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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 671 Session of  
2013

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INTRODUCED BY SACCONI, METCALFE, MALONEY, KNOWLES, CUTLER,  
DUNBAR, MULLERY, DAVIDSON, ROCK, AUMENT, REESE, C. HARRIS,  
READSHAW, EVERETT, HESS, KAUFFMAN, GABLER, ROAE, NEUMAN,  
SWANGER, KRIEGER AND HICKERNELL, FEBRUARY 12, 2013

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2013

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the carrying of  
3 firearms.

4 The General Assembly finds that:

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

9 (2) It is necessary to codify the inherent right to the  
10 carrying of firearms, whether openly or concealed, and that  
11 the right to self-defense is an inherent natural right that  
12 shall not be questioned as stated in section 21 of Article I  
13 of the Constitution of the Commonwealth of Pennsylvania.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 103 of Title 18 of the Pennsylvania  
17 Consolidated Statutes is amended by adding a definition to read:

1 § 103. Definitions.

2 Subject to additional definitions contained in subsequent  
3 provisions of this title which are applicable to specific  
4 provisions of this part, the following words and phrases when  
5 used in this title shall have, unless the context clearly  
6 indicates otherwise, the meanings given to them in this section:

7 \* \* \*

8 "Lawful purpose." The term includes possession for the  
9 purpose of self-defense or the exercise of reasonable force in  
10 defense of the person or the person's property under Chapter 5  
11 (relating to general principles of justification).

12 \* \* \*

13 Section 2. Section 908(c) of Title 18 is amended to read:

14 § 908. Prohibited offensive weapons.

15 \* \* \*

16 (c) Definitions.--As used in this section, the following  
17 words and phrases shall have the meanings given to them in this  
18 subsection:

19 "Firearm." Any weapon which is designed to or may readily be  
20 converted to expel any projectile by the action of an explosive  
21 or the frame or receiver of any such weapon.

22 "Offensive weapons." Any bomb, grenade, machine gun, sawed-  
23 off shotgun with a barrel less than 18 inches, firearm specially  
24 made or specially adapted for concealment or silent discharge,  
25 any blackjack, sandbag, metal knuckles, [dagger, knife, razor or  
26 cutting instrument, the blade of which is exposed in an  
27 automatic way by switch, push-button, spring mechanism, or  
28 otherwise,] any stun gun, stun baton, taser or other electronic  
29 or electric weapon or other implement for the infliction of  
30 serious bodily injury which serves no [common] lawful purpose.

1 \* \* \*

2 Section 3. Section 6106 of Title 18 is repealed:

3 [§ 6106. Firearms not to be carried without a license.

4 (a) Offense defined.--

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

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

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

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

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

26 (3) The regularly enrolled members of any organization  
27 duly organized to purchase or receive such firearms from the  
28 United States or from this Commonwealth.

29 (4) Any persons engaged in target shooting with a  
30 firearm, if such persons are at or are going to or from their

1 places of assembly or target practice and if, while going to  
2 or from their places of assembly or target practice, the  
3 firearm is not loaded.

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

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

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

15 (8) Any person while carrying a firearm which is not  
16 loaded and is in a secure wrapper from the place of purchase  
17 to his home or place of business, or to a place of repair,  
18 sale or appraisal or back to his home or place of business,  
19 or in moving from one place of abode or business to another  
20 or from his home to a vacation or recreational home or  
21 dwelling or back, or to recover stolen property under section  
22 6111.1(b)(4) (relating to Pennsylvania State Police), or to a  
23 place of instruction intended to teach the safe handling, use  
24 or maintenance of firearms or back or to a location to which  
25 the person has been directed to relinquish firearms under 23  
26 Pa.C.S. § 6108 (relating to relief) or back upon return of  
27 the relinquished firearm or to a licensed dealer's place of  
28 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2  
29 (relating to relinquishment for consignment sale, lawful  
30 transfer or safekeeping) or back upon return of the

1 relinquished firearm or to a location for safekeeping  
2 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment  
3 to third party for safekeeping) or back upon return of the  
4 relinquished firearm.

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

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

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

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

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

27 (14) A person lawfully engaged in the interstate  
28 transportation of a firearm as defined under 18 U.S.C. §  
29 921(a) (3) (relating to definitions) in compliance with 18  
30 U.S.C. § 926A (relating to interstate transportation of

1 firearms).

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

7 (i) The state provides a reciprocal privilege for  
8 individuals licensed to carry firearms under section  
9 6109.

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

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

15 (c) Sportsman's firearm permit.--

16 (1) Before any exception shall be granted under  
17 paragraph (b)(9) or (10) of this section to any person 18  
18 years of age or older licensed to hunt, trap or fish or who  
19 has been issued a permit relating to hunting dogs, such  
20 person shall, at the time of securing his hunting, furtaking  
21 or fishing license or any time after such license has been  
22 issued, secure a sportsman's firearm permit from the county  
23 treasurer. The sportsman's firearm permit shall be issued  
24 immediately and be valid throughout this Commonwealth for a  
25 period of five years from the date of issue for any legal  
26 firearm, when carried in conjunction with a valid hunting,  
27 furtaking or fishing license or permit relating to hunting  
28 dogs. The sportsman's firearm permit shall be in triplicate  
29 on a form to be furnished by the Pennsylvania State Police.  
30 The original permit shall be delivered to the person, and the

1 first copy thereof, within seven days, shall be forwarded to  
2 the Commissioner of the Pennsylvania State Police by the  
3 county treasurer. The second copy shall be retained by the  
4 county treasurer for a period of two years from the date of  
5 expiration. The county treasurer shall be entitled to collect  
6 a fee of not more than \$6 for each such permit issued, which  
7 shall include the cost of any official form. The Pennsylvania  
8 State Police may recover from the county treasurer the cost  
9 of any such form, but may not charge more than \$1 for each  
10 official permit form furnished to the county treasurer.

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

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

18 (e) Definitions.--

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

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

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

29 § 6106.2. License not required.

30 (a) Declaration.--Notwithstanding any other provision of

1 law, every person present in this Commonwealth shall have an  
2 affirmative, fundamental and constitutional right to keep and  
3 bear firearms, including the right to carry openly or concealed,  
4 carry loaded or unloaded, transport, possess, use, acquire,  
5 purchase, transfer, inherit, buy, sell, give or otherwise  
6 dispose of or receive any firearm or self-defense device without  
7 a license, permission or restriction of any kind from or by this  
8 Commonwealth or any of its political subdivisions.

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

13 Section 5. Section 6108 of Title 18 is repealed:

14 [§ 6108. Carrying firearms on public streets or public property  
15 in Philadelphia.

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

19 (1) such person is licensed to carry a firearm; or

20 (2) such person is exempt from licensing under section  
21 6106(b) of this title (relating to firearms not to be carried  
22 without a license).]

23 Section 6. Title 18 is amended by adding a section to read:

24 § 6108.1. Sportsman's firearm permit.

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



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

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

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

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

24 Section 7. Section 6109(a), (b), (c), (d) introductory  
25 paragraph, (3), (4) and (5), (e) (1) introductory paragraph, (i),  
26 (v) and (vii), (3) introductory paragraph and (ii) and (4), (f)  
27 (2) and (4), (g), (h) (2), (3) and (4), (i.1) introductory  
28 paragraph and (1), (j) and (m.1) (1) introductory paragraph and  
29 (ii), (2), (3), (4), (7) and (9) of Title 18 are amended to  
30 read:

1 § 6109. Licenses.

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

5 (1) Due to every Commonwealth citizen having a  
6 fundamental constitutional right to keep and bear arms,  
7 obtaining a license under this section shall be optional. The  
8 voluntary nature of the license shall not be construed to  
9 relieve the issuing authority of the burden of proof for  
10 denying an application for a license. Issuance of a license  
11 under this section by the proper authority shall be prima  
12 facie evidence that law enforcement authorities have verified  
13 that the individual is qualified under the law and not  
14 prohibited from possessing firearms pursuant to section 6105  
15 (relating to persons not to possess, use, manufacture,  
16 control, sell or transfer firearms) or any other provision of  
17 law. Nothing in this section shall be construed to require  
18 that a person must obtain a license under this section in  
19 order to carry a concealed firearm.

20 (2) The voluntary nature of a license to carry a firearm  
21 may not be construed to relieve the issuing authority of the  
22 burden of proof for denying an application for a license.  
23 Issuance of a license to carry a firearm under this section  
24 by the proper authority shall be prima facie evidence that  
25 law enforcement authorities have verified that the individual  
26 is qualified under the law and is not prohibited from  
27 possessing firearms under the laws of this Commonwealth.

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

1 throughout this Commonwealth.

2 (4) A license to carry a firearm shall provide citizens  
3 of this Commonwealth with the ability to carry a firearm in  
4 any state that the Commonwealth maintains a reciprocal  
5 agreement for the mutual recognition of licenses to carry  
6 firearms.

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

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

30 I have never been convicted of a crime that prohibits me

1 from possessing or acquiring a firearm under Federal or  
2 State law. I am of sound mind and have never been  
3 involuntarily committed to a mental institution or if I  
4 was involuntarily committed, the involuntary commitment  
5 has been expunged. I hereby certify that the statements  
6 contained herein are true and correct to the best of my  
7 knowledge and belief. I understand that, if I knowingly  
8 make any false statements herein, I am subject to  
9 penalties prescribed by law. I authorize the [sheriff, or  
10 his designee, or, in the case of first class cities, the  
11 chief or head of the police department] issuing  
12 authority, or his designee, to inspect only those records  
13 or documents relevant to information required for this  
14 application. If I am issued a license and knowingly  
15 become ineligible to legally possess or acquire firearms,  
16 I will promptly notify the [sheriff of the county in  
17 which I reside or, if I reside in a city of the first  
18 class, the chief of police of that city] issuing  
19 authority.

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

23 \* \* \*

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

27 (4) investigate whether the applicant would be precluded  
28 from receiving a license under subsection (e)(1) or section  
29 6105(h) [(relating to persons not to possess, use,  
30 manufacture, control, sell or transfer firearms)]; and

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

8 (e) Issuance of license.--

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

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

19 \* \* \*

20 (v) An individual who is not of sound mind or who  
21 has ever been involuntarily committed to a mental  
22 institution, unless the involuntary commitment has been  
23 expunged.

24 \* \* \*

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

26 \* \* \*

27 (3) The license to carry a firearm shall be designed to  
28 be uniform throughout this Commonwealth and shall be in a  
29 form prescribed by the [Pennsylvania State Police] Attorney  
30 General. The license shall bear the following:

1                   \* \* \*

2                   (ii) The signature of the [sheriff] authority  
3                   issuing the license.

4                   \* \* \*

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

9                   \* \* \*

10                  (f) Term of license.--

11                  \* \* \*

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

17                  \* \* \*

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

26                  (g) Grant or denial of license.--Upon the receipt of an  
27                  application for a license to carry a firearm, the [sheriff]  
28                  issuing authority shall, within [45] 14 calendar days, issue or  
29                  refuse to issue a license on the basis of the investigation  
30                  under subsection (d) and the accuracy of the information

1 contained in the application. If the [sheriff] issuing authority  
2 refuses to issue a license, the [sheriff] issuing authority  
3 shall notify the applicant in writing of the refusal and the  
4 specific reasons. The notice shall be sent by certified mail to  
5 the applicant at the address set forth in the application.

6 (h) Fee.--

7 \* \* \*

8 [(2) (i) The Pennsylvania Commission on Crime and  
9 Delinquency shall implement, within five years of the  
10 effective date of this paragraph, a system in conjunction  
11 with the Pennsylvania State Police and the Pennsylvania  
12 Sheriffs' Association to standardize and modernize the  
13 process of issuing licenses to carry firearms. Upon  
14 implementation of the system under this paragraph, the  
15 Pennsylvania Commission on Crime and Delinquency shall  
16 publish notice thereof in the Pennsylvania Bulletin.

17 (ii) An additional temporary fee of \$5 shall be  
18 remitted by the sheriff to the Firearms License to Carry  
19 Modernization Account, which is hereby established as a  
20 special restricted receipt account within the General  
21 Fund of the State Treasury. Moneys and investment income  
22 in the account shall be awarded as grants to sheriffs to  
23 implement the system, including grants to reimburse  
24 sheriffs for expenses incurred prior to the effective  
25 date of this paragraph.

26 (iii) Moneys credited to the account and any  
27 investment income accrued are hereby appropriated on a  
28 continuing basis to the Pennsylvania Commission on Crime  
29 and Delinquency. The commission shall establish  
30 procedures related to the application process for and

1 distribution of funds to sheriffs under this paragraph.  
2 Notwithstanding the provisions of subparagraph (ii), the  
3 commission may withhold annually an amount not exceeding  
4 5% of the funds credited to the account in that fiscal  
5 year for the cost to implement the system under  
6 subparagraph (i) and for administrative costs directly  
7 related to the responsibilities of the commission under  
8 this paragraph.

9 (iv) This paragraph shall expire five years after  
10 its effective date. Any surplus funds remaining in the  
11 account established in subparagraph (ii) at such time  
12 shall lapse into the General Fund.]

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

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

27 \* \* \*

28 (i.1) Notice to [sheriff] issuing authority.--

29 Notwithstanding any statute to the contrary:

30 (1) Upon conviction of a person for a crime specified in



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

14 \* \* \*

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

20 \* \* \*

21 (m.1) Temporary emergency licenses.--

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

26 \* \* \*

27 (ii) A sworn affidavit that contains the information  
28 required on an application for a license to carry a  
29 firearm and attesting that the person is 21 years of age  
30 or older, is not prohibited from owning firearms under

1 section 6105 [(relating to persons not to possess, use,  
2 manufacture, control, sell or transfer firearms)] or any  
3 other Federal or State law and is not currently subject  
4 to a protection from abuse order or a protection order  
5 issued by a court of another state.

6 \* \* \*

7 (2) Upon receipt of the items required under paragraph  
8 (1), the [sheriff] issuing authority immediately shall  
9 conduct a criminal history, juvenile delinquency and mental  
10 health record check of the applicant pursuant to section  
11 6105. Immediately upon receipt of the results of the records  
12 check, the [sheriff] issuing authority shall review the  
13 information and shall determine whether the applicant meets  
14 the criteria set forth in this subsection. If the [sheriff]  
15 issuing authority determines that the applicant has met all  
16 of the criteria, the [sheriff] issuing authority shall  
17 immediately issue the applicant a temporary emergency license  
18 to carry a concealed firearm.

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

26 (4) A temporary emergency license issued under this  
27 subsection shall be valid for 45 days and may not be renewed.  
28 A person who has been issued a temporary emergency license  
29 under this subsection shall not be issued another temporary  
30 emergency license unless at least five years have expired

1 since the issuance of the prior temporary emergency license.  
2 During the 45 days the temporary emergency license is valid,  
3 the [sheriff] issuing authority shall conduct an additional  
4 investigation of the person for the purposes of determining  
5 whether the person may be issued a license pursuant to this  
6 section. If, during the course of this investigation, the  
7 [sheriff] issuing authority discovers any information that  
8 would have prohibited the issuance of a license pursuant to  
9 this section, the [sheriff] issuing authority shall be  
10 authorized to revoke the temporary emergency license as  
11 provided in subsection (i).

12 \* \* \*

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

20 \* \* \*

21 (9) Prior to the expiration of a temporary emergency  
22 license, if the [sheriff] issuing authority has determined  
23 pursuant to investigation that the person issued a temporary  
24 emergency license is not disqualified and if the temporary  
25 emergency license has not been revoked pursuant to subsection  
26 (i), the [sheriff] issuing authority shall issue a license  
27 pursuant to this section that is effective for the balance of  
28 the five-year period from the date of the issuance of the  
29 temporary emergency license. Records and all other  
30 information, duties and obligations regarding such licenses

1 shall be applicable as otherwise provided in this section.

2 \* \* \*

3 Section 8. Section 6122 of Title 18 is repealed:

4 [§ 6122. Proof of license and exception.

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

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

17 Section 9. This act shall take effect in 60 days.