

No. 216

AN ACT

To amend section six hundred twenty-eight of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by providing for the prescribing, issuing and filing of certain forms by and with the Commissioner of the Pennsylvania State Police, instead of the Secretary of the Commonwealth.

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

"The Penal Code."

Section 1. Section six hundred twenty-eight of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended to read as follows:

Section 628, act of June 24, 1939, P. L. 872, amended.

Section 628. Uniform Firearms Act.—(a) Definitions.—As used in this section:

"Uniform Firearms Act."

"Firearm" means any pistol or revolver with a barrel less than twelve inches, any shotgun with a barrel less than twenty-four inches, or any rifle with a barrel less than fifteen inches.

"Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder, rape, mayhem, aggravated assault and battery, assault with intent to kill, robbery, burglary, breaking and entering with intent to commit a felony, and kidnapping.

"Person" includes firm, partnership, association, or corporation; and the masculine shall include the feminine and neuter.

(b) Crimes Committed with Firearms.—If any person shall commit or attempt to commit a crime of violence when armed with a firearm contrary to the provisions of this section, he may, in addition to the punishment provided for the crime, be punished also as provided by this section.

(c) Evidence of Intent.—In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a firearm, used or attempted to be used, and had no license to carry the same, shall be evidence of his intention to commit said crime of violence.

(d) Former Convict Not To Own a Firearm, etc.—No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

(e) Firearms Not To Be Carried Without a License; Exceptions.—No person shall carry a firearm in any

vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter* provided.

The provisions of clause (e) shall not apply (I) to constables, sheriffs, prison or jail wardens, or their deputies, policemen of the Commonwealth or its political subdivisions, or other law-enforcement officers; (II) or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty; (III) or to the regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this Commonwealth; (IV) or to the members of any organization incorporated under the laws of this Commonwealth engaged in target shooting with rifle, pistol or revolver, provided such members are at or are going to or from their places of assembly or target practice; (V) or to officers or employes of the United States duly authorized to carry a concealed firearm; (VI) or to agents, messengers and other employes of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties; (VII) or to any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business; (VIII) or to any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving from one place of abode or business to another; (IX) or to persons licensed to hunt or fish in this Commonwealth, provided that such persons are actually hunting or fishing or are going to the places where they desire to hunt or fish or returning from such places, or to persons training dogs: Provided, That such persons are actually training dogs during the regular training season: Provided, however, That before any such exemption shall be granted to any person licensed to hunt or fish or who desires to train dogs, such person shall at the time of securing his hunting or fishing license or any time after any such license has issued, register with the county treasurer the make of the firearm he desires to carry, and the caliber and number thereof, on a blank to be furnished by the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*. The original registration shall be delivered to the person registering such firearm, and a copy thereof shall be forwarded by the county treasurer to the [Secretary of the Commonwealth] *Commissioner of the Penn-*

* "herinafter" in original.

sylvania State Police. The county treasurer shall be entitled to collect a fee of fifteen (15) cents for each such registration of a firearm. The registration of a firearm, as herein provided, shall be good only for the year for which the hunting or fishing license in connection with which it is granted, is issued.

Any such registration of a firearm may be revoked by the county treasurer issuing the same, upon written notice to the holder thereof, and any person aggrieved by the action of a county treasurer in revoking such registration, may appeal from such action in the manner provided by clause (k) of this section.

(f) *Police Heads in Cities and Sheriffs in Counties May Issue Licenses in Triplicate; Fee; Revocation.*—The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county, may, upon the application of any person, issue a license to such person to carry a firearm in a vehicle or concealed on or about his person within this Commonwealth for not more than one (1) year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a firearm, and that he is a suitable person to be so licensed. The license shall be in triplicate, in form to be prescribed by the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*, and shall bear the name, address, description, and signature of the licensee, and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall, within seven days, be sent by registered mail to the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*, and the triplicate shall be preserved for six years by the authority issuing said license. The fee for issuing such license shall be fifty (50) cents, which fee shall be paid into the county treasury, except that if the applicant exhibits a resident hunter's license issued to him for the current license year, the fee shall not be charged.

Any such license to carry firearms may be revoked by the person issuing the same, at any time, upon written notice to the holder thereof.

(g) *Persons to Whom Delivery Shall Not Be Made.*—No person shall deliver a firearm to any person under the age of eighteen, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

(h) *Time and Manner of Delivery; Statement To Be Signed by Purchaser; Sales at Wholesale.*—No seller shall deliver a firearm to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time

of the application for the purchase thereof, and when delivered, said firearm* shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a firearm, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased and a statement that he has never been convicted in this Commonwealth or elsewhere of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of which the seller is a resident, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*, the triplicate he shall retain for six (6) years. This clause shall not apply to sales at wholesale.

(i) Retail Dealer Required To Be Licensed.—No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as hereinafter provided.

(j) Issuance of Licenses; Form To Be Prescribed by [Secretary of Commonwealth] *the Commissioner of the Pennsylvania State Police*; Conditions; Display of Firearms Prohibited; License Fee; Revocation.—The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*, effective for not more than one (1) year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in clause (h) hereof, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this act.

I. The business shall be carried on only in the building designated in the license.

II. The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

III. No firearm shall be sold (a) in violation of any provision of this section, nor (b) shall a firearm be sold, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

* "forearm" in original.

IV. A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the firearm, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. One copy shall, within six (6) hours, be sent by registered mail to the chief or head of the police force or police department of the city, or the sheriff of the county of which the dealer is a resident; the duplicate, the dealer shall, within seven (7) days, send to the [Secretary of the Commonwealth] *Commissioner of the Pennsylvania State Police*; the triplicate, the dealer shall retain for six (6) years.

V. No firearm or imitation thereof, or placard advertising the sale thereof, shall be displayed in any part of any premises where it can readily be seen from the outside.

The fee for issuing said license shall be ten dollars (\$10.00), which fee shall be paid into the county treasury.

VI. Any license granted under this clause may be revoked by the person issuing the same, upon written notice to the holder thereof.

(k) *Petition to Common Pleas for Reversal.*—Any applicant aggrieved by the refusal of his application for a license to carry a firearm or for a dealer's license, or any person or retail dealer whose license has been revoked, may file, within thirty (30) days thereafter, in the court of quarter sessions of his county, a petition against the official who refused his application, as defendant, alleging therein, in brief detail, the refusal complained of, and praying for reversal thereof. Upon service of a copy of the petition upon the defendant, returnable within ten (10) days from its date, the defendant shall, on or before the return day, file an answer in which he may allege by way of defense the reason for his refusal, and such other reasons as may in the meantime have been discovered. Upon application of either party, the cause shall be heard without delay. The court may either sustain or reverse the action of the defendant. If the defendant's action is reversed, he shall forthwith issue the license upon payment of the fee. A judgment sustaining a refusal to grant a license

shall not bar, after one (1) year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur. The court shall have full power to dispose of all costs.

(l) Loans on, or Lending or Giving Firearms Prohibited.—No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this section.

(m) False Evidence of Identity.—No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

(n) Altering or Obliterating Marks of Identification.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

(o) Antique Firearms.—This section shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

(p) Violation Penalty.—Any person violating any of the provisions of this section is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding three thousand dollars (\$3,000), or undergo imprisonment not exceeding three (3) years, or both.

(q) Short Title.—This section may be cited as the "Uniform Firearms Act."

(r) Uniformity.—This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN