
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 543 Session of 1997

INTRODUCED BY PICCOLA, BRIGHTBILL, ULIANA, JUBELIRER, MELLOW,
AFFLERBACH, GERLACH, HELFRICK, O'PAKE, ROBBINS, MADIGAN,
WOZNIAK, THOMPSON, DELP AND SALVATORE, FEBRUARY 25, 1997

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 2, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for neglect of care-
3 dependent people and for arson and related offenses, FOR <--
4 CONTROL OF FIREARMS, FOR FIREARMS LICENSES, FOR FIREARMS SALE
5 AND TRANSFER, FOR FUNCTIONS OF THE PENNSYLVANIA STATE POLICE
6 RELATIVE TO FIREARMS, FOR THE FIREARMS INSTANT RECORDS CHECK
7 FUND AND FOR LICENSING OF FIREARMS DEALERS; and providing for
8 municipal housing code avoidance and for control of alarm
9 devices and automatic dialing devices.

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

12 Section 1. Section 2713(d)(2) of Title 18 of the
13 Pennsylvania Consolidated Statutes is amended to read:

14 § 2713. Neglect of care-dependent person.

15 * * *

16 (d) Enforcement.--

17 * * *

18 (2) In addition to the authority conferred upon the
19 Attorney General under the act of October 15, 1980 (P.L.950,
20 No.164), known as the Commonwealth Attorneys Act, the

1 Attorney General shall have the authority to investigate and
2 institute criminal proceedings for any violation of this
3 section [or any series of such violations involving more than

4 one county of this Commonwealth or involving any county of
5 this Commonwealth and another state]. A person charged with a
6 violation of this section by the Attorney General shall not
7 have standing to challenge the authority of the Attorney
8 General to investigate or prosecute the case, and, if any
9 such challenge is made, the challenge shall be dismissed and
10 no relief shall be available in the courts of this
11 Commonwealth to the person making the challenge.

12 * * *

13 Section 2. Section 3301(d), (h) and (i) of Title 18 are <--
14 amended and the section is amended by adding a subsection to
15 read:

16 § 3301. Arson and related offenses.

17 * * *

18 (d) Reckless burning or exploding.--A person commits a
19 felony of the third degree if he intentionally starts a fire or
20 causes an explosion, or if he aids, counsels, pays or agrees to
21 pay another to cause a fire or explosion, whether on his own
22 property or on that of another, and thereby recklessly:

23 (1) places an uninhabited building or unoccupied

24 structure of another in danger of damage or destruction; or

25 (2) [places any personal property of another having a
26 value of \$5,000 or more] places any personal property of
27 another having a value that exceeds \$5,000, or if the
28 property is an automobile, airplane, motorcycle, motorboat or
29 other motor-propelled vehicle in danger of damage or
30 destruction.

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1 (d.1) Dangerous burning.--A person commits a summary offense
2 if he intentionally or recklessly starts a fire to endanger any
3 person or property of another, whether or not any damage to
4 person or property actually occurs.

5 * * *

6 (h) Limitations on liability.--The provisions of subsections
7 (a), (b), (c), (d), (d.1) and (e) shall not be construed to
8 establish criminal liability upon any volunteer or paid
9 firefighter or volunteer or paid firefighting company or
10 association if said company or association endangers a
11 participating firefighter or real or personal property in the
12 course of an approved, controlled fire training program or fire
13 evolution, provided that said company or association has
14 complied with the following:

15 (1) a sworn statement from the owner of any real or
16 personal property involved in such program or evolution that
17 there is no fire insurance policy or no lien or encumbrance
18 exists which applies to such real or personal property;

19 (2) approval or permits from the appropriate local
20 government or State officials, if necessary, to conduct such
21 program or exercise have been received;

22 (3) precautions have been taken so that the program or
23 evolution does not affect any other persons or real or
24 personal property; and

25 (4) participation of firefighters in the program or
26 exercise if voluntary.

27 (i) Defenses.--It is a defense to prosecution under
28 subsections (c) [and (d)], (d) and (d.1) where a person is

29 charged with destroying a vehicle, lawful title to which is
30 vested in him, if the vehicle is free of any encumbrances, there
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1 is no insurance covering loss by fire or explosion or both on
2 the vehicle and the person delivers to the nearest State Police
3 station at least 48 hours in advance of the planned destruction
4 a written sworn statement certifying that the person is the
5 lawful titleholder, that the vehicle is free of any encumbrances
6 and that there is no insurance covering loss by fire or
7 explosion or both on the vehicle.

8 * * *

9 SECTION 2. SECTION 6105(C)(4) OF TITLE 18 IS AMENDED AND THE <--
10 SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

11 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL
12 OR TRANSFER FIREARMS.

13 * * *

14 (C) OTHER PERSONS.--IN ADDITION TO ANY PERSON WHO HAS BEEN
15 CONVICTED OF ANY OFFENSE LISTED UNDER SUBSECTION (B), THE
16 FOLLOWING PERSONS SHALL BE SUBJECT TO THE PROHIBITION OF
17 SUBSECTION (A):

18 * * *

19 (4) A PERSON WHO HAS BEEN ADJUDICATED AS AN INCOMPETENT
20 OR WHO HAS BEEN INVOLUNTARILY COMMITTED TO A MENTAL
21 INSTITUTION FOR INPATIENT CARE AND TREATMENT UNDER SECTION
22 302, 303 OR 304 OF THE PROVISIONS OF THE ACT OF JULY 9, 1976
23 (P.L.817, NO.143), KNOWN AS THE MENTAL HEALTH PROCEDURES ACT.
24 THIS PARAGRAPH SHALL NOT APPLY TO ANY PROCEEDING UNDER
25 SECTION 302 OF THE MENTAL HEALTH PROCEDURES ACT UNLESS THE
26 EXAMINING PHYSICIAN HAS ISSUED A CERTIFICATION THAT INPATIENT
27 CARE WAS NECESSARY OR THAT THE PERSON WAS COMMITTABLE.

28 * * *

29 (J) COPY OF ORDER TO STATE POLICE.--IF THE COURT GRANTS
30 RELIEF FROM THE DISABILITIES IMPOSED UNDER THIS SECTION, A COPY
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1 OF THE ORDER SHALL BE SENT BY THE PROTHONOTARY WITHIN TEN DAYS
2 OF THE ENTRY OF THE ORDER TO THE PENNSYLVANIA STATE POLICE AND
3 SHALL INCLUDE THE NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER
4 OF THE INDIVIDUAL.

5 SECTION 3. SECTION 6109(E)(1)(XII) AND (I) OF TITLE 18 ARE
6 AMENDED TO READ:

7 § 6109. LICENSES.

8 * * *

9 (E) ISSUANCE OF LICENSE.--

10 (1) A LICENSE TO CARRY A FIREARM SHALL BE FOR THE
11 PURPOSE OF CARRYING A FIREARM CONCEALED ON OR ABOUT ONE'S
12 PERSON OR IN A VEHICLE AND SHALL BE ISSUED IF, AFTER AN
13 INVESTIGATION NOT TO EXCEED 45 DAYS, IT APPEARS THAT THE
14 APPLICANT IS AN INDIVIDUAL CONCERNING WHOM NO GOOD CAUSE
15 EXISTS TO DENY THE LICENSE. A LICENSE SHALL NOT BE ISSUED TO
16 ANY OF THE FOLLOWING:

17 * * *

18 (XII) AN INDIVIDUAL WHO IS A FUGITIVE FROM JUSTICE.
19 THIS SUBPARAGRAPH DOES NOT APPLY TO AN INDIVIDUAL WHOSE

20 FUGITIVE STATUS IS BASED UPON NONMOVING OR MOVING SUMMARY
21 OFFENSE UNDER TITLE 75 (RELATING TO VEHICLES).

22 * * *

23 (I) REVOCATION.--A LICENSE TO CARRY FIREARMS MAY BE REVOKED
24 BY THE ISSUING AUTHORITY FOR GOOD CAUSE. A LICENSE TO CARRY
25 FIREARMS SHALL BE REVOKED BY THE ISSUING AUTHORITY FOR ANY
26 REASON STATED IN SUBSECTION (E)(1) WHICH OCCURS DURING THE TERM
27 OF THE PERMIT. NOTICE OF REVOCATION SHALL BE IN WRITING AND
28 SHALL STATE THE SPECIFIC REASON FOR REVOCATION. NOTICE SHALL BE
29 SENT BY CERTIFIED MAIL, AND, AT THAT TIME, A COPY SHALL BE
30 FORWARDED TO THE COMMISSIONER. AN INDIVIDUAL WHOSE LICENSE IS
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1 REVOKED SHALL SURRENDER THE LICENSE TO THE ISSUING AUTHORITY
2 WITHIN FIVE DAYS OF RECEIPT OF THE NOTICE. AN INDIVIDUAL WHOSE
3 LICENSE IS REVOKED MAY APPEAL TO THE COURT OF COMMON PLEAS FOR
4 THE JUDICIAL DISTRICT IN WHICH THE INDIVIDUAL RESIDES. AN
5 INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A SUMMARY OFFENSE.

6 * * *

7 SECTION 4. SECTION 6111(B)(1.1)(I), (1.4) AND (3) AND (G)(3)
8 OF TITLE 18 ARE AMENDED AND SUBSECTIONS (B) AND (G) ARE AMENDED
9 BY ADDING PARAGRAPHS TO READ:
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 * * *

19 (1.1) ON [AND AFTER THE EARLIER OF] THE DATE OF
20 PUBLICATION IN THE PENNSYLVANIA BULLETIN OF A NOTICE BY THE
21 PENNSYLVANIA STATE POLICE THAT THE INSTANTANEOUS RECORDS
22 CHECK HAS BEEN IMPLEMENTED [OR THE DATE OF JULY 1, 1998], ALL
23 OF THE FOLLOWING SHALL APPLY:

24 (I) [FOR] IN THE EVENT OF AN ELECTRONIC FAILURE
25 UNDER SECTION 6111.1(B)(2) (RELATING TO PENNSYLVANIA
26 STATE POLICE) FOR PURPOSES OF A FIREARM WHICH EXCEEDS THE
27 BARREL AND RELATED LENGTHS SET FORTH IN SECTION 6102,
28 OBTAINED A COMPLETED APPLICATION/RECORD OF SALE FROM THE
29 POTENTIAL BUYER OR TRANSFEREE TO BE FILLED OUT IN
30 TRIPLICATE, THE ORIGINAL COPY TO BE SENT TO THE

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1 PENNSYLVANIA STATE POLICE, POSTMARKED VIA FIRST CLASS
2 MAIL, WITHIN 14 DAYS OF SALE, ONE COPY TO BE RETAINED BY
3 THE LICENSED IMPORTER, LICENSED MANUFACTURER OR LICENSED
4 DEALER FOR A PERIOD OF 20 YEARS AND ONE COPY TO BE
5 PROVIDED TO THE PURCHASER OR TRANSFEREE.

6 * * *

7 (1.4) [PRIOR TO JANUARY 1, 1997, AND FOLLOWING]
8 FOLLOWING IMPLEMENTATION OF THE INSTANTANEOUS RECORDS CHECK
9 BY THE PENNSYLVANIA STATE POLICE ON OR BEFORE [OCTOBER 11]
10 DECEMBER 31, 1999, NO APPLICATION/RECORD OF SALE SHALL BE

11 COMPLETED FOR THE PURCHASE OR TRANSFER OF A FIREARM WHICH
12 EXCEEDS THE BARREL LENGTHS SET FORTH IN SECTION 6102. A
13 STATEMENT SHALL BE SUBMITTED BY THE DEALER TO THE
14 PENNSYLVANIA STATE POLICE, POSTMARKED VIA FIRST CLASS MAIL,
15 WITHIN 14 DAYS OF THE SALE, CONTAINING THE NUMBER OF FIREARMS
16 SOLD WHICH EXCEED THE BARREL AND RELATED LENGTHS SET FORTH IN
17 SECTION 6102, THE AMOUNT OF SURCHARGE AND OTHER FEES REMITTED
18 AND A LIST OF THE UNIQUE APPROVAL NUMBERS GIVEN PURSUANT TO
19 PARAGRAPH (4), TOGETHER WITH A STATEMENT THAT THE BACKGROUND
20 CHECKS HAVE BEEN PERFORMED ON THE FIREARMS CONTAINED IN THE
21 STATEMENT. THE FORM OF THE STATEMENT RELATING TO PERFORMANCE
22 OF BACKGROUND CHECKS SHALL BE PROMULGATED BY THE PENNSYLVANIA
23 STATE POLICE.

24 * * *

25 (3) REQUESTED BY MEANS OF A TELEPHONE CALL THAT THE
26 PENNSYLVANIA STATE POLICE CONDUCT A CRIMINAL HISTORY,
27 JUVENILE DELINQUENCY HISTORY AND A MENTAL HEALTH RECORD
28 CHECK. THE PURCHASER AND THE LICENSED DEALER SHALL PROVIDE
29 SUCH INFORMATION AS IS NECESSARY TO ACCURATELY IDENTIFY THE
30 PURCHASER. THE REQUESTER SHALL BE CHARGED A FEE EQUIVALENT TO
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1 THE COST OF PROVIDING THE SERVICE BUT NOT TO EXCEED \$2 PER
2 BUYER OR TRANSFEREE.

3 * * *

4 (7) FOR PURPOSES OF THE ENFORCEMENT OF 18 U.S.C. §
5 922(D)(9), (G)(1) AND (S)(1) (RELATING TO UNLAWFUL ACTS), IN
6 THE EVENT THE CRIMINAL HISTORY OR JUVENILE DELINQUENCY
7 BACKGROUND CHECK INDICATES A CONVICTION FOR A MISDEMEANOR
8 THAT THE PENNSYLVANIA STATE POLICE CANNOT DETERMINE IS OR IS
9 NOT RELATED TO AN ACT OF DOMESTIC VIOLENCE, THE PENNSYLVANIA
10 STATE POLICE SHALL ISSUE A TEMPORARY DELAY OF THE APPROVAL OF
11 THE PURCHASE OR TRANSFER. DURING THE TEMPORARY DELAY, THE
12 PENNSYLVANIA STATE POLICE SHALL CONDUCT A REVIEW OR
13 INVESTIGATION OF THE CONVICTION WITH COURTS, LOCAL POLICE
14 DEPARTMENTS, DISTRICT ATTORNEYS AND OTHER LAW ENFORCEMENT OR
15 RELATED INSTITUTIONS AS NECESSARY TO DETERMINE WHETHER OR NOT
16 THE MISDEMEANOR CONVICTION INVOLVED AN ACT OF DOMESTIC
17 VIOLENCE. THE PENNSYLVANIA STATE POLICE SHALL CONDUCT THE
18 REVIEW OR INVESTIGATION AS EXPEDITIOUSLY AS POSSIBLE. NO
19 FIREARM MAY BE TRANSFERRED BY THE DEALER TO THE PURCHASER WHO
20 IS THE SUBJECT OF THE INVESTIGATION DURING THE TEMPORARY
21 DELAY. THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE DEALER
22 OF THE TERMINATION OF THE TEMPORARY DELAY AND EITHER DENY THE
23 SALE OR PROVIDE THE UNIQUE APPROVAL NUMBER UNDER PARAGRAPH
24 (4).

25 * * *

26 (G) PENALTIES.--

27 * * *

28 (3) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
29 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY REQUESTS
30 A CRIMINAL HISTORY, JUVENILE DELINQUENCY OR MENTAL HEALTH
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1 RECORD CHECK OR OTHER CONFIDENTIAL INFORMATION [PURSUANT TO

2 SECTION 6109] FROM THE PENNSYLVANIA STATE POLICE [OR OTHER
3 LAW ENFORCEMENT AGENCY] UNDER THIS CHAPTER FOR ANY PURPOSE
4 OTHER THAN COMPLIANCE WITH THIS CHAPTER OR KNOWINGLY AND
5 INTENTIONALLY DISSEMINATES ANY CRIMINAL HISTORY, JUVENILE
6 DELINQUENCY OR MENTAL HEALTH RECORD OR OTHER CONFIDENTIAL
7 INFORMATION [PURSUANT TO SECTION 6109] TO ANY PERSON OTHER
8 THAN THE SUBJECT OF THE INFORMATION COMMITS A FELONY OF THE
9 THIRD DEGREE.

10 (3.1) ANY PERSON, LICENSED DEALER, LICENSED MANUFACTURER
11 OR LICENSED IMPORTER WHO KNOWINGLY AND INTENTIONALLY OBTAINS
12 OR FURNISHES INFORMATION COLLECTED OR MAINTAINED PURSUANT TO
13 SECTION 6109 FOR ANY PURPOSE OTHER THAN COMPLIANCE WITH THIS
14 CHAPTER OR WHO KNOWINGLY OR INTENTIONALLY DISSEMINATES,
15 PUBLISHES OR OTHERWISE MAKES AVAILABLE SUCH INFORMATION TO
16 ANY PERSON OTHER THAN THE SUBJECT OF THE INFORMATION COMMITS
17 A FELONY OF THE THIRD DEGREE.

18 * * *

19 SECTION 5. SECTION 6111.1(B)(3) AND (E) OF TITLE 18 ARE
20 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
21 READ:

22 § 6111.1. PENNSYLVANIA STATE POLICE.

23 * * *

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

25 * * *

26 (3) THE PENNSYLVANIA STATE POLICE SHALL FULLY COMPLY,
27 EXECUTE AND ENFORCE THE DIRECTIVES OF THIS SECTION [WITHIN
28 FOUR YEARS OF THE ENACTMENT OF THIS SUBSECTION.] AS FOLLOWS:

29 (I) THE INSTANTANEOUS BACKGROUND CHECK FOR FIREARMS
30 AS DEFINED IN SECTION 6102 (RELATING TO DEFINITIONS)

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1 SHALL BEGIN ON JULY 1, 1998.

2 (II) THE INSTANTANEOUS BACKGROUND CHECK FOR FIREARMS
3 THAT EXCEED THE BARREL LENGTHS SET FORTH IN SECTION 6102
4 SHALL BEGIN FOLLOWING NOTICE PUBLISHED IN THE
5 PENNSYLVANIA BULLETIN ON THE DATE OF IMPLEMENTATION, BUT
6 NO LATER THAN DECEMBER 31, 1999.

7 * * *

8 (E) CHALLENGE TO RECORDS.--ANY PERSON WHO IS DENIED THE
9 RIGHT TO RECEIVE, SELL, TRANSFER, POSSESS, CARRY, MANUFACTURE OR
10 PURCHASE A FIREARM AS A RESULT OF THE PROCEDURES ESTABLISHED BY
11 THIS SECTION MAY CHALLENGE THE ACCURACY OF THAT PERSON'S
12 CRIMINAL HISTORY, JUVENILE DELINQUENCY HISTORY OR MENTAL HEALTH
13 RECORD [UNDER THE PROCEDURES OF CHAPTER 91 (RELATING TO CRIMINAL
14 HISTORY RECORD INFORMATION).] PURSUANT TO A DENIAL BY THE
15 INSTANTANEOUS RECORDS CHECK IN ACCORDANCE WITH PROCEDURES
16 ESTABLISHED BY THE PENNSYLVANIA STATE POLICE. THE DECISION
17 RESULTING FROM A CHALLENGE UNDER THIS SUBSECTION MAY BE APPEALED
18 TO THE ATTORNEY GENERAL WITHIN 30 DAYS OF THE DECISION BY THE
19 PENNSYLVANIA STATE POLICE. THE DECISION OF THE ATTORNEY GENERAL
20 MAY BE APPEALED TO THE COMMONWEALTH COURT IN ACCORDANCE WITH
21 COURT RULE.

22 * * *

23 (J) IMMUNITY.--THE PENNSYLVANIA STATE POLICE AND ITS
24 EMPLOYEES SHALL BE IMMUNE FROM ACTIONS FOR DAMAGES FOR THE USE
25 OF A FIREARM BY A PURCHASER OR FOR THE UNLAWFUL TRANSFER OF A
26 FIREARM BY A DEALER UNLESS THE ACT OF THE PENNSYLVANIA STATE

27 POLICE OR ITS EMPLOYEES CONSTITUTES A CRIME, ACTUAL FRAUD,
28 ACTUAL MALICE OR WILLFUL MISCONDUCT.

29 SECTION 6. SECTIONS 6111.3 HEADING AND (A), 6113(A)(5) AND
30 (D) OF TITLE 18 ARE AMENDED TO READ:
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1 § 6111.3. FIREARM [INSTANT] RECORDS CHECK FUND.
2 (A) ESTABLISHMENT.--THE FIREARM [OWNERSHIP] RECORDS CHECK
3 FUND IS HEREBY ESTABLISHED AS A RESTRICTED ACCOUNT IN THE STATE
4 TREASURY, SEPARATE AND APART FROM ALL OTHER PUBLIC MONEY OR
5 FUNDS OF THE COMMONWEALTH, TO BE APPROPRIATED ANNUALLY BY THE
6 GENERAL ASSEMBLY, FOR USE IN CARRYING OUT THE PROVISIONS OF
7 SECTION 6111 (RELATING TO FIREARM OWNERSHIP). THE MONEYS IN THE
8 FUND ON JUNE 1, 1998, ARE HEREBY APPROPRIATED TO THE
9 PENNSYLVANIA STATE POLICE.

10 § 6113. LICENSING OF DEALERS.

11 (A) GENERAL RULE.--THE CHIEF OR HEAD OF ANY POLICE FORCE OR
12 POLICE DEPARTMENT OF A CITY, AND, ELSEWHERE, THE SHERIFF OF THE
13 COUNTY, SHALL GRANT TO REPUTABLE APPLICANTS LICENSES, IN FORM
14 PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, EFFECTIVE FOR THREE
15 YEARS FROM DATE OF ISSUE, PERMITTING THE LICENSEE TO SELL
16 FIREARMS DIRECT TO THE CONSUMER, SUBJECT TO THE FOLLOWING
17 CONDITIONS IN ADDITION TO THOSE SPECIFIED IN SECTION 6111
18 (RELATING TO SALE OR TRANSFER OF FIREARMS), FOR BREACH OF ANY OF
19 WHICH THE LICENSE SHALL BE FORFEITED AND THE LICENSEE SUBJECT TO
20 PUNISHMENT AS PROVIDED IN THIS SUBCHAPTER:

21 * * *

22 (5) A TRUE RECORD IN TRIPLICATE SHALL BE MADE OF EVERY
23 FIREARM SOLD, IN A BOOK KEPT FOR THE PURPOSE, THE FORM OF
24 WHICH MAY BE PRESCRIBED BY THE PENNSYLVANIA STATE POLICE, AND
25 SHALL BE PERSONALLY SIGNED BY THE PURCHASER AND BY THE PERSON
26 EFFECTING THE SALE, EACH IN THE PRESENCE OF THE OTHER, AND
27 SHALL CONTAIN THE INFORMATION REQUIRED BY SECTION 6111. THE
28 RECORD SHALL BE MAINTAINED BY THE LICENSEE FOR A PERIOD OF 20
29 YEARS.

30 * * *

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1 (D) DEFINITIONS.--FOR THE PURPOSES OF THIS SECTION AND
2 SECTION 6112 (RELATING TO RETAIL DEALER REQUIRED TO BE LICENSED)
3 ONLY UNLESS OTHERWISE SPECIFICALLY PROVIDED, THE TERM "FIREARM"
4 SHALL INCLUDE ANY WEAPON THAT IS DESIGNED TO OR MAY READILY BE
5 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE
6 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

7 Section 3 7. Title 18 is amended by adding sections to read: <--
8 § 7510. Municipal housing code avoidance.

9 (a) Offense defined.--A person commits the crime of
10 municipal housing code avoidance if:

11 (1) the person has been convicted of a fourth or
12 subsequent violation of the same subsection of a municipal
13 housing code for the same property;

14 (2) the violation has been continual and uncorrected;

15 (3) the violation poses a threat to the public's health,
16 safety or property; and

17 (4) no reasonable attempt has been made by the person to

18 correct the violation.
19 (b) Grading.--Municipal housing code avoidance shall
20 constitute a:
21 (1) Misdemeanor of the second degree when the offense is
22 a fourth conviction of a violation of the same subsection
23 under a municipal housing code relating to the same property.
24 (2) Misdemeanor of the first degree when the offense is
25 based on five or more convictions of violations of the same
26 subsection under a municipal housing code relating to the
27 same property.
28 (c) Definition.--As used in this section, the term
29 "municipal housing code" means any municipality's building,
30 housing or property maintenance code or ordinance.
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1 § 7511. Control of alarm devices and automatic dialing devices.
2 (a) Automatic dialing devices.--A person may not attach or
3 use an automatic dialing device without doing all of the
4 following:
5 (1) Providing the disclosure under subsection (b).
6 (2) Obtaining prior written approval from a public
7 safety agency to use the automatic dialing device to alert
8 the public safety agency of an alarm condition. The public
9 safety agency shall not be responsible for any costs for the
10 installation and maintenance of any dedicated telephone line
11 or equipment associated with the alarm termination.
12 (b) Disclosure.--A person seeking approval under subsection
13 (a) shall disclose the telephone number of a person to be
14 contacted if the automatic dialing device is activated and all
15 relevant facts concerning the design and layout of the premises
16 to be protected by the automatic dialing device. The person
17 shall inform the public safety agency of any change in the
18 information required by this subsection as soon as practicable.
19 (c) False alarms prohibited.--
20 (1) A person that owns, uses or possesses an alarm
21 device or automatic dialing device may not, after causing or
22 permitting three false alarms to occur in a consecutive 12-
23 month period, cause or permit a subsequent false alarm to
24 occur in the same consecutive 12-month period. A person that
25 violates this paragraph commits a summary offense and shall,
26 upon conviction, be sentenced to pay a fine of NOT MORE THAN <--
27 \$300.
28 (2) Venue for prosecution of an offense under this
29 subsection shall lie at any of the following places:
30 (i) Where the alarm originated.
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1 (ii) Where the alarm was received by the:
2 (A) public service agency; or
3 (B) third person designated to notify the public
4 service agency.
5 (3) Disposition NOTWITHSTANDING 42 PA.C.S. § 3733 <--
6 (RELATING TO DEPOSITS INTO ACCOUNT) OR ANY OTHER LAW, THE
7 DISPOSITION OF FINES shall be as follows:
8 (i) The fine shall be paid to the municipality if

9 all of the following apply:
10 (A) The public safety agency which responded to
11 the false alarm serves the municipality.
12 (B) The prosecution is initiated by the public
13 safety agency under clause (A) or by the
14 municipality.
15 (C) The offense is prosecuted by the appropriate <--
16 district attorney.
17 (ii) The FULL AMOUNT OF THE fine shall be paid to <--
18 the Commonwealth if all of the following apply:
19 (A) The Pennsylvania State Police is the public
20 safety agency which responded to the false alarm.
21 (B) The prosecution is initiated by the
22 Pennsylvania State Police.
23 (C) The offense is prosecuted by the Attorney <--
24 General.
25 (D) (C) There is no prosecution under <--
26 subparagraph (i).
27 (d) Suspension or revocation of approval.--The public safety
28 agency may refuse, revoke or suspend the approval granted under
29 subsection (a) if the public safety agency determines any of the
30 following:
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1 (1) The request for approval contains a statement of
2 material of fact which is false.
3 (2) The person failed to comply with this section.
4 (3) The person violated subsection (c).
5 (e) Local regulation of installers.--
6 (1) General rule.--Except as set forth in paragraph (2),
7 nothing in this section shall prohibit a municipality from
8 requiring any individual who installs alarms in such
9 municipality to acquire a license, meet educational
10 requirements or pass an examination relating to competence to
11 perform such installations. Nothing in this section shall
12 preclude municipalities from doing any of the following:
13 (i) Denying or revoking local permits for failure to
14 comply with local ordinances.
15 (ii) Levying lawful taxes and fees.
16 (iii) Requiring the purchase of a business privilege
17 license.
18 (2) Limitation.--A municipality may not require a
19 licensed electrical contractor to acquire a separate or
20 additional license or certification to install alarms if the
21 electrical contractor is licensed by the municipality and has
22 passed an examination in the National Electrical Code, a
23 similar code or local electrical code and has at least two
24 years' experience as an electrical contractor.
25 (f) Definitions.--As used in this section, the following
26 words and phrases shall have the meanings given to them in this
27 subsection:
28 "Alarm." A communication to a public safety agency
29 indicating that a crime, fire or other emergency warranting
30 immediate action by that public safety agency has occurred or is
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1 occurring.
2 "Alarm device." A device designed to automatically transmit
3 an alarm:
4 (1) directly to a public safety agency; or
5 (2) to a person that is instructed to notify the public
6 safety agency of the alarm.
7 "Automatic dialing device." A device which is interconnected
8 to a telephone line and preprogrammed to transmit the coded
9 signal of an alarm to a dedicated telephone trunk line or to
10 dial a predetermined telephone number to an alarm to a public
11 safety agency.
12 "Dedicated telephone trunk line." A telephone line or lines
13 which serves a public safety agency which is dedicated to
14 receiving transmissions from an automatic dialing device.
15 "False alarm." The activation of an alarm device to which a
16 public safety agency responds when a crime, fire or other
17 emergency has not occurred.
18 "Person." An individual, corporation, partnership,
19 incorporated association or other similar entity.
20 "Public safety agency." The Pennsylvania State Police or any
21 municipal police or fire department.
22 Section 4. This act shall take effect in 60 days. <--
23 SECTION 8. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <--
24 (1) THE AMENDMENT OR ADDITION OF 18 PA.C.S. §§
25 2713(D)(2), 7510 AND 7511 SHALL TAKE EFFECT IN 60 DAYS.
26 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
27 IMMEDIATELY.