weapon. The term does not  
11 include antique firearms as defined in section 6118 (relating to  
12 antique firearms).

13 Section 2. This act shall take effect in 180 days.