

SENATE AMENDED  
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4522  
THE GENERAL ASSEMBLY OF PENNSYLVANIA  
HOUSE BILL  
No. 1845

Session of 2007  
INTRODUCED BY SABATINA, BLACKWELL, BRENNAN, CRUZ, JAMES,  
JOSEPHS, W. KELLER, KENNEY, KIRKLAND, MELIO, MURT,  
M. O'BRIEN, PAYTON, ROEBUCK, SIPTROTH, K. SMITH, SWANGER,  
R. TAYLOR, THOMAS, WATERS, YOUNGBLOOD, GERBER, HARPER AND  
HARHAI, SEPTEMBER 27, 2007  
AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 7, 2008

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, FURTHER PROVIDING FOR SENTENCE FOR MURDER AND  
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4 MURDER OF UNBORN CHILD; PROVIDING FOR THE OFFENSE OF CRIMINAL  
5 HOMICIDE OF LAW ENFORCEMENT OFFICER AND FOR THE OFFENSE OF  
6 ASSAULT OF LAW ENFORCEMENT OFFICER; IMPOSING PENALTIES;  
7 further providing for false reports to law enforcement  
8 authorities; in firearms, further providing for ineligibility  
9 for possession or dealing, for required licensure, for  
10 emergency prohibitions, for licenses, for possession with  
11 altered manufacturer's number, for sale or transfer[~~, for~~  
the] <--  
12 [~~Pennsylvania State Police and for registration~~], FOR  
<--  
13 [~~REGISTRATION~~] PENNSYLVANIA STATE POLICE, FOR ALTERING OR  
<--  
14 OBLITERATING MARKS OF IDENTIFICATION, FOR FIREARM TRACING AND  
15 FOR PROCEDURE; ESTABLISHING THE STRAW PURCHASE PREVENTION  
16 EDUCATION PROGRAM AND THE STRAW PURCHASE PREVENTION EDUCATION  
17 FUND; further providing for limitation of actions;  
18 PRESCRIBING SENTENCES FOR OFFENSES COMMITTED AGAINST LAW  
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19 ENFORCEMENT OFFICER; and abrogating a regulation.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 [~~Section 1. Sections 4906(c) and 6105(b) of Title 18 of the~~]  
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23 [~~Pennsylvania Consolidated Statutes are amended to read:~~]

24 SECTION 1. SECTION 1102(A), (B) AND (C) OF TITLE 18 OF THE  
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1 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

2 § 1102. SENTENCE FOR MURDER [~~AND~~], MURDER OF [~~AN~~] UNBORN CHILD

3 AND MURDER OF LAW ENFORCEMENT OFFICER.

4 (A) FIRST DEGREE.--

5 (1) A PERSON WHO HAS BEEN CONVICTED OF A MURDER OF THE  
6 FIRST DEGREE OR OF MURDER OF A LAW ENFORCEMENT OFFICER OF THE  
7 FIRST DEGREE SHALL BE SENTENCED TO DEATH OR TO A TERM OF LIFE  
8 IMPRISONMENT IN ACCORDANCE WITH 42 PA.C.S. § 9711 (RELATING  
9 TO SENTENCING PROCEDURE FOR MURDER OF THE FIRST DEGREE).

10 (2) THE SENTENCE FOR A PERSON WHO HAS BEEN CONVICTED OF  
11 FIRST DEGREE MURDER OF AN UNBORN CHILD SHALL BE THE SAME AS  
12 THE SENTENCE FOR MURDER OF THE FIRST DEGREE, EXCEPT THAT THE  
13 DEATH PENALTY SHALL NOT BE IMPOSED. THIS PARAGRAPH SHALL NOT  
14 AFFECT THE DETERMINATION OF AN AGGRAVATING CIRCUMSTANCE UNDER  
15 42 PA.C.S. § 9711(D)(17) FOR THE KILLING OF A PREGNANT WOMAN.

16 (B) SECOND DEGREE.--A PERSON WHO HAS BEEN CONVICTED OF  
17 MURDER OF THE SECOND DEGREE [~~OR~~], OF SECOND DEGREE MURDER OF AN  
18 UNBORN CHILD OR OF SECOND DEGREE MURDER OF A LAW ENFORCEMENT  
19 OFFICER SHALL BE SENTENCED TO A TERM OF LIFE IMPRISONMENT.

20 (C) ATTEMPT, SOLICITATION AND CONSPIRACY [~~TO COMMIT MURDER~~

21 ~~OR MURDER OF AN UNBORN CHILD~~].--NOTWITHSTANDING SECTION 1103(1)  
22 (RELATING TO SENTENCE OF IMPRISONMENT FOR FELONY), A PERSON WHO  
23 HAS BEEN CONVICTED OF ATTEMPT, SOLICITATION OR CONSPIRACY TO  
24 COMMIT MURDER [~~OR~~], MURDER OF AN UNBORN CHILD OR MURDER OF A LAW  
25 ENFORCEMENT OFFICER WHERE SERIOUS BODILY INJURY RESULTS MAY BE  
26 SENTENCED TO A TERM OF IMPRISONMENT WHICH SHALL BE FIXED BY THE  
27 COURT AT NOT MORE THAN 40 YEARS. WHERE SERIOUS BODILY INJURY  
28 DOES NOT RESULT, THE PERSON MAY BE SENTENCED TO A TERM OF  
29 IMPRISONMENT WHICH SHALL BE FIXED BY THE COURT AT NOT MORE THAN  
30 20 YEARS.

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2 SECTION 1.1. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

3 § 2507. CRIMINAL HOMICIDE OF LAW ENFORCEMENT OFFICER.

4 (A) MURDER OF A LAW ENFORCEMENT OFFICER OF THE FIRST  
5 DEGREE.--A PERSON COMMITS MURDER OF A LAW ENFORCEMENT OFFICER OF  
6 THE FIRST DEGREE WHO INTENTIONALLY KILLS A LAW ENFORCEMENT  
7 OFFICER WHILE IN THE PERFORMANCE OF DUTY KNOWING THE VICTIM IS A  
8 LAW ENFORCEMENT OFFICER.

9 (B) MURDER OF A LAW ENFORCEMENT OFFICER OF THE SECOND  
10 DEGREE.--A PERSON COMMITS MURDER OF A LAW ENFORCEMENT OFFICER OF  
11 THE SECOND DEGREE WHO ENGAGES AS A PRINCIPAL OR AN ACCOMPLICE IN  
12 THE PERPETRATION OF A FELONY DURING WHICH A LAW ENFORCEMENT  
13 OFFICER IS KILLED WHILE IN THE PERFORMANCE OF DUTY.

14 (C) MANSLAUGHTER OF A LAW ENFORCEMENT OFFICER IN THE FIRST  
15 DEGREE.--A PERSON COMMITS A FELONY IN THE FIRST DEGREE WHO DOES  
16 ANY OF THE FOLLOWING:

17 (1) WITHOUT LAWFUL JUSTIFICATION KILLS A LAW ENFORCEMENT

18 OFFICER WHILE IN THE PERFORMANCE OF DUTY AND WITH KNOWLEDGE  
19 THAT THE VICTIM WAS A LAW ENFORCEMENT OFFICER, IF AT THE TIME  
20 OF THE KILLING:

21 (I) THE PERSON IS ACTING UNDER A SUDDEN AND INTENSE  
22 PASSION RESULTING FROM SERIOUS PROVOCATION BY THE VICTIM  
23 KILLED; OR

24 (II) THE PERSON IS ACTING UNDER A SUDDEN AND INTENSE  
25 PASSION RESULTING FROM SERIOUS PROVOCATION BY ANOTHER  
26 INDIVIDUAL WHOM THE ACTOR ENDEAVORS TO KILL, BUT THE  
27 PERSON NEGLIGENTLY OR ACCIDENTALLY CAUSES THE DEATH OF  
28 THE VICTIM.

29 (2) INTENTIONALLY OR KNOWINGLY KILLS A LAW ENFORCEMENT  
30 OFFICER WHILE IN THE PERFORMANCE OF DUTY AND WITH KNOWLEDGE

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1 THAT THE VICTIM WAS A LAW ENFORCEMENT OFFICER, IF AT THE TIME  
2 OF THE KILLING THE PERSON BELIEVES THE CIRCUMSTANCES TO BE  
3 SUCH THAT, IF THEY EXISTED, WOULD JUSTIFY THE KILLING UNDER  
4 CHAPTER 5 (RELATING TO GENERAL PRINCIPLES OF JUSTIFICATION),  
5 BUT HIS BELIEF IS UNREASONABLE.

6 (D) MANSLAUGHTER OF A LAW ENFORCEMENT OFFICER IN THE SECOND  
7 DEGREE.--A PERSON COMMITS A FELONY OF THE SECOND DEGREE WHO, AS  
8 A DIRECT RESULT OF THE DOING OF AN UNLAWFUL OR LAWFUL ACT IN A  
9 RECKLESS OR GROSSLY NEGLIGENT MANNER, CAUSES THE DEATH OF A LAW  
10 ENFORCEMENT OFFICER WHILE IN THE PERFORMANCE OF DUTY AND THE  
11 PERSON KNEW OR SHOULD HAVE KNOWN THE VICTIM WAS A LAW  
12 ENFORCEMENT OFFICER.

13 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
14 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

15 SUBSECTION:

16 "LAW ENFORCEMENT OFFICER." THIS TERM SHALL HAVE THE SAME

17 MEANING AS THE TERM "PEACE OFFICER" IS GIVEN UNDER SECTION 501

18 (RELATING TO DEFINITIONS).

19 "PERPETRATION OF A FELONY." AS DEFINED UNDER SECTION 2502(D)

20 (RELATING TO MURDER).

21 § 2702.1. ASSAULT OF LAW ENFORCEMENT OFFICER.

22 (A) ASSAULT OF A LAW ENFORCEMENT OFFICER IN THE FIRST

23 DEGREE.--A PERSON COMMITS A FELONY OF THE FIRST DEGREE WHO

24 ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY CAUSES BODILY

25 INJURY TO A LAW ENFORCEMENT OFFICER, WHILE IN THE PERFORMANCE OF

26 DUTY AND WITH KNOWLEDGE THAT THE VICTIM IS A LAW ENFORCEMENT

27 OFFICER, BY DISCHARGING A FIREARM.

28 (B) PENALTIES.--NOTWITHSTANDING SECTION 1103(1) (RELATING TO

29 SENTENCE OF IMPRISONMENT FOR FELONY), A PERSON CONVICTED UNDER

30 SUBSECTION (A) SHALL BE SENTENCED TO A TERM OF IMPRISONMENT

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1 FIXED BY THE COURT AT NOT MORE THAN 40 YEARS.

2 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING

3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

4 SUBSECTION:

5 "LAW ENFORCEMENT OFFICER." THE TERM SHALL HAVE THE SAME

6 MEANING AS THE TERM "PEACE OFFICER" IS GIVEN UNDER SECTION 501

7 (RELATING TO DEFINITIONS).

8 "FIREARM." AS DEFINED UNDER 42 PA.C.S. § 9712(E) (RELATING

9 TO SENTENCES FOR OFFENSES COMMITTED WITH FIREARMS).

10 SECTION 1.2. SECTIONS 4906(C) AND 6105(B) OF TITLE 18 ARE

11 AMENDED TO READ:

12 § 4906. False reports to law enforcement authorities.

13 \* \* \*

14 (c) Grading.--

15 (1) If the violation of subsection (a) or (b) occurs  
16 during a declared state of emergency and the false report  
17 causes the resources of the law enforcement authority to be  
18 diverted from dealing with the declared state of emergency,  
19 the offense shall be graded one step greater than that set  
20 forth in the applicable subsection.

21 (2) If the violation of subsection (a) or (b) relates to  
22 a false report of the theft or loss of a firearm, as defined  
23 in section 5515 (relating to prohibiting of paramilitary  
24 training), the offense shall be graded one step greater than  
25 that set forth in the applicable subsection.

26 § 6105. Persons not to possess, use, manufacture, control, sell  
27 or transfer firearms.

28 \* \* \*

29 (b) Enumerated offenses.--The following offenses shall apply  
30 to subsection (a):

5

1 Section 908 (relating to prohibited offensive weapons).

2 Section 911 (relating to corrupt organizations).

3 Section 912 (relating to possession of weapon on school  
4 property).

5 Section 2502 (relating to murder).

6 Section 2503 (relating to voluntary manslaughter).

7 Section 2504 (relating to involuntary manslaughter) if

8 the offense is based on the reckless use of a firearm.

9           Section 2702 (relating to aggravated assault).  
10           Section 2703 (relating to assault by prisoner).  
11           Section 2704 (relating to assault by life prisoner).  
12           Section 2709.1 (relating to stalking).  
13           Section 2716 (relating to weapons of mass destruction).  
14           Section 2901 (relating to kidnapping).  
15           Section 2902 (relating to unlawful restraint).  
16           Section 2910 (relating to luring a child into a motor  
17 vehicle [or structure](#)).  
18           Section 3121 (relating to rape).  
19           Section 3123 (relating to involuntary deviate sexual  
20 intercourse).  
21           Section 3125 (relating to aggravated indecent assault).  
22           Section 3301 (relating to arson and related offenses).  
23           Section 3302 (relating to causing or risking  
24 catastrophe).  
25           Section 3502 (relating to burglary).  
26           Section 3503 (relating to criminal trespass) if the  
27 offense is graded a felony of the second degree or higher.  
28           Section 3701 (relating to robbery).  
29           Section 3702 (relating to robbery of motor vehicle).  
30           Section 3921 (relating to theft by unlawful taking or

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1 disposition) upon conviction of the second felony offense.

2           Section 3923 (relating to theft by extortion) when the  
3 offense is accompanied by threats of violence.

4           Section 3925 (relating to receiving stolen property) upon  
5 conviction of the second felony offense.

6           Section 4906 (relating to false reports to law  
7           enforcement authorities) if the fictitious report involved  
8           the theft of a firearm as provided in section 4906(c)(2).

9           Section 4912 (relating to impersonating a public servant)  
10          if the person is impersonating a law enforcement officer.

11          Section 4952 (relating to intimidation of witnesses or  
12          victims).

13          Section 4953 (relating to retaliation against witness  
14          [~~or~~], victim or party).

15          Section 5121 (relating to escape).

16          Section 5122 (relating to weapons or implements for  
17          escape).

18          Section 5501(3) (relating to riot).

19          Section 5515 (relating to prohibiting of paramilitary  
20          training).

21          Section 5516 (relating to facsimile weapons of mass  
22          destruction).

23          Section 6110.1 (relating to possession of firearm by  
24          minor).

25          Section 6301 (relating to corruption of minors).

26          Section 6302 (relating to sale or lease of weapons and  
27          explosives).

28          Any offense equivalent to any of the above-enumerated  
29          offenses under the prior laws of this Commonwealth or any  
30          offense equivalent to any of the above-enumerated offenses

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1          under the statutes of any other state or of the United  
2          States.

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Section 2. Section 6106(b) of Title 18 is amended by adding a paragraph to read:

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

\* \* \*

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

\* \* \*

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

\* \* \*

Section 3. Section 6107 of Title 18 is amended to read:

§ 6107. Prohibited conduct during emergency.

(a) General rule.--No person shall carry a firearm[~~, rifle or shotgun~~] upon the public streets or upon any public property during an emergency proclaimed by a State or municipal governmental executive unless that person is:

(1) Actively engaged in a defense of that person's life or property from peril or threat.

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

(b) Seizure, taking and confiscation.--Except as otherwise provided under subsection (a) and notwithstanding the provisions of 35 Pa.C.S. Ch. 73 (relating to Commonwealth services) or any other provision of law to the contrary, no firearm, accessory or ammunition may be seized, taken or confiscated during an

1 emergency unless the seizure, taking or confiscation would be  
2 authorized absent the emergency.

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

6 "Accessory." Any scope, sight, bipod, sling, light,  
7 magazine, clip or other related item that is attached to or  
8 necessary for the operation of a firearm.

9 "Firearm." The term includes any weapon that is designed to  
10 or may readily be converted to expel any projectile by the  
11 action of an explosive or the frame or receiver of any weapon.

12 Section 4. Section 6109(f)(1) of Title 18 is amended, the  
13 subsection is amended by adding paragraphs and the section is  
14 amended by adding subsections to read:

15 § 6109. Licenses.

16 \* \* \*

17 (f) Term of license.--

18 (1) A license to carry a firearm issued under subsection  
19 (e) shall be valid throughout this Commonwealth for a period  
20 of five years unless extended under paragraph (3) or sooner  
21 revoked.

22 \* \* \*

23 (3) Notwithstanding paragraph (1) or any other provision  
24 of law to the contrary, a license to carry a firearm that is  
25 held by a member of the United States Armed Forces or the  
26 Pennsylvania National Guard on Federal active duty and  
27 deployed overseas that is scheduled to expire during the  
28 period of deployment shall be extended until 90 days after

29 the end of the deployment.

30 (4) Possession of a license, together with a copy of the

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1 person's military orders showing the dates of overseas  
2 deployment, including the date that the overseas deployment  
3 ends, shall constitute, during the extension period specified  
4 in paragraph (3), a defense to any charge filed pursuant to  
5 section 6106 (relating to firearms not to be carried without  
6 a license) or 6108 (relating to carrying firearms on public  
7 streets or public property in Philadelphia).

8 \* \* \*

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

10 (1) A person seeking a temporary emergency license to  
11 carry a concealed firearm shall submit to the sheriff of the  
12 county in which the person resides all of the following:

13 (i) Evidence of imminent danger to the person or

14 ~~[member of the person's family.]~~ THE PERSON'S MINOR  
CHILD. <--

15 FOR PURPOSES OF THIS SUBPARAGRAPH, THE TERM "MINOR" SHALL  
16 HAVE THE SAME MEANING AS PROVIDED IN 1 PA.C.S. § 1991  
17 (RELATING TO DEFINITIONS).

18 (ii) A sworn affidavit that contains the information  
19 required on an application for a license to carry a  
20 firearm and attesting that the person is 21 years of age  
21 or older, is not prohibited from owning firearms under  
22 section 6105 (relating to persons not to possess, use,  
23 manufacture, control, sell or transfer firearms) or any  
24 other Federal or State law and is not currently subject

25 to a protection from abuse order or a protection order  
26 issued by a court of another state.

27 (iii) ~~[A]~~ IN ADDITION TO THE PROVISIONS OF  
SUBSECTION <--

28 (H), A temporary emergency license fee established by the  
29 Commissioner of the Pennsylvania State Police for an  
30 amount that does not exceed the actual cost of conducting

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1 the criminal background check or \$10, whichever is less.

2 (IV) AN APPLICATION FOR A LICENSE TO CARRY A FIREARM  
<--

3 ON THE FORM PRESCRIBED PURSUANT TO SUBSECTION (C).

4 (2) Upon receipt of the items required under paragraph  
5 (1), the sheriff immediately shall conduct a criminal  
6 history, juvenile delinquency and mental health record check  
7 of the applicant PURSUANT TO SECTION 6105. Immediately upon  
<--

8 receipt of the results of the records check, the sheriff  
9 shall review the information and shall determine whether the  
10 applicant meets the criteria set forth in this ~~[section]~~  
<--

11 SUBSECTION. If the sheriff determines~~[, to the best of the]~~  
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12 ~~[sheriff's ability,]~~ that the applicant has met all of the  
13 criteria, the sheriff shall immediately issue the applicant a  
14 temporary emergency license to carry a concealed firearm.

15 (3) If the sheriff refuses to issue a temporary  
16 emergency license, the sheriff shall specify the grounds for  
17 the denial in a written notice to the applicant. The  
18 applicant may appeal the denial or challenge criminal records  
19 check results that were the basis of the denial, if

20 applicable, in the same manner as a denial of a license to  
21 carry a firearm under this section.

22 (4) A temporary emergency license issued under this  
23 subsection shall be valid for [~~90~~] 45 days and may not be  
<--  
24 renewed. A person who has been issued a temporary emergency  
25 license under this subsection shall not be issued another  
26 temporary emergency license unless at least [~~four~~] FIVE years  
<--  
27 have expired since the issuance of the prior temporary  
28 emergency license. DURING THE 45 DAYS THE TEMPORARY EMERGENCY  
<--  
29 LICENSE IS VALID, THE SHERIFF SHALL CONDUCT AN ADDITIONAL  
30 INVESTIGATION OF THE PERSON FOR THE PURPOSES OF DETERMINING

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1 WHETHER THE PERSON MAY BE ISSUED A LICENSE PURSUANT TO THIS  
2 SECTION. IF, DURING THE COURSE OF THIS INVESTIGATION, THE  
3 SHERIFF DISCOVERS ANY INFORMATION THAT WOULD HAVE PROHIBITED  
4 THE ISSUANCE OF A LICENSE PURSUANT TO THIS SECTION, THE  
5 SHERIFF SHALL BE AUTHORIZED TO REVOKE THE TEMPORARY EMERGENCY  
6 LICENSE AS PROVIDED IN SUBSECTION (I).

7 (5) THE TEMPORARY EMERGENCY LICENSE ISSUED PURSUANT TO  
8 THIS SECTION SHALL BE CONSISTENT WITH THE FORM PRESCRIBED IN  
9 SUBSECTION (E)(3), (4) AND (5). IN ADDITION TO THE  
10 INFORMATION PROVIDED IN THOSE PARAGRAPHS, THE TEMPORARY  
11 EMERGENCY LICENSE SHALL BE CLEARLY MARKED "TEMPORARY."

12 [~~(5)~~] (6) A person who holds a temporary emergency  
license <--  
13 to carry a firearm shall have the same rights to carry a  
14 firearm as a person issued a license to carry a firearm under

15 this section. A licensee under this subsection shall be  
16 subject to all other duties, restrictions and penalties under  
17 this section, INCLUDING REVOCATION PURSUANT TO SUBSECTION  
<--

18 (I).

19 ~~[(6)]~~ (7) A sheriff who issues a temporary emergency  
<--  
20 license to carry a firearm shall retain, for the entire  
21 period during which the temporary emergency license is in  
22 effect, the evidence of imminent danger that the applicant  
23 submitted to the sheriff that was the basis for the license,  
24 or a copy of the evidence, as appropriate.

25 ~~[(7) The application for a temporary emergency license~~  
to] <--

26 ~~[carry a firearm shall be uniform throughout this~~  
Commonwealth]

27 ~~[and shall be on a form prescribed by the Pennsylvania State]~~

28 ~~[Police.]~~

29 (8) A PERSON APPLYING FOR A TEMPORARY EMERGENCY LICENSE  
<--  
30 SHALL COMPLETE THE APPLICATION REQUIRED PURSUANT TO

12

1 SUBSECTION (C) AND SHALL PROVIDE AT THE TIME OF APPLICATION  
2 THE INFORMATION REQUIRED IN PARAGRAPH (1).

3 (9) PRIOR TO THE EXPIRATION OF A TEMPORARY EMERGENCY  
4 LICENSE, IF THE SHERIFF HAS DETERMINED PURSUANT TO  
5 INVESTIGATION THAT THE PERSON ISSUED A TEMPORARY EMERGENCY  
6 LICENSE IS NOT DISQUALIFIED AND IF THE TEMPORARY EMERGENCY  
7 LICENSE HAS NOT BEEN REVOKED PURSUANT TO SUBSECTION (I), THE  
8 SHERIFF SHALL ISSUE A LICENSE PURSUANT TO THIS SECTION THAT

9 IS EFFECTIVE FOR THE BALANCE OF THE FIVE-YEAR PERIOD FROM THE  
10 DATE OF THE ISSUANCE OF THE TEMPORARY EMERGENCY LICENSE.  
11 RECORDS AND ALL OTHER INFORMATION, DUTIES AND OBLIGATIONS  
12 REGARDING SUCH LICENSES SHALL BE APPLICABLE AS OTHERWISE  
13 PROVIDED IN THIS SECTION.

14 [~~(8)~~] (10) As used in this subsection, the term  
15 "evidence <--  
16 of imminent danger" means: [a written document prepared by a]  
17 <-- [governmental entity or public official describing the facts]  
18 [that give a person reasonable cause to fear a criminal  
19 attack]  
20 [upon the person or a member of the person's family that  
21 would]  
22 [justify a prudent person to carry a firearm. Written]  
23 [documents of this nature include, but are not limited to,  
24 any]  
25 [temporary or final protection from abuse order or  
26 protection]  
27 [order issued by another state.]

28 (I) A WRITTEN DOCUMENT PREPARED BY THE ATTORNEY  
29 <--  
30 GENERAL, A DISTRICT ATTORNEY, A CHIEF LAW ENFORCEMENT  
31 OFFICER, JUDICIAL OFFICER OR THEIR DESIGNEES DESCRIBING  
32 THE FACTS THAT GIVE A PERSON REASONABLE CAUSE TO FEAR A  
33 CRIMINAL ATTACK UPON THE PERSON OR THE PERSON'S MINOR  
34 CHILD. FOR THE PURPOSES OF THIS SUBPARAGRAPH, THE TERM  
35 "CHIEF LAW ENFORCEMENT OFFICER" SHALL HAVE THE SAME  
36 MEANING AS PROVIDED IN 42 PA.C.S. § 8951 (RELATING TO

13  
1 DEFINITIONS) AND "JUDICIAL OFFICER" SHALL HAVE THE SAME  
2 MEANING AS PROVIDED IN 42 PA.C.S. § 102 (RELATING TO

3           DEFINITIONS).

4           (II) A POLICE REPORT.

5           (m.2) Inconsistent provisions.--Notwithstanding the  
6 provisions of section 7506 (relating to violation of rules  
7 regarding conduct on Commonwealth property), 75 Pa.C.S. § 7727  
8 (relating to additional limitations on operation), or the act of  
9 June 28, 1995 (P.L.89, No.18), known as the Conservation and  
10 Natural Resources Act, and regulations promulgated under that  
11 act, a firearm may be carried as provided in subsection (a) by:

12           (1) a law enforcement officer whose current  
13 identification as a law enforcement officer shall be  
14 construed as a valid license to carry a firearm; or

15           (2) any licensee.

16           (m.3) Construction.--Nothing in this section shall be

17 ~~[construed to:]~~  
<--

18           ~~[(1) Permit the hunting or harvesting of any wildlife]~~  
19 CONSTRUED TO PERMIT THE HUNTING OR HARVESTING OF ANY WILDLIFE  
<--  
20 with a firearm or ammunition not otherwise permitted by 34  
21 Pa.C.S. (relating to game).

22           ~~[(2) Authorize any Commonwealth agency to regulate the]~~  
<--  
23 ~~[possession of firearms in any manner inconsistent with the]~~  
24 ~~[provisions of this title.]~~

25           Section 5. Sections 6110.2 and 6111(b), (g)(4) and (j) of  
26 Title 18 are amended to read:

27           § 6110.2. Possession of firearm with altered manufacturer's  
28                           number.

29           (a) General rule.--No person shall possess a firearm which

30 has had the manufacturer's number integral to the frame or

14

1 receiver altered, changed, removed or obliterated.

2 (b) Penalty.--A person who violates this section commits a  
3 [~~misdemeanor~~] felony of the [~~first~~] second degree.

4 (c) Definition.--As used in this section, the term "firearm"  
5 shall have the same meaning as that term is defined in section  
6 6105(i) (relating to persons not to possess, use, manufacture,  
7 control, sell or transfer firearms), except that the term shall  
8 not include antique firearms as defined in section 6118  
9 (relating to antique firearms).

10 § 6111. Sale or transfer of firearms.

11 \* \* \*

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

18 (1) For purposes of a firearm as defined in section 6102  
19 (relating to definitions), obtained a completed  
20 application/record of sale from the potential buyer or  
21 transferee to be filled out in triplicate, the original copy  
22 to be sent to the Pennsylvania State Police, postmarked via  
23 first class mail, within 14 days of the sale, one copy to be  
24 retained by the licensed importer, licensed manufacturer or  
25 licensed dealer for a period of 20 years and one copy to be  
26 provided to the purchaser or transferee. The form of this

27 application/record of sale shall be no more than one page in  
28 length and shall be promulgated by the Pennsylvania State  
29 Police and provided by the licensed importer, licensed  
30 manufacturer or licensed dealer. The application/record of

15

1 sale shall include the name, address, birthdate, gender,  
2 race, physical description and Social Security number of the  
3 purchaser or transferee, the date of the application and the  
4 caliber, length of barrel, make, model and manufacturer's  
5 number of the firearm to be purchased or transferred. The  
6 application/record of sale shall also contain the following  
7 question:

8 Are you the actual buyer of the firearm(s), AS DEFINED  
<--  
9 UNDER 18 PA.C.S. § 6102, listed on this  
10 application/record of sale? Warning: You are not the  
11 actual buyer if you are acquiring the firearm(s) on  
12 behalf of another person, unless you are legitimately  
13 acquiring the firearm as a gift for any of the following  
14 individuals who are legally eligible to own a firearm:

- 15 (1) spouse;
- 16 (2) parent;
- 17 (3) child;
- 18 (4) grandparent; or
- 19 (5) grandchild.

20 \* \* \*

21 (g) Penalties.--

22 \* \* \*

23 (4) Any person, purchaser or transferee [~~who~~] commits a  
24 felony of the third degree if, in connection with the  
25 purchase, delivery or transfer of a firearm under this  
26 chapter, he knowingly and intentionally:

27 (i) makes any materially false oral [~~or written~~]  
28 [~~statement or~~] statement;

29 (ii) makes any materially false written statement,  
30 including a statement on any form promulgated by Federal

16

1 or State agencies; or

2 (iii) willfully furnishes or exhibits any false  
3 identification intended or likely to deceive the seller,  
4 licensed dealer or licensed manufacturer [~~commits a~~]  
5 [~~felony of the third degree~~].

6 \* \* \*

7 (j) Exemption.--

8 (1) The provisions of subsections (a) and (b) shall not  
9 apply to:

10 (i) sales between Federal firearms licensees[~~.~~]; or

11 (ii) the purchase of firearms by a chief law  
12 enforcement officer, or his designee, for the official  
13 use of law enforcement officers.

14 (2) For the purposes of this subsection, the term "chief  
15 law enforcement officer" shall include the Commissioner of  
16 the Pennsylvania State Police, the chief or head of a police  
17 department, a county sheriff or any equivalent law  
18 enforcement official.

19 [~~Section 6. Section 6111.1(b) of Title 18 is amended by]~~

<--

20 ~~[adding a paragraph to read:~~  
21 ~~§ 6111.1. Pennsylvania State Police.]~~  
22 ~~[ \* \* \* ]~~  
23 ~~[ (b) Duty of Pennsylvania State Police. ]~~  
24 ~~[ \* \* \* ]~~  
25 ~~[ (5) The Pennsylvania State Police shall maintain a ]~~  
26 ~~[ registry of all firearms reported lost or stolen in this ]~~  
27 ~~[ Commonwealth. The registry shall contain, if available, the ]~~  
28 ~~[ manufacturer, model, caliber, serial number and any other ]~~  
29 ~~[ identifying information concerning any firearm reported ]~~  
30 ~~[ lost ]~~  
~~[ or stolen, as well as the name of the lawful owner of the ]~~

17

1 ~~[ firearm. If a firearm is reported stolen to a local law ]~~  
2 ~~[ enforcement agency, that agency shall collect the required ]~~  
3 ~~[ information and shall submit it to the Pennsylvania State ]~~  
4 ~~[ Police within 24 hours. Information concerning a firearm ]~~  
5 ~~[ reported lost or stolen: ]~~  
6 ~~[ (i) may be deleted from the registry after 20 ]~~  
7 ~~[ years; ]~~  
8 ~~[ and ]~~  
9 ~~[ (ii) shall be deleted from the registry after the ]~~  
10 ~~[ firearm is returned to the lawful owner. ]~~

11 SECTION 6. SECTION ~~[ 6111.1(E) ]~~ 6111.1(B)(4), (E) AND (F) OF  
12 <--

12 TITLE 18 ARE AMENDED TO READ:

13 § 6111.1. PENNSYLVANIA STATE POLICE.

14 \* \* \*  
<--

15 (B) DUTY OF PENNSYLVANIA STATE POLICE.--

16 \* \* \*

17 (4) THE PENNSYLVANIA STATE POLICE AND ANY LOCAL LAW  
18 ENFORCEMENT AGENCY SHALL MAKE ALL REASONABLE EFFORTS TO  
19 DETERMINE THE LAWFUL OWNER OF ANY FIREARM CONFISCATED OR  
20 RECOVERED BY THE PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW  
21 ENFORCEMENT AGENCY AND RETURN SAID FIREARM TO ITS LAWFUL  
22 OWNER IF THE OWNER IS NOT OTHERWISE PROHIBITED FROM  
23 POSSESSING THE FIREARM. WHEN A COURT OF LAW HAS DETERMINED  
24 THAT THE PENNSYLVANIA STATE POLICE OR ANY LOCAL LAW  
25 ENFORCEMENT AGENCY HAVE FAILED TO EXERCISE THE DUTY UNDER  
26 THIS SUBSECTION, REASONABLE ATTORNEY FEES SHALL BE AWARDED TO  
27 ANY LAWFUL OWNER OF SAID FIREARM WHO HAS SOUGHT JUDICIAL  
28 ENFORCEMENT OF THIS SUBSECTION.

29 \* \* \*

30 (E) CHALLENGE TO RECORDS.--

18

1 (1) ANY PERSON WHO IS DENIED THE RIGHT TO RECEIVE, SELL,  
2 TRANSFER, POSSESS, CARRY, MANUFACTURE OR PURCHASE A FIREARM  
3 AS A RESULT OF THE PROCEDURES ESTABLISHED BY THIS SECTION MAY  
4 CHALLENGE THE ACCURACY OF THAT PERSON'S CRIMINAL HISTORY,  
5 JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH RECORD PURSUANT  
6 TO A DENIAL BY THE INSTANTANEOUS RECORDS CHECK [~~IN~~  
~~ACCORDANCE~~]

7 [~~WITH PROCEDURES ESTABLISHED BY THE PENNSYLVANIA STATE~~  
~~POLICE.~~]

8 [~~THE DECISION RESULTING FROM A CHALLENGE UNDER THIS~~  
~~SUBSECTION~~]

9 [~~MAY BE APPEALED TO THE ATTORNEY GENERAL WITHIN 30 DAYS OF~~  
~~THE~~]

10 ~~[ DECISION BY THE PENNSYLVANIA STATE POLICE. THE DECISION OF ]~~  
11 ~~[ THE ATTORNEY GENERAL MAY BE APPEALED TO THE COMMONWEALTH ]~~  
12 ~~[ COURT IN ACCORDANCE WITH COURT RULE. ]~~ BY SUBMITTING A  
13 CHALLENGE TO THE PENNSYLVANIA STATE POLICE WITHIN 30 DAYS  
14 FROM THE DATE OF THE DENIAL.

15 (2) THE PENNSYLVANIA STATE POLICE SHALL CONDUCT A REVIEW  
16 OF THE ACCURACY OF THE INFORMATION FORMING THE BASIS FOR THE  
17 DENIAL, AND SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF  
18 THE RECORD. WITHIN 20 DAYS AFTER RECEIVING A CHALLENGE, THE  
19 PENNSYLVANIA STATE POLICE SHALL NOTIFY THE CHALLENGER OF THE  
20 BASIS FOR THE DENIAL, INCLUDING, BUT NOT LIMITED TO, THE  
21 JURISDICTION AND DOCKET NUMBER OF ANY RELEVANT COURT DECISION  
22 AND PROVIDE THE CHALLENGER AN OPPORTUNITY TO PROVIDE  
23 ADDITIONAL INFORMATION FOR THE PURPOSES OF THE REVIEW. THE  
24 PENNSYLVANIA STATE POLICE SHALL COMMUNICATE ITS FINAL  
25 DECISION TO THE CHALLENGER WITHIN 60 DAYS OF THE RECEIPT OF  
26 THE CHALLENGE. THE DECISION OF THE PENNSYLVANIA STATE POLICE  
27 SHALL INCLUDE ALL INFORMATION WHICH FORMED A BASIS FOR THE  
28 DECISION.

29 (3) IF THE CHALLENGE IS RULED INVALID, THE PERSON SHALL  
30 HAVE THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL

19

1 WITHIN 30 DAYS OF THE DECISION. THE ATTORNEY GENERAL SHALL  
2 CONDUCT A HEARING DE NOVO IN ACCORDANCE WITH THE  
3 ADMINISTRATIVE AGENCY LAW. THE BURDEN OF PROOF SHALL BE UPON  
4 THE COMMONWEALTH.

5 (4) THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED  
6 TO THE COMMONWEALTH COURT BY AN AGGRIEVED PARTY.

7 (F) NOTIFICATION OF MENTAL HEALTH ADJUDICATION, TREATMENT,  
8 COMMITMENT, DRUG USE OR ADDICTION.--

9 (1) NOTWITHSTANDING ANY STATUTE TO THE CONTRARY, JUDGES  
10 OF THE COURTS OF COMMON PLEAS SHALL NOTIFY THE PENNSYLVANIA  
11 STATE POLICE, ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE  
12 POLICE, OF:

13 (I) THE IDENTITY OF ANY INDIVIDUAL WHO HAS BEEN  
14 ADJUDICATED AS AN INCOMPETENT OR AS A MENTAL DEFECTIVE OR  
15 WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL  
16 INSTITUTION [~~FOR INPATIENT CARE AND TREATMENT~~] UNDER THE  
17 ACT OF JULY 9, 1976 (P.L.817, NO.143), KNOWN AS THE  
18 MENTAL HEALTH PROCEDURES ACT, OR WHO HAS BEEN  
19 INVOLUNTARILY TREATED AS DESCRIBED IN SECTION 6105(C)(4)  
20 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE,  
21 CONTROL, SELL OR TRANSFER FIREARMS)[-] OR AS DESCRIBED IN  
22 18 U.S.C. § 922(G)(4) (RELATING TO UNLAWFUL ACTS) AND ITS  
23 IMPLEMENTING FEDERAL REGULATIONS; AND

24 (II) ANY FINDING OF FACT OR COURT ORDER RELATED TO  
25 ANY PERSON DESCRIBED IN 18 U.S.C. § 922(G)(3).

26 (2) THE NOTIFICATION SHALL BE TRANSMITTED BY THE JUDGE  
27 TO THE PENNSYLVANIA STATE POLICE WITHIN SEVEN DAYS OF THE  
28 ADJUDICATION, COMMITMENT OR TREATMENT.

29 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE  
30 PENNSYLVANIA STATE POLICE MAY DISCLOSE, ELECTRONICALLY OR

20

1 OTHERWISE, TO THE UNITED STATES ATTORNEY GENERAL OR A  
2 DESIGNEE, ANY RECORD RELEVANT TO A DETERMINATION OF WHETHER A  
3 PERSON IS DISQUALIFIED FROM POSSESSING OR RECEIVING A FIREARM

4           UNDER 18 U.S.C. § 922 (G)(3) OR (4) OR AN APPLICABLE STATE  
5           STATUTE.

6           \* \* \*

7           Section 7. Sections [~~6111.4 and 6117, 6117~~] 6117[~~7~~] AND  
6127(A) <--

8           [~~AND 9152(D) AND (E)~~] of Title 18 are amended to read:  
<--

9           [~~§ 6111.4. Registration of firearms.~~]  
<--

10           [~~Notwithstanding any section of this chapter to the contrary,~~  
11           ~~nothing in this chapter shall be construed to allow any~~  
12           ~~government or law enforcement agency or any agent thereof to~~  
13           ~~create, maintain or operate any registry of firearm ownership~~  
14           ~~within this Commonwealth[.].~~ [other than a registry of firearms]  
15           [reported lost or stolen under section 6111.1(b)(5) (relating  
16           to]  
17           [Pennsylvania State Police).] [~~For the purposes of this section~~  
18           ~~only, the term "firearm" shall include any weapon that is~~  
19           ~~designed to or may readily be converted to expel any projectile~~  
20           ~~by the action of an explosive or the frame or receiver of any~~  
21           ~~such weapon.~~]

21           § 6117. Altering or obliterating marks of identification.

22           (a) Offense defined.--No person shall change, alter, remove,  
23           or obliterate the manufacturer's number integral to the frame or  
24           receiver of any firearm which shall have the same meaning as  
25           provided in section 6105 (relating to persons not to possess,  
26           use, manufacture, control, sell or transfer firearms).

27           [~~(b) Presumption. Possession of any firearm upon which any~~  
28           ~~such mark shall have been changed, altered, removed or~~  
29           ~~obliterated shall be prima facie evidence that the possessor has~~

30 ~~changed, altered, removed or obliterated the same.]~~

21

1 (c) Penalty.--A violation of this section constitutes a  
2 felony of the second degree.

3 [~~(d) Appellate review. If a sentencing court refuses to~~  
4 ~~apply this section where applicable, the Commonwealth shall have~~  
5 ~~the right to appellate review of the action of the sentencing~~  
6 ~~court. The appellate court shall vacate the sentence and remand~~  
7 ~~the case to the sentencing court for imposition of a sentence in~~  
8 ~~accordance with this section if it finds that the sentence was~~  
9 ~~imposed in violation of this section.]~~

10 § 6127. FIREARM TRACING.  
<--

11 (A) ILLEGAL POSSESSION.--UPON CONFISCATING OR RECOVERING A  
12 FIREARM FROM THE POSSESSION OF ANYONE [~~UNDER 21 YEARS OF AGE~~]  
13 WHO IS NOT PERMITTED BY FEDERAL OR STATE LAW TO POSSESS A  
14 FIREARM, A LOCAL LAW ENFORCEMENT AGENCY SHALL USE THE BEST  
15 AVAILABLE INFORMATION, INCLUDING A FIREARMS TRACE WHERE  
16 NECESSARY, TO DETERMINE HOW AND FROM WHERE THE PERSON [~~UNDER 21~~  
17 ~~YEARS OF AGE~~] GAINED POSSESSION OF THE FIREARM.

18 \* \* \*

19 SECTION 8. CHAPTER 61 OF TITLE 18 IS AMENDED BY ADDING A  
<--

20 SUBCHAPTER TO READ:

21 SUBCHAPTER D

22 STRAW PURCHASE PREVENTION

23 EDUCATION PROGRAM

24 SEC.

25 6181. SCOPE OF SUBCHAPTER.

26 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.  
27 6183. DEFINITIONS.  
28 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.  
29 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.  
30 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

22

1 6187. TRANSFER FOR INITIAL FUNDING.

2 § 6181. SCOPE OF SUBCHAPTER.

3 THIS SUBCHAPTER PROVIDES FOR THE ESTABLISHMENT OF THE STRAW  
4 PURCHASE PREVENTION EDUCATION PROGRAM WITHIN THE OFFICE OF  
5 ATTORNEY GENERAL.

6 § 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.

7 THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

8 (1) THE ILLEGAL PURCHASE OF FIREARMS THROUGHOUT THIS  
9 COMMONWEALTH IS A THREAT TO PUBLIC SAFETY AND SECURITY.

10 (2) URBAN AREAS ARE EXPERIENCING INCREASED VIOLENCE AS A  
11 RESULT OF CRIMINAL MISUSE OF FIREARMS. STEMMING THE FLOW OF  
12 THESE ILLEGAL FIREARMS THROUGH STRAW PURCHASES WILL HELP TO  
13 CURB THE CRIME RATE THROUGHOUT THIS COMMONWEALTH AND INCREASE  
14 PUBLIC SAFETY.

15 (3) EDUCATING THE PUBLIC THAT ILLEGALLY PURCHASING A  
16 FIREARM FOR SOMEONE OTHERWISE PROHIBITED FROM POSSESSING ONE  
17 IS A SERIOUS CRIME AND PUNISHABLE UNDER FEDERAL LAW BY TEN  
18 YEARS' IMPRISONMENT ADVANCES PUBLIC SAFETY.

19 (4) COMMITTED TO EDUCATING FIREARMS DEALERS AND THE  
20 GENERAL PUBLIC, THE NATIONAL SHOOTING SPORTS FOUNDATION, IN  
21 PARTNERSHIP WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
22 EXPLOSIVES, IN JULY 2000 CREATED THE "DON'T LIE FOR THE OTHER

23 GUY PROGRAM."

24 (5) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" WAS  
25 DEVELOPED TO RAISE PUBLIC AWARENESS THAT IT IS A SERIOUS  
26 CRIME TO PURCHASE A FIREARM FOR SOMEONE WHO CANNOT LEGALLY DO  
27 SO AND TO EDUCATE FIREARMS DEALERS ON HOW TO BETTER DETECT  
28 AND DETER POTENTIAL STRAW PURCHASES. THE CAMPAIGN DELIVERS  
29 THE MESSAGE THAT ANYONE ATTEMPTING AN ILLEGAL FIREARM  
30 PURCHASE FACES A STIFF FEDERAL PENALTY.

23

1 (6) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" IS VITAL  
2 TO EDUCATING FEDERALLY LICENSED FIREARMS DEALERS AND THEIR  
3 EMPLOYEES ON HOW TO RECOGNIZE AND DETER THE ILLEGAL PURCHASE  
4 OF FIREARMS THROUGH STRAW PURCHASES. THIS PROGRAM IS AN  
5 IMPORTANT TOOL FOR THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS  
6 AND EXPLOSIVES TO PURSUE ITS MISSION OF PREVENTING TERRORISM,  
7 REDUCING VIOLENT CRIME AND PROTECTING THE PUBLIC.

8 (7) THE NATIONALLY RECOGNIZED "DON'T LIE FOR THE OTHER  
9 GUY PROGRAM" HAS BEEN ENDORSED BY UNITED STATES ATTORNEYS  
10 THROUGHOUT THE NATION, VARIOUS LAW ENFORCEMENT AGENCIES, THE  
11 BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES AND THE  
12 DEPARTMENT OF JUSTICE.

13 (8) IT IS IN THE BEST INTEREST OF THIS COMMONWEALTH TO  
14 ESTABLISH A STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
15 WITHIN THE OFFICE OF ATTORNEY GENERAL TO PROVIDE RESOURCES  
16 AND DIRECT GRANT MONEY TO THE "DON'T LIE FOR THE OTHER GUY  
17 PROGRAM" AND SIMILAR PROGRAMS THAT OFFER STRAW PURCHASE  
18 PREVENTION EDUCATION.

19 § 6183. DEFINITIONS.

20 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
21 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
22 CONTEXT CLEARLY INDICATES OTHERWISE:

23 "FUND." THE STRAW PURCHASE PREVENTION EDUCATION FUND  
24 ESTABLISHED IN SECTION 6186 (RELATING TO STRAW PURCHASE  
25 PREVENTION EDUCATION FUND).

26 "PROGRAM." THE STRAW PURCHASE PREVENTION EDUCATION PROGRAM  
27 ESTABLISHED IN SECTION 6184 (RELATING TO STRAW PURCHASE  
28 PREVENTION EDUCATION PROGRAM).

29 § 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.

30 (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION

24

1 PROGRAM IS ESTABLISHED AND SHALL PROVIDE RESOURCES AND DIRECT  
2 GRANT MONEY TO UNDERWRITE THE COST OF IMPLEMENTING AN  
3 EDUCATIONAL AND PUBLIC SERVICE OUTREACH PROGRAM IN THE  
4 COMMUNITY.

5 (B) OUTREACH.--THE EDUCATIONAL AND PUBLIC SERVICE OUTREACH  
6 PROGRAM SHALL INFORM INDIVIDUALS OF THE ILLEGAL NATURE OF  
7 PURCHASING A FIREARM FOR AN INDIVIDUAL PROHIBITED FROM OWNING  
8 FIREARMS. THE OUTREACH PROGRAM SHALL BE DEVELOPED BY A NOT-FOR-  
9 PROFIT ORGANIZATION WHICH:

10 (1) IS A NATIONAL TRADE ASSOCIATION REPRESENTING THE  
11 SHOOTING, HUNTING AND FIREARM INDUSTRY.

12 (2) HAS A MEMBERSHIP CONSISTING OF FIREARM  
13 MANUFACTURERS, FIREARM DISTRIBUTORS, FIREARM RETAILERS,  
14 PUBLISHERS AND SPORTSMEN'S ORGANIZATIONS.

15 (3) HAS BEEN IN EXISTENCE FOR AT LEAST 45 YEARS PRIOR TO  
16 THE EFFECTIVE DATE OF THIS SECTION.

17           (C) PRIORITY OF GRANTS.--GRANTS SHALL BE PRIORITIZED BASED  
18 ON THE HIGHEST INCIDENCE OF FIREARM VIOLENCE IN A COUNTY OF THIS  
19 COMMONWEALTH.

20 § 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.

21           IN ADDITION TO ANY OTHER POWERS AND DUTIES, THE ATTORNEY  
22 GENERAL OF THE COMMONWEALTH SHALL:

23           (1) ESTABLISH A GRANT PROGRAM TO PROVIDE MONEYS FROM THE  
24 FUND PURSUANT TO SECTION 6184 (RELATING TO STRAW PURCHASE  
25 PREVENTION EDUCATION PROGRAM).

26           (2) PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE  
27 PROVISIONS OF THIS SUBCHAPTER.

28 § 6186. STRAW PURCHASE PREVENTION EDUCATION FUND.

29           (A) ESTABLISHMENT.--THE STRAW PURCHASE PREVENTION EDUCATION  
30 FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY AS A RESTRICTED

25

1 ACCOUNT. THE FUND SHALL CONSIST OF FUNDS APPROPRIATED BY THE  
2 GENERAL ASSEMBLY.

3           (B) CONTINUING APPROPRIATION.--ALL MONEYS IN THE FUND AND  
4 THE INTEREST ACCRUING THEREON ARE HEREBY APPROPRIATED TO THE  
5 OFFICE OF ATTORNEY GENERAL ON A CONTINUING BASIS TO CARRY OUT  
6 THE PROVISIONS OF THIS SUBCHAPTER.

7 § 6187. TRANSFER FOR INITIAL FUNDING.

8           THE SUM OF \$100,000 IS HEREBY TRANSFERRED FROM THE GENERAL  
9 FUND TO THE STRAW PURCHASE PREVENTION EDUCATION FUND FOR  
10 EXPENDITURE DURING THE FISCAL YEAR JULY 1, [~~2008~~] 2009, TO JUNE  
<--  
11 30, [~~2009~~] 2010, TO CARRY OUT THE PROVISIONS OF THIS SUBCHAPTER.  
<--

12           SECTION 8.1. SECTION 9152(D) AND (E) OF TITLE 18 ARE AMENDED  
<--

13 TO READ:

14 § 9152. PROCEDURE.

<--

15 \* \* \*

16 (D) REVIEW OF CHALLENGE.--ALL CRIMINAL JUSTICE AGENCIES  
17 SHALL HAVE 60 DAYS TO CONDUCT A REVIEW OF ANY CHALLENGE AND  
18 SHALL HAVE THE BURDEN OF PROVING THE ACCURACY OF THE RECORD. THE  
19 DECISION ON THE CHALLENGE SHALL INCLUDE ALL INFORMATION,  
20 INCLUDING, BUT NOT LIMITED TO, THE JURISDICTION AND DOCKET  
21 NUMBER OF ANY RELEVANT COURT DECISION WHICH FORMED A BASIS FOR  
22 THE DECISION. IF THE CHALLENGE IS DEEMED VALID, THE APPROPRIATE  
23 OFFICIALS MUST ENSURE THAT:

24 (1) THE CRIMINAL HISTORY RECORD INFORMATION IS  
25 CORRECTED.

26 (2) A CERTIFIED AND CORRECTED COPY OF THE CRIMINAL  
27 HISTORY RECORD INFORMATION IS PROVIDED TO THE INDIVIDUAL.

28 (3) PRIOR ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION  
29 DISSEMINATED TO CRIMINAL JUSTICE AGENCIES SHALL BE DESTROYED  
30 OR RETURNED AND REPLACED WITH CORRECTED INFORMATION.

26

1 (4) THE INDIVIDUAL IS SUPPLIED WITH THE NAMES OF THOSE  
2 NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS WHICH HAVE  
3 RECEIVED ERRONEOUS CRIMINAL HISTORY RECORD INFORMATION.

4 (E) APPEALS.--

5 (1) IF THE CHALLENGE IS RULED INVALID, AN INDIVIDUAL HAS  
6 THE RIGHT TO APPEAL THE DECISION TO THE ATTORNEY GENERAL  
7 WITHIN 30 DAYS OF NOTIFICATION OF THE DECISION BY THE  
8 CRIMINAL JUSTICE AGENCY.

9 (2) THE ATTORNEY GENERAL SHALL [~~HAVE THE AUTHORITY TO~~]  
10 [~~CONDUCT ADMINISTRATIVE APPEAL HEARINGS~~] CONDUCT A HEARING DE  
11 NOVO IN ACCORDANCE WITH THE ADMINISTRATIVE AGENCY LAW. THE  
12 BURDEN OF PROOF SHALL BE UPON THE PARTY BEARING THE BURDEN OF  
13 PROOF ON THE CHALLENGE.

14 (3) THE DECISION OF THE ATTORNEY GENERAL MAY BE APPEALED  
15 TO THE COMMONWEALTH COURT BY AN AGGRIEVED INDIVIDUAL.

16 [~~SECTION 8. CHAPTER 61 OF TITLE 18 IS AMENDED BY ADDING A~~]  
<--

17 [~~SUBCHAPTER TO READ:~~]

18 [~~SUBCHAPTER D~~]

19 [~~STRAW PURCHASE PREVENTION~~]

20 [~~EDUCATION PROGRAM~~]

21 [~~SEC.~~]

22 [~~6181. SCOPE OF SUBCHAPTER.~~]

23 [~~6182. LEGISLATIVE FINDINGS AND DECLARATIONS.~~]

24 [~~6183. DEFINITIONS.~~]

25 [~~6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.~~]

26 [~~6185. POWERS AND DUTIES OF ATTORNEY GENERAL.~~]

27 [~~6186. STRAW PURCHASE PREVENTION EDUCATION FUND.~~]

28 [~~6187. TRANSFER FOR INITIAL FUNDING.~~]

29 [~~§ 6181. SCOPE OF SUBCHAPTER.~~]

30 [~~THIS SUBCHAPTER PROVIDES FOR THE ESTABLISHMENT OF THE STRAW~~]

27

1 [~~PURCHASE PREVENTION EDUCATION PROGRAM WITHIN THE OFFICE OF]~~

2 [~~ATTORNEY GENERAL.~~]

3 [~~§ 6182. LEGISLATIVE FINDINGS AND DECLARATIONS.~~]

4 [~~THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:~~]

5 [~~(1) THE ILLEGAL PURCHASE OF FIREARMS THROUGHOUT THIS]~~

6 [COMMONWEALTH IS A THREAT TO PUBLIC SAFETY AND SECURITY.]

7 [ (2) URBAN AREAS ARE EXPERIENCING INCREASED VIOLENCE AS  
A ]

8 [RESULT OF CRIMINAL MISUSE OF FIREARMS. STEMMING THE FLOW OF]

9 [THESE ILLEGAL FIREARMS THROUGH STRAW PURCHASES WILL HELP TO]

10 [CURB THE CRIME RATE THROUGHOUT THIS COMMONWEALTH AND  
INCREASE ]

11 [PUBLIC SAFETY.]

12 [ (3) EDUCATING THE PUBLIC THAT ILLEGALLY PURCHASING A

13 [FIREARM FOR SOMEONE OTHERWISE PROHIBITED FROM POSSESSING  
ONE ]

14 [IS A SERIOUS CRIME AND PUNISHABLE UNDER FEDERAL LAW BY TEN]

15 [YEARS' IMPRISONMENT ADVANCES PUBLIC SAFETY.]

16 [ (4) COMMITTED TO EDUCATING FIREARMS DEALERS AND THE]

17 [GENERAL PUBLIC, THE NATIONAL SHOOTING SPORTS FOUNDATION, IN]

18 [PARTNERSHIP WITH THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS  
AND ]

19 [EXPLOSIVES, IN JULY 2000 CREATED THE "DON'T LIE FOR THE  
OTHER ]

20 [GUY PROGRAM." ]

21 [ (5) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" WAS ]

22 [DEVELOPED TO RAISE PUBLIC AWARENESS THAT IT IS A SERIOUS]

23 [CRIME TO PURCHASE A FIREARM FOR SOMEONE WHO CANNOT LEGALLY  
DO ]

24 [SO AND TO EDUCATE FIREARMS DEALERS ON HOW TO BETTER DETECT]

25 [AND DETER POTENTIAL STRAW PURCHASES. THE CAMPAIGN DELIVERS]

26 [THE MESSAGE THAT ANYONE ATTEMPTING AN ILLEGAL FIREARM]

27 [PURCHASE FACES A STIFF FEDERAL PENALTY.]

28 [ (6) THE "DON'T LIE FOR THE OTHER GUY PROGRAM" IS VITAL]

29 [TO EDUCATING FEDERALLY LICENSED FIREARMS DEALERS AND THEIR]

30 [EMPLOYEES ON HOW TO RECOGNIZE AND DETER THE ILLEGAL  
PURCHASE ]

1 ~~[OF FIREARMS THROUGH STRAW PURCHASES. THIS PROGRAM IS AN]~~  
2 ~~[IMPORTANT TOOL FOR THE BUREAU OF ALCOHOL, TOBACCO, FIREARMS]~~  
3 ~~[AND EXPLOSIVES TO PURSUE ITS MISSION OF PREVENTING~~  
4 ~~TERRORISM,]~~  
5 ~~[REDUCING VIOLENT CRIME AND PROTECTING THE PUBLIC.]~~  
6 ~~[ (7) THE NATIONALLY RECOGNIZED "DON'T LIE FOR THE OTHER]~~  
7 ~~[GUY PROGRAM" HAS BEEN ENDORSED BY UNITED STATES ATTORNEYS]~~  
8 ~~[THROUGHOUT THE NATION, VARIOUS LAW ENFORCEMENT AGENCIES,~~  
9 ~~THE ]~~  
10 ~~[BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES AND THE]~~  
11 ~~[DEPARTMENT OF JUSTICE.]~~  
12 ~~[ (8) IT IS IN THE BEST INTEREST OF THIS COMMONWEALTH TO]~~  
13 ~~[ESTABLISH A STRAW PURCHASE PREVENTION EDUCATION PROGRAM]~~  
14 ~~[WITHIN THE OFFICE OF ATTORNEY GENERAL TO PROVIDE RESOURCES]~~  
15 ~~[AND DIRECT GRANT MONEY TO THE "DON'T LIE FOR THE OTHER GUY]~~  
16 ~~[PROGRAM" AND SIMILAR PROGRAMS THAT OFFER STRAW PURCHASE]~~  
17 ~~[PREVENTION EDUCATION.]~~  
18 ~~[§ 6183. DEFINITIONS.]~~  
19 ~~[THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS~~  
20 ~~SUBCHAPTER ]~~  
21 ~~[SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS~~  
22 ~~THE ]~~  
23 ~~[CONTEXT CLEARLY INDICATES OTHERWISE:]~~  
24 ~~[ "FUND." THE STRAW PURCHASE PREVENTION EDUCATION FUND ]~~  
25 ~~[ESTABLISHED IN SECTION 6186 (RELATING TO STRAW PURCHASE]~~  
26 ~~[PREVENTION EDUCATION FUND).]~~  
27 ~~[ "PROGRAM." THE STRAW PURCHASE PREVENTION EDUCATION PROGRAM ]~~  
28 ~~[ESTABLISHED IN SECTION 6184 (RELATING TO STRAW PURCHASE]~~  
29 ~~[PREVENTION EDUCATION PROGRAM).]~~

26 ~~[§ 6184. STRAW PURCHASE PREVENTION EDUCATION PROGRAM.]~~

27 ~~[(A) ESTABLISHMENT. THE STRAW PURCHASE PREVENTION  
EDUCATION]~~

28 ~~[PROGRAM IS ESTABLISHED AND SHALL PROVIDE RESOURCES AND DIRECT]~~

29 ~~[GRANT MONEY TO UNDERWRITE THE COST OF IMPLEMENTING AN]~~

30 ~~[EDUCATIONAL AND PUBLIC SERVICE OUTREACH PROGRAM IN THE]~~

29

1 ~~[COMMUNITY.]~~

2 ~~[(B) OUTREACH. THE EDUCATIONAL AND PUBLIC SERVICE OUTREACH]~~

3 ~~[PROGRAM SHALL INFORM INDIVIDUALS OF THE ILLEGAL NATURE OF]~~

4 ~~[PURCHASING A FIREARM FOR AN INDIVIDUAL PROHIBITED FROM OWNING]~~

5 ~~[FIREARMS. THE OUTREACH PROGRAM SHALL BE DEVELOPED BY A NOT FOR-  
]~~

6 ~~[PROFIT ORGANIZATION WHICH:]~~

7 ~~[(1) IS A NATIONAL TRADE ASSOCIATION REPRESENTING THE]~~

8 ~~[SHOOTING, HUNTING AND FIREARM INDUSTRY.]~~

9 ~~[(2) HAS A MEMBERSHIP CONSISTING OF FIREARM]~~

10 ~~[MANUFACTURERS, FIREARM DISTRIBUTORS, FIREARM RETAILERS,]~~

11 ~~[PUBLISHERS AND SPORTSMEN'S ORGANIZATIONS.]~~

12 ~~[(3) HAS BEEN IN EXISTENCE FOR AT LEAST 45 YEARS PRIOR  
TO]~~

13 ~~[THE EFFECTIVE DATE OF THIS SECTION.]~~

14 ~~[(C) PRIORITY OF GRANTS. GRANTS SHALL BE PRIORITIZED BASED]~~

15 ~~[ON THE HIGHEST INCIDENCE OF FIREARM VIOLENCE IN A COUNTY OF  
THIS]~~

16 ~~[COMMONWEALTH.]~~

17 ~~[§ 6185. POWERS AND DUTIES OF ATTORNEY GENERAL.]~~

18 ~~[IN ADDITION TO ANY OTHER POWERS AND DUTIES, THE ATTORNEY]~~

19 ~~[GENERAL OF THE COMMONWEALTH SHALL:]~~

20 ~~[ (1) ESTABLISH A GRANT PROGRAM TO PROVIDE MONEYS FROM~~  
~~THE ]~~  
21 ~~[ FUND PURSUANT TO SECTION 6184 (RELATING TO STRAW PURCHASE]~~  
22 ~~[ PREVENTION EDUCATION PROGRAM). ]~~  
23 ~~[ (2) PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE]~~  
24 ~~[ PROVISIONS OF THIS SUBCHAPTER. ]~~  
25 ~~[ § 6186. STRAW PURCHASE PREVENTION EDUCATION FUND. ]~~  
26 ~~[ (A) ESTABLISHMENT. THE STRAW PURCHASE PREVENTION~~  
~~EDUCATION ]~~  
27 ~~[ FUND IS HEREBY ESTABLISHED IN THE STATE TREASURY AS A~~  
~~RESTRICTED ]~~  
28 ~~[ ACCOUNT. THE FUND SHALL CONSIST OF FUNDS APPROPRIATED BY THE]~~  
29 ~~[ GENERAL ASSEMBLY. ]~~  
30 ~~[ (B) CONTINUING APPROPRIATION. ALL MONEYS IN THE FUND AND]~~

30

1 ~~[ THE INTEREST ACCRUING THEREON ARE HEREBY APPROPRIATED TO THE]~~  
2 ~~[ OFFICE OF ATTORNEY GENERAL ON A CONTINUING BASIS TO CARRY OUT]~~  
3 ~~[ THE PROVISIONS OF THIS SUBCHAPTER. ]~~  
4 ~~[ § 6187. TRANSFER FOR INITIAL FUNDING. ]~~  
5 ~~[ THE SUM OF \$100,000 IS HEREBY TRANSFERRED FROM THE GENERAL]~~  
6 ~~[ FUND TO THE STRAW PURCHASE PREVENTION EDUCATION FUND FOR]~~  
7 ~~[ EXPENDITURE DURING THE FISCAL YEAR JULY 1, 2008 2009, TO JUNE]~~  
8 ~~[ 30, 2009 2010, TO CARRY OUT THE PROVISIONS OF THIS SUBCHAPTER. ]~~

9 Section [8] 9. Section 5552(b)(1) and (c) of Title 42 are  
10 amended to read:  
11 § 5552. Other offenses.  
12 \* \* \*  
13 (b) Major offenses.--A prosecution for any of the following

14 offenses must be commenced within five years after it is  
15 committed:

16 (1) Under the following provisions of Title 18 (relating  
17 to crimes and offenses):

18 Section 901 (relating to criminal attempt) involving  
19 attempt to commit murder where no murder occurs.

20 Section 902 (relating to criminal solicitation)  
21 involving solicitation to commit murder where no murder  
22 occurs.

23 Section 903 (relating to criminal conspiracy)  
24 involving conspiracy to commit murder where no murder  
25 occurs.

26 Section 911 (relating to corrupt organizations).

27 Section 2702 (relating to aggravated assault).

28 Section 2706 (relating to terroristic threats).

29 Section 2713 (relating to neglect of care-dependent  
30 person).

31

1 Section 2901 (relating to kidnapping).

2 Section 3301 (relating to arson and related  
3 offenses).

4 Section 3502 (relating to burglary).

5 Section 3701 (relating to robbery).

6 Section 3921 (relating to theft by unlawful taking or  
7 disposition) through section 3933 (relating to unlawful  
8 use of computer).

9 Section 4101 (relating to forgery).

10 Section 4107 (relating to deceptive or fraudulent

11 business practices).

12 Section 4108 (relating to commercial bribery and  
13 breach of duty to act disinterestedly).

14 Section 4109 (relating to rigging publicly exhibited  
15 contest).

16 Section 4117 (relating to insurance fraud).

17 Section 4701 (relating to bribery in official and  
18 political matters) through section 4703 (relating to  
19 retaliation for past official action).

20 Section 4902 (relating to perjury) through section  
21 4912 (relating to impersonating a public servant).

22 Section 4952 (relating to intimidation of witnesses  
23 or victims).

24 Section 4953 (relating to retaliation against witness  
25 [~~or victim~~], victim or party).

26 Section 5101 (relating to obstructing administration  
27 of law or other governmental function).

28 Section 5111 (relating to dealing in proceeds of  
29 unlawful activities).

30 Section 5512 (relating to lotteries, etc.) through

31 <sup>32</sup>  
1 section 5514 (relating to pool selling and bookmaking).

2 Section 5902(b) (relating to prostitution and related  
3 offenses).

4 Section 6111(g)(2) and (4) (relating to sale or  
5 transfer of firearms).

6 \* \* \*

7 (c) Exceptions.--If the period prescribed in subsection (a),

8 (b) or (b.1) has expired, a prosecution may nevertheless be  
9 commenced for:

10

\* \* \*

11

(4) An offense in violation of 18 Pa.C.S. § 6111(c) or

12

(g) (relating to sale or transfer of firearms), within one

13

year of its discovery by State or local law enforcement, but

14

in no case shall this paragraph extend the period of

15

limitation otherwise applicable by more than eight years.

16

\* \* \*

17  
<--

SECTION 9.1. TITLE 42 IS AMENDED BY ADDING A SECTION TO

18

READ:

19

§ 9719.1. SENTENCES FOR OFFENSES COMMITTED AGAINST LAW

20

ENFORCEMENT OFFICER.

21

(A) MANDATORY SENTENCE.--A PERSON CONVICTED OF THE FOLLOWING

22

OFFENSE SHALL BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT

23

AS FOLLOWS:

24

18 PA.C.S. § 2702.1(A) (RELATING TO ASSAULT OF LAW

25

ENFORCEMENT OFFICER) - NOT LESS THAN 20 YEARS.

26

(B) AUTHORITY OF COURT IN SENTENCING.--THERE SHALL BE NO

27

AUTHORITY IN ANY COURT TO IMPOSE ON AN OFFENDER TO WHICH THIS

28

SECTION IS APPLICABLE ANY LESSER SENTENCE THAN PROVIDED FOR IN

29

SUBSECTION (A) OR TO PLACE SUCH OFFENDER ON PROBATION OR TO

30

SUSPEND SENTENCE. NOTHING IN THIS SECTION SHALL PREVENT THE

33

1

SENTENCING COURT FROM IMPOSING A SENTENCE GREATER THAN THAT

2

PROVIDED IN THIS SECTION. SENTENCING GUIDELINES PROMULGATED BY

3

THE PENNSYLVANIA COMMISSION ON SENTENCING SHALL NOT SUPERSEDE

4

THE MANDATORY SENTENCES PROVIDED IN THIS SECTION.

5           (C) APPEAL BY COMMONWEALTH.--IF A SENTENCING COURT REFUSES  
6 TO APPLY THIS SECTION WHERE APPLICABLE, THE COMMONWEALTH SHALL  
7 HAVE THE RIGHT TO APPELLATE REVIEW OF THE ACTION OF THE  
8 SENTENCING COURT. THE APPELLATE COURT SHALL VACATE THE SENTENCE  
9 AND REMAND THE CASE TO THE SENTENCING COURT FOR IMPOSITION OF A  
10 SENTENCE IN ACCORDANCE WITH THIS SECTION IF IT FINDS THAT THE  
11 SENTENCE WAS IMPOSED IN VIOLATION OF THIS SECTION.

12           (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
14 SUBSECTION:

15           "LAW ENFORCEMENT OFFICER." THE TERM SHALL HAVE THE SAME  
16 MEANING AS THE TERM "PEACE OFFICER" IS GIVEN UNDER 18 PA.C.S. §  
17 501 (RELATING TO DEFINITIONS).

18           Section [~~9~~] 10. The provisions of 17 Pa. Code § 11.215  
<--  
19 (relating to weapons and hunting) are abrogated to the extent  
20 they apply to any person identified under 18 Pa.C.S. §  
21 6109(m.2).

22           Section [~~10~~] 11. This act shall take effect [~~in 60 days.~~] AS  
<--

23 FOLLOWS:

24           (1) THE AMENDMENT OF 18 PA.C.S. §§ 6111.1(E) AND 9152(D)  
25 AND (E) SHALL TAKE EFFECT IMMEDIATELY.

26           (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

27           (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
28 DAYS.