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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1430 Session of  
2013

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INTRODUCED BY KRIEGER, BLOOM, SACCONI, PICKETT, KORTZ, MALONEY,  
HESS, KAUFFMAN, R. MILLER, TRUITT, TALLMAN, COX, CAUSER,  
REESE, STEVENSON, DENLINGER, C. HARRIS, AUMENT, CUTLER,  
METCALFE, GROVE, ROAE, EVERETT, DUNBAR, LUCAS, GABLER, ROCK  
AND GILLEN, JUNE 4, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 4, 2013

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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 definitions, for sale or  
4 transfer of firearms and for registration of firearms.

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

7 Section 1. Section 6102 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a definition 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 "Registry of firearm ownership." Any list, database, record

1 or registry of privately owned firearms or any list, database,  
2 record or registry reflecting the sale, transfer or ownership of  
3 those firearms. The term includes, but is not limited to, any  
4 list, database, record or registry reflecting an application or  
5 other record reflecting the sale or transfer of a firearm. For  
6 the purposes of this definition only, the term "firearm" shall  
7 include any weapon that is designed or may readily be converted  
8 to expel any projectile by the action of an explosive or the  
9 frame or receiver of any such weapon.

10 \* \* \*

11 Section 2. Sections 6111(b)(1.1)(v) and 6111.4 of Title 18  
12 are amended to read:

13 § 6111. Sale or transfer of firearms.

14 \* \* \*

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

21 \* \* \*

22 (1.1) On the date of publication in the Pennsylvania  
23 Bulletin of a notice by the Pennsylvania State Police that  
24 the instantaneous records check has been implemented, all of  
25 the following shall apply:

26 \* \* \*

27 (v) Unless it has been discovered pursuant to a  
28 criminal history, juvenile delinquency and mental health  
29 records background check that the potential purchaser or  
30 transferee is prohibited from possessing a firearm

1           pursuant to section 6105 (relating to persons not to  
2           possess, use, manufacture, control, sell or transfer  
3           firearms), no information on the application/record of  
4           sale provided [pursuant to this subsection] for any  
5           firearm, as defined in subsection (f)(1), shall be  
6           retained as precluded by section 6111.4 (relating to  
7           registration of firearms) by the Pennsylvania State  
8           Police either through retention of the application/record  
9           of sale or by entering the information onto a computer,  
10          and, further, an application/record of sale received by  
11          the Pennsylvania State Police pursuant to this subsection  
12          shall be destroyed within 72 hours of the completion of  
13          the criminal history, juvenile delinquency and mental  
14          health records background check.

15           \* \* \*

16 § 6111.4. Registration of firearms.

17       (a) General rule.--Notwithstanding any section of this  
18 chapter to the contrary, nothing in this chapter shall be  
19 construed to allow any government or law enforcement agency or  
20 any agent thereof to create, maintain or operate any registry of  
21 firearm ownership within this Commonwealth[.] or to consolidate  
22 or centralize any records of the:

23           (1) acquisition, transfer or disposition of firearms, or  
24           any portion thereof, maintained by any person; or

25           (2) possession or ownership of a firearm maintained by  
26           any medical or health insurance entity.

27       (b) Penalty.--Any government or law enforcement official who  
28 knowingly violates section 6111(b)(1.1)(v) (relating to sale or  
29 transfer of firearms) shall be subject to a fine of not more  
30 than \$10,000, imprisoned for not more than 15 years or both.

1       (c) Definition.--For the purposes of this section only, the  
2 term "firearm" shall include any weapon that is designed to or  
3 may readily be converted to expel any projectile by the action  
4 of an explosive or the frame or receiver of any such weapon.

5       Section 3. Any government or law enforcement agency or any  
6 agent thereof that currently possesses, controls, maintains or  
7 operates a registry of firearm ownership created or compiled  
8 using information on an application/record of sale provided  
9 pursuant to 18 Pa.C.S. § 6111 shall destroy the registry of  
10 firearm ownership.

11       Section 4. This act shall take effect in 90 days.