

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 191 Session of 2013

INTRODUCED BY WASHINGTON, FARNESE, FONTANA, WILLIAMS AND TARTAGLIONE, JANUARY 17, 2013

REFERRED TO JUDICIARY, JANUARY 17, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
 2 Consolidated Statutes, providing for a limit on handgun  
 3 purchases and sales; and establishing the Violence Prevention  
 4 Fund.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
 8 Statutes is amended by adding a section to read:

9 § 6111.6. Limit on handgun purchases.

10 (a) Purchase of handgun.--No person may purchase more than  
 11 one handgun in this Commonwealth within any 30-day period.

12 (b) Sale of handgun.--No person may sell or cause to be sold  
 13 to a person in this Commonwealth more than one handgun within  
 14 any 30-day period.

15 (c) Exceptions.--This section shall not apply to the  
 16 following:

17 (1) A licensed firearm dealer.

18 (2) A licensed firearm collector.

19 (3) A law enforcement agency or an agency authorized to

1 perform law enforcement duties.

2 (4) State and local correctional facilities.

3 (5) A private security company licensed to do business  
4 within this Commonwealth.

5 (6) The purchase or sale of antique firearms.

6 (7) A person whose handgun is stolen or irretrievably  
7 lost if:

8 (i) the person provides the seller with an official  
9 copy of the police report of the lost or stolen handgun,  
10 or a summary of the report on a form provided by the  
11 Pennsylvania State Police;

12 (ii) the police report or summary contains the name  
13 and address of the handgun owner, the description of the  
14 handgun, the location of the loss or theft, the date of  
15 the loss or theft and the date the loss or theft was  
16 reported to the law enforcement agency;

17 (iii) the date of the loss or theft as reflected on  
18 the police report or summary occurred within 30 days of  
19 the person's attempt to replace the handgun; and

20 (iv) the seller attaches an official copy of the  
21 police report or summary of the report to the original  
22 sales receipt or other document evidencing the original  
23 sale and retains it for the period prescribed by  
24 regulation of the Pennsylvania State Police.

25 (d) Grading.--

26 (1) Except as set forth in paragraph (2), a person that  
27 is convicted of violating subsection (a) or (b) commits a  
28 misdemeanor of the third degree.

29 (2) A person that, after being sentenced under paragraph  
30 (1), is convicted of violating subsection (a) or (b) commits

1 a felony of the third degree.

2 (e) Disposition of fines collected.--The court imposing and  
3 collecting a fine under subsection (d) shall transfer the fines  
4 thus collected to the State Treasurer for deposit in the  
5 Violence Prevention Fund under subsection (f).

6 (f) Violence Prevention Fund.--There is established in the  
7 General Fund a nonlapsing, restricted receipt account to be  
8 known as the Violence Prevention Fund. Money in the fund is  
9 appropriated to the Pennsylvania Commission on Crime and  
10 Delinquency solely for purposes of violence prevention and youth  
11 violence prevention, including youth education and activities  
12 designed to prevent violence and grants to law enforcement  
13 agencies for equipment and training designed to prevent gun-  
14 related injuries.

15 (g) Notice.--A seller shall notify each prospective  
16 purchaser that the purchase of more than one handgun in a 30-day  
17 period is prohibited under this section and of the applicable  
18 penalties.

19 (h) Handgun purchase history check.--In addition to any  
20 other duty prescribed by this section, a seller of a handgun  
21 shall request the Pennsylvania State Police to conduct a handgun  
22 purchase history check to investigate whether the prospective  
23 handgun purchaser is in compliance with this section. A handgun  
24 purchase history check shall be conducted in accordance with the  
25 procedures governing other background checks under this  
26 subchapter. A handgun purchase history shall be conducted at the  
27 same time any criminal history, juvenile delinquency or mental  
28 health records check is required for a firearm purchase under  
29 this subchapter. Information related to a handgun purchase  
30 provided to the Pennsylvania State Police by a seller may be

1 retained by the Pennsylvania State Police as necessary to  
2 monitor compliance with this section.

3 (i) Definitions.--As used in this section, the following  
4 words and phrases shall have the meanings given to them in this  
5 subsection unless the content clearly indicates otherwise:

6 "Handgun." Either of the following:

7 (1) A firearm which has a short stock and is designed to  
8 be held and fired by the use of a single hand.

9 (2) Any combination of parts from which a firearm  
10 described under paragraph (1) can be assembled.

11 "Licensed firearm collector." A person who collects firearms  
12 and is licensed as a collector under 18 U.S.C. § 923 (relating  
13 to licensing).

14 "Licensed firearm dealer." A person who is licensed as a  
15 firearm dealer under 18 U.S.C. § 923 (relating to licensing).

16 "Purchase." Does not include the exchange or replacement of  
17 a handgun by a seller for a handgun purchased from the seller by  
18 the same person seeking the exchange or replacement within the  
19 30-day period immediately preceding the date of exchange or  
20 replacement.

21 Section 2. This act shall take effect in 60 days.