
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 816 Session of
2021

INTRODUCED BY KANE, FONTANA, HUGHES, COSTA, CAPPELLETTI,
COMITTA, COLLETT, KEARNEY, HAYWOOD, MUTH, STREET,
SANTARSIERO, A. WILLIAMS, L. WILLIAMS AND TARTAGLIONE,
AUGUST 4, 2021

REFERRED TO JUDICIARY, AUGUST 4, 2021

AN ACT

1 Providing for individuals to voluntarily register for the
2 Pennsylvania Do-Not-Sell List maintained by the Pennsylvania
3 State Police, for firearms not to be in the possession of a
4 registrant and for advertising by the Department of Health.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Do-Not-Sell
9 Firearm Registry Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Firearm." As defined in 18 Pa.C.S. § 6102 (relating to
15 definitions).

16 "List." The Pennsylvania Do-Not-Sell List established under
17 this act.

18 "Personal information." The following:

- 1 (1) Full name.
- 2 (2) Date of birth.
- 3 (3) Address.
- 4 (4) Telephone number.

5 "Registrant." An individual who voluntarily registers for
6 the list either through an Internet website or hard copy form.

7 "Registry." The Do-Not-Sell Firearm Registry authorized
8 under this act.

9 Section 3. Do-Not-Sell Firearm Registry.

10 (a) Establishment.--Within one year of the effective date of
11 this section, the Pennsylvania State Police shall develop and
12 launch a secure Internet-based registry, to be known as the Do-
13 Not-Sell Firearm Registry, to allow an individual residing in
14 this Commonwealth to voluntarily register the individual's
15 personal information on a list to be established and known as
16 the Pennsylvania Do-Not-Sell List.

17 (b) Protections.--The Pennsylvania State Police shall ensure
18 that the list credibly:

- 19 (1) Verifies the identity of a registrant.
- 20 (2) Prevents unauthorized disclosures of registrants.
- 21 (3) Informs the registrant of the legal effects of
22 registration.

23 (c) Forms.--Within six months of the effective date of this
24 section, the Pennsylvania State Police shall develop and widely
25 distribute a hard copy form to allow an individual to register
26 the individual's personal information on the registry and a form
27 for an individual to request removal of personal information
28 from the registry. The forms may be:

- 29 (1) uploaded to an Internet-based platform with a
30 photocopy of a government-issued photo identification;

1 (2) submitted in person at a county clerk's office with
2 a government-issued photo identification;

3 (3) mailed to the Pennsylvania State Police with a
4 photocopy of a government-issued photo identification; or

5 (4) transmitted by text message to the Pennsylvania
6 State Police with a picture of a government-issued photo
7 identification.

8 (d) Email notification option.--

9 (1) The registry and registration form shall provide the
10 option of entering up to five email addresses for email
11 notifications.

12 (2) The registrant may provide email addresses at the
13 time of registration or any time after registration.

14 (3) The Pennsylvania State Police shall transmit a
15 notice to the email address or email addresses as provided if
16 the registrant subsequently seeks to remove the registrant's
17 name from the registry.

18 (e) Record of personal information in databases.--After a
19 registrant provides personal information and is placed on the
20 registry, the Pennsylvania State Police shall record that
21 information in the Pennsylvania Instant Check System and the
22 NICS Index Denied Persons File.

23 Section 4. Unlawful sale or delivery of firearms to registrant.

24 (a) Unlawful activity.--No firearm importer, firearm
25 manufacturer or firearm dealer licensed under the laws of this
26 Commonwealth, or an entity or individual dealing in firearms
27 required to perform a background check, shall sell or deliver a
28 firearm to a registrant.

29 (b) Penalty.--Violation of subsection (a) shall be
30 punishable by a fine up to \$10,000 and imprisonment for no more

1 than one year.

2 Section 5. Removal from registry.

3 (a) Removal by request.--A registrant may request that the
4 registrant's personal information be removed from the registry
5 by one of the methods listed under section 3 for registration.
6 Twenty-one days after the request for removal is received, the
7 Pennsylvania State Police shall remove the requesting registrant
8 from the Pennsylvania Instant Check System and notify the FBI to
9 remove the requesting registrant from the NICS Index Denied
10 Persons File. The Pennsylvania State Police shall purge all
11 records of the registration and removal of the registrant's
12 personal information from the registry.

13 (b) Removal by court.--The personal information of a
14 registrant may be immediately removed from the registry by
15 applying for immediate removal to the Commonwealth Court and
16 proving, by a preponderance of the evidence, that the registrant
17 does not pose a risk of self harm or a harm to public safety.
18 The proceeding may allow evidence from a public official or
19 interested party.

20 Section 6. Unlawful activity.

21 (a) Inquiries.--It shall be unlawful for an individual or
22 entity to inquire as to whether an individual is registered on
23 the registry or has personal information on the list for any
24 purpose other than to determine an individual's eligibility to
25 purchase, possess or transport a firearm. Violations of this
26 subsection are punishable by a civil fine of up to \$10,000.

27 (b) Discrimination.--It shall be unlawful for a person to
28 discriminate against an individual with respect to health care
29 services, employment, education, housing, insurance,
30 governmental benefits or contracting because the individual is

1 registered on the registry or has personal information on the
2 list. Violations of this subsection shall be punishable by a
3 civil fine of up to \$10,000.

4 (c) Unlawful disclosure.--A person who obtains personal
5 information relating to a registrant from the registry or list
6 shall not disclose that personal information. Violations of this
7 subsection shall be punishable by a fine of up to \$10,000 and
8 imprisonment for no more than one year.

9 (d) False information.--It shall be unlawful for a person to
10 knowingly give false information or to make false statements
11 with the intent of enrolling or removing an individual from the
12 registry or list. Violations of this subsection shall be
13 punishable by a fine of up to \$10,000 and imprisonment for no
14 more than one year.

15 Section 7. Confidentiality.

16 (a) List not admissible as evidence.--Except as necessary to
17 enforce section 6, neither the personal information of a
18 registrant nor the fact that the personal information was
19 removed from the registry shall be admissible as evidence in a
20 legal proceeding.

21 (b) List not subject to Right-to-Know Law.--The contents of
22 the list, including personal information of registrants, shall
23 not be subject to disclosure under the act of February 14, 2008
24 (P.L.6, No.3), known as the Right-to-Know Law.

25 Section 8. Opportunity for individuals to register.

26 (a) Hospital visit after attempted suicide.--An employee of
27 an acute care hospital or an emergency facility in which an
28 individual receives treatment after a probable suicide attempt
29 may, as a non-binding matter of best practice, present the
30 individual with the opportunity to register for the list.

1 (b) Suicide hotline.--A suicide hotline maintained or
2 operated by an entity funded in whole or in part by this
3 Commonwealth may, as a non-binding matter of best practice,
4 inform callers about the opportunity to register for the list.

5 (c) Department of Transportation.--Driver license and photo
6 license centers operated by the Department of Transportation
7 shall offer individuals the opportunity to register for the
8 list.

9 (d) State boards.--The State Board of Medicine, the State
10 Board of Nursing and the State Board of Psychology shall notify
11 all licensees of the existence of the list within 60 days after
12 the effective date of this section.

13 Section 9. Advertising.

14 The Department of Health, in consultation with the
15 Pennsylvania State Police, shall develop and implement a
16 publicity and advertising campaign that, at a minimum, provides
17 the public with information about the list, how to register for
18 the list and contacts for additional information regarding the
19 list.

20 Section 10. Effective date.

21 This act shall take effect in 60 days.