AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required, FURTHER PROVIDING FOR PROHIBITED CONDUCT DURING EMERGENCY, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception.

The General Assembly finds that:

(1) The laws in existence regulating firearms ownership, possession and use LICENSING are ineffectual in preventing crime and only interfere with the natural rights of law-abiding citizens.

(2) It is necessary to codify the inherent right to the carrying of firearms, whether openly or concealed, and that the right to self-defense is an inherent natural right that shall not be questioned as stated in section 21 of Article I of the Constitution of Pennsylvania.
The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 6106 of Title 18 of the Pennsylvania Consolidated Statutes is repealed:

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

(a) Offense defined.--

(1) Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license under this chapter commits a felony of the third degree.

(2) A person who is otherwise eligible to possess a valid license under this chapter but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license and has not committed any other criminal violation commits a misdemeanor of the first degree.

(b) Exceptions.--The provisions of subsection (a) shall not apply to:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

(2) Members of the army, navy, marine corps, air force or coast guard of the United States or of the National Guard or organized reserves when on duty.

(3) The regularly enrolled members of any organization duly organized to purchase or receive such firearms from the United States or from this Commonwealth.
(4) Any persons engaged in target shooting with a firearm, if such persons are at or are going to or from their places of assembly or target practice and if, while going to or from their places of assembly or target practice, the firearm is not loaded.

(5) Officers or employees of the United States duly authorized to carry a concealed firearm.

(6) Agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties.

(7) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business.

(8) Any person while carrying a firearm which is not loaded and is in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair, sale or appraisal or back to his home or place of business, or in moving from one place of abode or business to another or from his home to a vacation or recreational home or dwelling or back, or to recover stolen property under section 6111.1(b)(4) (relating to Pennsylvania State Police), or to a place of instruction intended to teach the safe handling, use or maintenance of firearms or back or to a location to which the person has been directed to relinquish firearms under 23 Pa.C.S. § 6108 (relating to relief) or back upon return of the relinquished firearm or to a licensed dealer's place of business for relinquishment pursuant to 23 Pa.C.S. § 6108.2
(relating to relinquishment for consignment sale, lawful
transfer or safekeeping) or back upon return of the
relinquished firearm or to a location for safekeeping
pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment
to third party for safekeeping) or back upon return of the
relinquished firearm.

(9) Persons licensed to hunt, take furbearers or fish in
this Commonwealth, if such persons are actually hunting,
taking furbearers or fishing as permitted by such license, or
are going to the places where they desire to hunt, take
furbearers or fish or returning from such places.

(10) Persons training dogs, if such persons are actually
training dogs during the regular training season.

(11) Any person while carrying a firearm in any vehicle,
which person possesses a valid and lawfully issued license
for that firearm which has been issued under the laws of the
United States or any other state.

(12) A person who has a lawfully issued license to carry
a firearm pursuant to section 6109 (relating to licenses) and
that said license expired within six months prior to the date
of arrest and that the individual is otherwise eligible for
renewal of the license.

(13) Any person who is otherwise eligible to possess a
firearm under this chapter and who is operating a motor
vehicle which is registered in the person's name or the name
of a spouse or parent and which contains a firearm for which
a valid license has been issued pursuant to section 6109 to
the spouse or parent owning the firearm.

(14) A person lawfully engaged in the interstate
transportation of a firearm as defined under 18 U.S.C. §
921(a)(3) (relating to definitions) in compliance with 18
U.S.C. § 926A (relating to interstate transportation of
firearms).

(15) Any person who possesses a valid and lawfully
issued license or permit to carry a firearm which has been
issued under the laws of another state, regardless of whether
a reciprocity agreement exists between the Commonwealth and
the state under section 6109(k), provided:

(i) The state provides a reciprocal privilege for
individuals licensed to carry firearms under section
6109.

(ii) The Attorney General has determined that the
firearm laws of the state are similar to the firearm laws
of this Commonwealth.

(16) Any person holding a license in accordance with
section 6109(f)(3).

(c) Sportsman's firearm permit.--

(1) Before any exception shall be granted under
paragraph (b)(9) or (10) of this section to any person 18
years of age or older licensed to hunt, trap or fish or who
has been issued a permit relating to hunting dogs, such
person shall, at the time of securing his hunting, furtaking
or fishing license or any time after such license has been
issued, secure a sportsman's firearm permit from the county
treasurer. The sportsman's firearm permit shall be issued
immediately and be valid throughout this Commonwealth for a
period of five years from the date of issue for any legal
firearm, when carried in conjunction with a valid hunting,
furtaking or fishing license or permit relating to hunting
dogs. The sportsman's firearm permit shall be in triplicate
on a form to be furnished by the Pennsylvania State Police. The original permit shall be delivered to the person, and the first copy thereof, within seven days, shall be forwarded to the Commissioner of the Pennsylvania State Police by the county treasurer. The second copy shall be retained by the county treasurer for a period of two years from the date of expiration. The county treasurer shall be entitled to collect a fee of not more than $6 for each such permit issued, which shall include the cost of any official form. The Pennsylvania State Police may recover from the county treasurer the cost of any such form, but may not charge more than $1 for each official permit form furnished to the county treasurer.

(2) Any person who sells or attempts to sell a sportsman's firearm permit for a fee in excess of that amount fixed under this subsection commits a summary offense.

(d) Revocation of registration.--Any registration of a firearm under subsection (c) of this section may be revoked by the county treasurer who issued it, upon written notice to the holder thereof.

(e) Definitions.--

(1) For purposes of subsection (b)(3), (4), (5), (7) and (8), the term "firearm" shall include any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of the weapon.

(2) As used in this section, the phrase "place of instruction" shall include any hunting club, rifle club, rifle range, pistol range, shooting range, the premises of a licensed firearms dealer or a lawful gun show or meet.

Section 2. Title 18 is amended by adding a section to read:
§ 6106.2. License not required.

(a) Declaration.--Notwithstanding any other provision of law, every person present in this Commonwealth WHO IS NOT PROHIBITED FROM POSSESSING FIREARMS UNDER FEDERAL LAW OR THE LAWS OF THIS COMMONWEALTH shall have an affirmative, fundamental and constitutional right to keep and bear firearms, including the right to carry openly or concealed, carry loaded or unloaded, train with, transport, possess, use, acquire, purchase, transfer, inherit, buy, sell, give or otherwise dispose of or receive any firearm or self-defense device without a license, permission or restriction TO CARRY A FIREARM of any kind from or by this Commonwealth or any of its political subdivisions.

(b) Optional license.--Obtaining a license to carry a firearm under this chapter shall be optional. The voluntary nature of the license shall not be construed to require that any person obtain a license to carry a firearm under this chapter.

SECTION 2.1. SECTION 6107 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 6107. PROHIBITED CONDUCT DURING EMERGENCY.

[(A) GENERAL RULE.--NO PERSON SHALL CARRY A FIREARM UPON THE PUBLIC STREETS OR UPON ANY PUBLIC PROPERTY DURING AN EMERGENCY PROCLAIMED BY A STATE OR MUNICIPAL GOVERNMENTAL EXECUTIVE UNLESS THAT PERSON IS:

(1) ACTIVELY ENGAGED IN A DEFENSE OF THAT PERSON'S LIFE OR PROPERTY FROM PERIL OR THREAT.

(2) LICENSED TO CARRY FIREARMS UNDER SECTION 6109 (RELATING TO LICENSES) OR IS EXEMPT FROM LICENSING UNDER SECTION 6106(B) (RELATING TO FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE).]
(B) SEIZURE, TAKING AND CONFISCATION.—[EXCEPT AS OTHERWISE

PROVIDED UNDER SUBSECTION (A) AND NOTWITHSTANDING]

NOTWITHSTANDING THE PROVISIONS OF 35 PA.C.S. CH. 73 (RELATING TO
COMMONWEALTH SERVICES) OR ANY OTHER PROVISION OF LAW TO THE
CONTRARY, NO FIREARM, ACCESSORY OR AMMUNITION MAY BE SEIZED,
TAKEN OR CONFISCATED DURING AN EMERGENCY UNLESS THE SEIZURE,
TAKING OR CONFISCATION WOULD BE AUTHORIZED ABSENT THE EMERGENCY.

(C) DEFINITIONS.—AS USED IN THIS SECTION, THE FOLLOWING

WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

SUBSECTION:

"ACCESSORY." ANY SCOPE, SIGHT, BIPOD, SLING, LIGHT,
MAGAZINE, CLIP OR OTHER RELATED ITEM THAT IS ATTACHED TO OR
NECESSARY FOR THE OPERATION OF A FIREARM.

"FIREARM." THE TERM INCLUDES ANY WEAPON THAT IS DESIGNED TO
OR MAY READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE
ACTION OF AN EXPLOSIVE OR THE FRAME OR RECEIVER OF ANY WEAPON.

Section 3. Section 6108 of Title 18 is repealed:

§ 6108. Carrying firearms on public streets or public property
in Philadelphia.

No person shall carry a firearm, rifle or shotgun at any time
upon the public streets or upon any public property in a city of
the first class unless:

(1) such person is licensed to carry a firearm; or
(2) such person is exempt from licensing under section
6106(b) of this title (relating to firearms not to be carried
without a license).]

Section 4. Title 18 is amended by adding a section to read:

§ 6108.1. Sportsman's firearm permit.

(a) Permit allowed.—Any person 18 years of age or older who
has been issued a hunting license, trapping license or fishing
license or who has been issued a permit relating to hunting dogs
may, at the time of obtaining his hunting, trapping or fishing
license or any time after the license has been issued, obtain a
sportsman's firearm permit from the county treasurer.

(b) Issuance.--The sportsman's firearm permit shall be
issued immediately and shall be valid throughout this
Commonwealth for a period of five years from the date of issue
for any legal firearm when carried in conjunction with a valid
hunting, furtaking or fishing license or permit relating to
hunting dogs.

(c) Form.--The sportsman's firearm permit shall be in
triplicate on a form to be furnished by the Pennsylvania State
Police. The original permit shall be delivered to the person,
and a copy of the permit shall be forwarded to the Commissioner
of Pennsylvania State Police by the county treasurer within
seven days of the date of delivery. A copy of the permit shall
be retained by the county treasurer for a period of two years
from the date of expiration.

(d) Fee.--The county treasurer may collect a fee of not more
than $6 for each permit issued, which shall include the cost of
any official form. The Pennsylvania State Police may recover
from the county treasurer the cost of the form, but may not
charge more than $1 for each official permit form furnished to
the county treasurer.

(e) Offense.--A person who sells or attempts to sell a
sportsman's firearm permit for a fee in excess of the amount
determined under this section commits a summary offense.

Section 5. Section 6109(a), (b), (c), (d) heading,
introductory paragraph, (3), (4) and (5), (e)(1) introductory
paragraph, (i), (v) and (vii), (3) introductory paragraph and
§ 6109. Licenses.

(a) Purpose of license.—A license to carry a firearm shall be for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout this Commonwealth.

(1) Due to every PERSON PRESENT IN THIS Commonwealth resident having a fundamental constitutional right to keep and bear arms, obtaining a license under this section shall be optional. Nothing in this section shall be construed to require that a person must obtain a license under this section in order to carry a concealed firearm.

(2) The voluntary nature of a license to carry a firearm may not be construed to relieve the issuing authority of the burden of proof for denying an application for a license.

Issuance of a license to carry a firearm under this section by the proper authority shall be prima facie evidence that law enforcement authorities have verified that the individual is qualified under the law and is not prohibited from possessing firearms under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or under any other provision of the laws of this Commonwealth.

(3) A license to carry a firearm shall be available to those who wish to carry a firearm openly or concealed on or about one's person or in a vehicle and shall be valid throughout this Commonwealth.

(4) A license to carry a firearm shall provide residents of this Commonwealth A PERSON with the ability to carry a
firearm in any state with which the Commonwealth maintains a reciprocal agreement for the mutual recognition of licenses to carry firearms.

(b) Place of application.--An individual who is 21 years of age or older may apply to the proper issuing authority for a license to carry a firearm [concealed on or about his person or in a vehicle] within this Commonwealth. If the applicant is a resident of this Commonwealth, he shall make application with the sheriff of the county in which he resides or, if a resident of a city of the first class, with the chief of police of that city. If the applicant is not a resident of this Commonwealth, he shall make application with the sheriff PROPER ISSUING AUTHORITY of any county.

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

I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been involuntarily committed to a mental institution. In the alternative my right to possess a firearm has been
legally restored. I hereby certify that the statements
contained herein are true and correct to the best of my
knowledge and belief. I understand that, if I knowingly
make any false statements herein, I am subject to
penalties prescribed by law. I authorize the [sheriff, or
his designee, or, in the case of first class cities, the
chief or head of the police department] issuing
authority, or his designee, to inspect only those records
or documents relevant to information required for this
application. If I am issued a license and knowingly
become ineligible to legally possess or acquire firearms,
I will promptly notify the [sheriff of the county in
which I reside or, if I reside in a city of the first
class, the chief of police of that city] issuing
authority.

(d) [Sheriff to conduct] Pre-issuance investigation.--The
[sheriff] issuing authority to whom the application is made
shall:

* * * 

[(3) investigate whether the applicant's character and
reputation are such that the applicant will not be likely to
act in a manner dangerous to public safety;]

(4) investigate whether the applicant would be precluded
from receiving a license under subsection (e)(1) or section
6105(h) [(relating to persons not to possess, use,
manufacture, control, sell or transfer firearms)]; and

(5) conduct a criminal background, juvenile delinquency
and mental health check [following the procedures set forth
in section 6111 (relating to sale or transfer of firearms),
receive] by contacting the National Instant Criminal
Background Check System and must have received a unique approval number for that inquiry and record the date and number on the application.

(e) Issuance of license.--

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

[(i) An individual whose character and reputation is such that the individual would be likely to act in a manner dangerous to public safety.]

* * *

(v) An individual who is not of sound mind or who has ever been involuntarily committed to a mental institution[,] unless the involuntary commitment has been expunged, vacated or granted relief from a prohibition to possess a firearm.

* * *

[(vii) An individual who is a habitual drunkard.]

* * *

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

* * *

(ii) The signature of the [sheriff] authority issuing the license.
(4) The [sheriff] issuing authority shall require a photograph of the licensee on the license. The photograph shall be in a form compatible with the Commonwealth Photo Imaging Network.

(f) Term of license.--

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

[(4) Possession of a license, together with a copy of the person's military orders showing the dates of overseas deployment, including the date that the overseas deployment ends, shall constitute, during the extension period specified in paragraph (3), a defense to any charge filed pursuant to section 6106 (relating to firearms not to be carried without a license) or 6108 (relating to carrying firearms on public streets or public property in Philadelphia).]

(g) Grant or denial of license.--Upon the receipt of an application for a license to carry a firearm, the [sheriff] issuing authority shall, within [45] 14 calendar days, issue or refuse to issue a license on the basis of the investigation under subsection (d) and the accuracy of the information contained in the application. If the [sheriff] issuing authority refuses to issue a license, the [sheriff] issuing authority shall notify the applicant in writing of the refusal and the
specific reasons. The notice shall be sent by certified mail to
the applicant at the address set forth in the application.

(h) Fee.--
   * * *

(3) An additional fee of $1 shall be paid by the
applicant for a license to carry a firearm and shall be
remitted by the [sheriff] issuing authority to the Firearms
License Validation System Account, which is hereby
established as a special restricted receipt account within
the General Fund of the State Treasury. The account shall be
used for purposes under subsection (l). Moneys credited to
the account and any investment income accrued are hereby
appropriated on a continuing basis to the Pennsylvania State
Police.

(4) No fee other than that provided by this subsection
or the Sheriff Fee Act may be assessed by the [sheriff]
issuing authority for the performance of any background check
made pursuant to this act.
   * * *

(i.1) Notice to [sheriff] issuing authority.--
Notwithstanding any statute to the contrary:

(1) Upon conviction of a person for a crime specified in
section 6105(a) or (b) or upon conviction of a person for a
crime punishable by imprisonment exceeding one year or upon a
determination that the conduct of a person meets the criteria
specified in section 6105(c)(1), (2), (3), (5), (6) or (9),
the court shall determine if the defendant has a license to
carry firearms issued pursuant to this section. If the
defendant has such a license, the court shall notify the
[sheriff of the county in which that person resides] issuing
authority, on a form developed by the Pennsylvania State Police, of the identity of the person and the nature of the crime or conduct which resulted in the notification. The notification shall be transmitted by the judge within seven days of the conviction or determination.

* * *

(j) Immunity.--[A sheriff] An issuing authority who complies in good faith with this section shall be immune from liability resulting or arising from the action or misconduct with a firearm committed by any individual to whom a license to carry a firearm has been issued.

* * *

(m.1) Temporary emergency licenses.--

(1) A person seeking a temporary emergency license to carry a concealed firearm shall submit to the [Sheriff] issuing authority of the county in which the person resides all of the following:

* * *

(ii) A sworn affidavit that contains the information required on an application for a license to carry a firearm and attesting that the person is 21 years of age or older, is not prohibited from owning firearms under section 6105 [(relating to persons not to possess, use, manufacture, control, sell or transfer firearms)] or any other Federal or State law and is not currently subject to a protection from abuse order or a protection order issued by a court of another state.

* * *

(2) Upon receipt of the items required under paragraph (1), the [sheriff] issuing authority immediately shall
conduct a criminal history, juvenile delinquency and mental health record check of the applicant pursuant to section 6105. Immediately upon receipt of the results of the records check, the [sheriff issuing authority] shall review the information and shall determine whether the applicant meets the criteria set forth in this subsection. If the [sheriff issuing authority] determines that the applicant has met all of the criteria, the [sheriff issuing authority] shall immediately issue the applicant a temporary emergency license to carry a concealed firearm.

(3) If the [sheriff issuing authority] refuses to issue a temporary emergency license, the [sheriff issuing authority] shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial or challenge criminal records check results that were the basis of the denial, if applicable, in the same manner as a denial of a license to carry a firearm under this section.

(4) A temporary emergency license issued under this subsection shall be valid for [45] 14 days and may not be renewed. A person who has been issued a temporary emergency license under this subsection shall not be issued another temporary emergency license unless at least five years have expired since the issuance of the prior temporary emergency license. During the [45] 14 days the temporary emergency license is valid, the [sheriff issuing authority] shall conduct an additional investigation of the person for the purposes of determining whether the person may be issued a license pursuant to this section. If, during the course of this investigation, the [sheriff issuing authority] discovers any information that would have prohibited the issuance of a
license pursuant to this section, the [sheriff] issuing authority shall be authorized to revoke the temporary emergency license as provided in subsection (i).

* * *

(7) [A sheriff] An issuing authority who issues a temporary emergency license to carry a firearm shall retain, for the entire period during which the temporary emergency license is in effect, the evidence of imminent danger that the applicant submitted to the [sheriff] issuing authority that was the basis for the license, or a copy of the evidence, as appropriate.

* * *

(9) Prior to the expiration of a temporary emergency license, if the [sheriff] issuing authority has determined pursuant to investigation that the person issued a temporary emergency license is not disqualified and if the temporary emergency license has not been revoked pursuant to subsection (i), the [sheriff] issuing authority shall issue a license pursuant to this section that is effective for the balance of the five-year period from the date of the issuance of the temporary emergency license. Records and all other information, duties and obligations regarding such licenses shall be applicable as otherwise provided in this section.

* * *

Section 6. Section 6122 of Title 18 is repealed:

[§ 6122. Proof of license and exception.

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

(b) Exception.--An individual carrying a firearm on or about his person or in a vehicle and claiming an exception under section 6106(b) (relating to firearms not to be carried without a license) shall, upon lawful demand of a law enforcement officer, produce satisfactory evidence of qualification for exception.

Section 7. This act shall take effect in 60 days.