

## AMENDMENTS TO HOUSE BILL NO. 464

Sponsor: REPRESENTATIVE BERNSTINE

Printer's No. 447

1 Amend Bill, page 1, by inserting after "RESOLUTION" in the  
2 line before line 1

3 AND AN ACT

4 Amend Bill, page 1, by inserting between lines 3 and 4  
5 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic  
6 Relations) of the Pennsylvania Consolidated Statutes, in  
7 firearms and other dangerous articles, repealing provisions  
8 relating to firearms not to be carried without a license,  
9 providing for license not required, repealing provisions  
10 relating to carrying firearms on public streets or public  
11 property in Philadelphia, further providing for prohibited  
12 conduct during emergency, providing for sportsman's firearm  
13 permit, further providing for licenses and for antique  
14 firearms and repealing provisions relating to proof of  
15 license and exception; and making editorial changes.

16 Amend Bill, page 2, by inserting after line 24

17 The General Assembly finds that:

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

22 (2) It is necessary to codify the inherent right to the  
23 carrying of firearms, whether openly or concealed, and that  
24 the right to self-defense is an inherent natural right that  
25 shall not be questioned as stated in section 21 of Article I  
26 of the Constitution of Pennsylvania.

27 The General Assembly of the Commonwealth of Pennsylvania hereby  
28 enacts as follows:

29 Section 1. Sections 913(b)(3) and 6105.2(g)(1) of Title 18  
30 of the Pennsylvania Consolidated Statutes are amended to read:

31 § 913. Possession of firearm or other dangerous weapon in court  
32 facility.

33 \* \* \*

34 (b) Grading.--

35 \* \* \*

1           (3) An offense under subsection (a)(1) is a summary  
2 offense if the person was carrying a firearm under section  
3 [6106(b) (relating to firearms not to be carried without a  
4 license) or] 6109 (relating to licenses) and failed to check  
5 the firearm under subsection (e) prior to entering the court  
6 facility.

7       \* \* \*

8 § 6105.2. Relinquishment of firearms and firearm licenses by  
9 convicted persons.

10       \* \* \*

11       (g) Relinquishment of licenses.--

12           (1) A person convicted of a crime resulting in a firearm  
13 disability pursuant to section 6105(c)(9) shall also  
14 relinquish to the sheriff any firearm license issued under  
15 section [6106 (relating to firearms not to be carried without  
16 a license) or] 6109 (relating to licenses) or 23 Pa.C.S. §  
17 6108.3 (relating to relinquishment to third party for  
18 safekeeping).

19       \* \* \*

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

21 [§ 6106. Firearms not to be carried without a license.

22       (a) Offense defined.--

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

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

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

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

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

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

47           (4) Any persons engaged in target shooting with a  
48 firearm, if such persons are at or are going to or from their  
49 places of assembly or target practice and if, while going to  
50 or from their places of assembly or target practice, the  
51 firearm is not loaded.

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

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

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

12           (8) Any person while carrying a firearm which is not  
13 loaded and is in a secure wrapper from the place of purchase  
14 to his home or place of business, or to a place of repair,  
15 sale or appraisal or back to his home or place of business,  
16 or in moving from one place of abode or business to another  
17 or from his home to a vacation or recreational home or  
18 dwelling or back, or to recover stolen property under section  
19 6111.1(b)(4) (relating to Pennsylvania State Police), or to a  
20 place of instruction intended to teach the safe handling, use  
21 or maintenance of firearms or back or to a location to which  
22 the person has been directed to relinquish firearms under 23  
23 Pa.C.S. § 6108 (relating to relief) or back upon return of  
24 the relinquished firearm or to a licensed dealer's place of  
25 business for relinquishment pursuant to 23 Pa.C.S. § 6108.2  
26 (relating to relinquishment for consignment sale, lawful  
27 transfer or safekeeping) or back upon return of the  
28 relinquished firearm or to a location for safekeeping  
29 pursuant to 23 Pa.C.S. § 6108.3 (relating to relinquishment  
30 to third party for safekeeping) or back upon return of the  
31 relinquished firearm.

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

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

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

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

48           (13) Any person who is otherwise eligible to possess a  
49 firearm under this chapter and who is operating a motor  
50 vehicle which is registered in the person's name or the name  
51 of a spouse or parent and which contains a firearm for which

1 a valid license has been issued pursuant to section 6109 to  
2 the spouse or parent owning the firearm.

3 (14) A person lawfully engaged in the interstate  
4 transportation of a firearm as defined under 18 U.S.C. §  
5 921(a)(3) (relating to definitions) in compliance with 18  
6 U.S.C. § 926A (relating to interstate transportation of  
7 firearms).

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

13 (i) The state provides a reciprocal privilege for  
14 individuals licensed to carry firearms under section  
15 6109.

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

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

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

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

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

50 (d) Revocation of registration.--Any registration of a  
51 firearm under subsection (c) of this section may be revoked by

1 the county treasurer who issued it, upon written notice to the  
2 holder thereof.

3 (e) Definitions.--

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

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

13 Section 3. Section 6106.1(a) of Title 18 is amended to read:  
14 § 6106.1. Carrying loaded weapons other than firearms.

15 (a) General rule.--Except as provided in Title 34 (relating  
16 to game), no person shall carry a loaded pistol, revolver,  
17 shotgun or rifle, other than a firearm as defined in section  
18 6102 (relating to definitions), in any vehicle. [The provisions  
19 of this section shall not apply to persons excepted from the  
20 requirement of a license to carry firearms under section 6106(b)  
21 (1), (2), (5) or (6) (relating to firearms not to be carried  
22 without a license) nor shall the provisions of this section be  
23 construed to permit persons to carry firearms in a vehicle where  
24 such conduct is prohibited by section 6106.]

25 \* \* \*

26 Section 4. Title 18 is amended by adding a section to read:  
27 § 6106.2. License not required.

28 (a) Declaration.--Every person present in this Commonwealth  
29 shall have an affirmative, fundamental and constitutional right  
30 to keep and bear firearms, including the right to carry openly  
31 or concealed, carry loaded or unloaded, train with, transport,  
32 possess, use, acquire, purchase, transfer, inherit, buy, sell,  
33 give or otherwise dispose of or receive any firearm or self-  
34 defense device without a license, permission or restriction of  
35 any kind from or by this Commonwealth or any of its political  
36 subdivisions.

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

41 Section 5. Section 6108 of Title 18 is repealed:  
42 [§ 6108. Carrying firearms on public streets or public property  
43 in Philadelphia.

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

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

48 (2) such person is exempt from licensing under section

49 6106(b) of this title (relating to firearms not to be carried  
50 without a license).]

51 Section 6. Section 6107(a)(2) of Title 18 is amended to

1 read:

2 § 6107. Prohibited conduct during emergency.

3 (a) General rule.--No person shall carry a firearm upon the  
4 public streets or upon any public property during an emergency  
5 proclaimed by a State or municipal governmental executive unless  
6 that person is:

7 \* \* \*

8 (2) Licensed to carry firearms under section 6109  
9 (relating to licenses) [or is exempt from licensing under  
10 section 6106(b) (relating to firearms not to be carried  
11 without a license)].

12 \* \* \*

13 Section 7. Title 18 is amended by adding a section to read:  
14 § 6108.1. Sportsman's firearm permit.

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

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

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

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

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

44 Section 8. Sections 6109(a), (b), (c), (d) heading,  
45 introductory paragraph, (3), (4) and (5), (e)(1) introductory  
46 paragraph, (i), (v) and (vii), (3)(ii) and (4), (f)(2) and (4),  
47 (g), (h)(3) and (4), (i.1) heading and (1), (j) and (m.1)(1)  
48 introductory paragraph, (ii), (2), (3), (4), (7) and (9) and  
49 6118(b) of Title 18 are amended to read:

50 § 6109. Licenses.

51 (a) Purpose of license.--[A license to carry a firearm shall

1 be for the purpose of carrying a firearm concealed on or about  
2 one's person or in a vehicle throughout this Commonwealth.]

3 (1) Due to every Commonwealth resident having a  
4 fundamental constitutional right to keep and bear arms,  
5 obtaining a license under this section shall be optional.  
6 Nothing in this section shall be construed to require that a  
7 person must obtain a license under this section in order to  
8 carry a concealed firearm.

9 (2) The voluntary nature of a license to carry a firearm  
10 may not be construed to relieve the issuing authority of the  
11 burden of proof for denying an application for a license.  
12 Issuance of a license to carry a firearm under this section  
13 by the proper authority shall be prima facie evidence that  
14 law enforcement authorities have verified that the individual  
15 is qualified under the law and is not prohibited from  
16 possessing firearms under section 6105 (relating to persons  
17 not to possess, use, manufacture, control, sell or transfer  
18 firearms) or under any other provision of the laws of this  
19 Commonwealth.

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

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

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

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

51 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. In the  
4 alternative my right to possess a firearm has been  
5 legally restored. 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  
13 records or documents relevant to information required for  
14 this 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

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

38 (e) Issuance of license.--

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

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

49 \* \* \*

50 (v) An individual who is not of sound mind or who  
51 has ever been involuntarily committed to a mental



1        institution[.], unless the involuntary commitment has  
2        been expunged, vacated or granted relief from a  
3        prohibition to possess a firearm.

4        \* \* \*

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

6        \* \* \*

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

11       \* \* \*

12       (ii) The signature of the [sheriff] authority  
13       issuing the license.

14       \* \* \*

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

19       \* \* \*

20       (f) Term of license.--

21       \* \* \*

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

27       \* \* \*

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

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

46       (h) Fee.--

47       \* \* \*

48       (3) An additional fee of \$1 shall be paid by the  
49       applicant for a license to carry a firearm and shall be  
50       remitted by the [sheriff] issuing authority to the Firearms  
51       License Validation System Account, which is hereby

1 established as a special restricted receipt account within  
2 the General Fund of the State Treasury. The account shall be  
3 used for purposes under subsection (l). Moneys credited to  
4 the account and any investment income accrued are hereby  
5 appropriated on a continuing basis to the Pennsylvania State  
6 Police.

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

11 \* \* \*

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

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

28 \* \* \*

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

34 \* \* \*

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

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

40 \* \* \*

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

50 \* \* \*

51 (2) Upon receipt of the items required under paragraph

1 (1), the [sheriff] issuing authority immediately shall  
2 conduct a criminal history, juvenile delinquency and mental  
3 health record check of the applicant pursuant to section  
4 6105. Immediately upon receipt of the results of the records  
5 check, the [sheriff] issuing authority shall review the  
6 information and shall determine whether the applicant meets  
7 the criteria set forth in this subsection. If the [sheriff]  
8 issuing authority determines that the applicant has met all  
9 of the criteria, the [sheriff] issuing authority shall  
10 immediately issue the applicant a temporary emergency license  
11 to carry a concealed firearm.

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

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

35 \* \* \*

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

43 \* \* \*

44 (9) Prior to the expiration of a temporary emergency  
45 license, if the [sheriff] issuing authority has determined  
46 pursuant to investigation that the person issued a temporary  
47 emergency license is not disqualified and if the temporary  
48 emergency license has not been revoked pursuant to subsection  
49 (i), the [sheriff] issuing authority shall issue a license  
50 pursuant to this section that is effective for the balance of  
51 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.

\* \* \*

§ 6118. Antique firearms.

\* \* \*

(b) Exception.--Subsection (a) shall not apply to the extent that such antique firearms, reproductions or replicas of firearms are concealed weapons as provided in [section 6106 (relating to firearms not be carried without a license), nor shall it apply to the provisions of] section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) if such antique firearms, reproductions or replicas of firearms are suitable for use.

Section 9. 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 10. Section 6108(a)(7) introductory paragraph of Title 23 is amended to read:

§ 6108. Relief.

(a) General rule.--Subject to subsection (a.1), the court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

\* \* \*

(7) Prohibiting the defendant from acquiring or possessing any firearm for the duration of the order, ordering the defendant to temporarily relinquish to the sheriff or the appropriate law enforcement agency any firearms under the defendant's possession or control, and requiring the defendant to relinquish to the sheriff or the appropriate law enforcement agency any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) [or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license)] or 6109 (relating to licenses) the defendant may possess. The court may also order the defendant to relinquish the defendant's other weapons or ammunition that have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. A copy of the court's order

1 shall be transmitted to the chief or head of the appropriate  
2 law enforcement agency and to the sheriff of the county of  
3 which the defendant is a resident. When relinquishment is  
4 ordered, the following shall apply:

5 \* \* \*

6 Section 11. This act shall take effect in 60 days.