



2016 Important Pro-Gun Legislation-PA House & Senate

1. Eliminate the PICS System – [SB 725](#) & [HB 921](#)
2. Hunting with semi-auto Rifles – [SB 737](#) & [HB 366](#)
3. Modify the Transportation of Firearms Laws – [HB 718](#)
4. Constitutional Carry (known as two-tiered carry) - [HB 230](#)
5. Firearm Freedom Act – [HB 510](#)
6. Right to Bear Arms Protection Act – [HB 357](#) & [SB 357](#)
7. Prohibition on Maintenance of Firearms Registry – [HB 783](#)
8. Firearm Storage Device Sales Tax Exclusion – [SB 629](#) & [HB 283](#)
9. Disparity of Force – [HB 45](#)
10. Firearms Offenses Sentence – [HB 44](#)
11. LTCF Reciprocity – [HB 80](#)

Legislation Source: <http://www.legis.state.pa.us/>

Item #1 Analysis Below:

Instant Check Change – Eliminate PICS & Move to NICS **[SB 725](#) (Sen. Bartolotta) & [HB 921](#) (Rep. Turzai)**

[SB 725](#) [Bartolotta](#), [Scarnati](#), [Aument](#), [Yudichak](#), [Vogel](#), [Stefano](#), [Wagner](#), [White](#), [Hutchinson](#), [Yaw](#), [Ward](#), [Brewster](#), [Alloway](#) And [Reschenthaler](#) Senate Co-sponsors (14) as of 5-05-2016

[HB 921](#) [Turzai](#), [Krieger](#), [Tallman](#), [Metzgar](#), [Mustio](#), [Saccone](#), [Saylor](#), [Greiner](#), [Cutler](#), [Dunbar](#), [Gingrich](#), [Kauffman](#), [Everett](#), [Causer](#), [Barrar](#), [Grove](#), [Bloom](#), [Mullery](#), [James](#), [Sankey](#), [Gabler](#), [Hickernell](#), [A. Harris](#), [Major](#), [Goodman](#), [Ellis](#), [Metcalf](#), [Mentzer](#), [Zimmerman](#), [Petarca](#), [Baker](#), [Pyle](#), [Sonney](#), [Sainato](#), [Readshaw](#), [Kortz](#), [Diamond](#), [Cox](#), [Marshall](#), [Gibbons](#), [Cohen](#), [Warner](#), [Peifer](#), [Gillen](#), [Neuman](#), [Kotik](#), [Moul](#), [Gergely](#), [Roae](#), [Rapp](#), [Maloney](#), [Phillips-Hill](#), [McGinnis](#), [Ward](#), [Staats](#), [Reese](#), [Farry](#), [Harhart](#), [English](#), [Snyder](#), [Christiana](#), [Benninghoff](#), [Flynn](#), [P. Daley](#), [D. Parker](#), [Ortitay](#), [Emrick](#), [Rader](#), [Toohil](#), [Mahoney](#), [Evankovich](#), [Burns](#), [Schemel](#), [Oberlander](#), [Nelson](#), [M. K. Keller](#), [Topper](#), [Farina](#), [Dush](#) And [Nesbit](#)
House Co-sponsors (80) as of 5-31-2016

[SB 725](#) (Sen. Bartolotta) & [HB 921](#) (Rep. Turzai) would replace the Pennsylvania Instant Check System (PICS) with the National Instant Check System (NICS) saving over \$7 million annually (with tens of millions of dollars required for computer upgrades) for the Commonwealth and millions in fees for citizens as well as unburdening the legitimate firearms retailers from unnecessary complications in the firearms purchase process.

Important Points: Are YOU aware that:

- PICS duplicates NICS services adding unnecessary layers of technological complication to the firearms purchase process.
- PICS has cost Pennsylvania at least \$100 million since 1998 to 2011 figures
- NICS can be used at NO cost to gun owners.
- State police use PICS to maintain an “illegal database of gun owners”.
- How many crimes have the state police solved by the staggering amount of money spent?
- Recently, two-thirds of PICS funding was cut from the General Fund yet the system still operates – where is the fat in the Pennsylvania State Police budget?

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- The Pennsylvania State Police have “only recently” (2013) complied with long-standing Federal regulations to share mental health records with NICS to prevent persons diagnosed with disabling (with respect to acquiring firearms) mental health problems from going to another state to buy firearms.

Points for Legislators:

- Eliminating PICS & letting NICS provide the same service will save PA \$7 Million annually as well as avoiding periodic large scale upgrades to computer systems (last one: \$32,000,000).
- This savings in previously wasted taxpayer dollars would be available to get more state troopers on the streets and fund other essential state programs.
- Streamline the background check process for law-abiding gun owners & dealers who have been plagued by frequent PICS shutdowns.
- Eliminate duplicate intergovernmental costs

Pennsylvania pays extra for the instant check – a job that most states let NICS do for FREE. Perhaps this is why PICS has never issued a cost-benefit analysis. We also have concerns that the state run PICS system has not been, to our knowledge, audited by an independent entity to examine the operational as well as financial performance of this program.

The Pennsylvania Instant Check System (PICS) from 1998 to 2011 has cost the tax payers in excess of estimated \$100,000,000.00 dollars (yes, that IS ‘millions’) to administer to date for background checks for all firearm purchases. The federal NICS would do the same job at no additional cost to taxpayers. It also costs on average \$7 million a year for administration and cost to keep the PICS (PA Instant Check System) including the, arguably, illegal ‘Record of Sale’ database system.

It would be more productive to use the millions of taxpayer dollars a year spent on the PICS duplicative system, that is forcing legitimate firearms dealers out of business, put to better use arresting and locking up violent career criminals. Additionally, it is far more effective for the state to be employing more police officers with the money wasted on this system than perpetuating a bureaucratic nightmare of convoluted interpretations of law that includes the creation of a database of firearm owners along with all the abuse associated with it misuse.

As a reminder, here are a few quick points regarding the PSP failing to comply with law:

1. Reclassifying AR-15 rifles as pistols
2. Ignoring PA law (since 1998) providing for Licenses to Carry Firearms (LTCF) bypassing firearms background checks.
3. Illegally requiring Social Security Numbers in violation of federal law (Stollenwerk v. PA – PSP lost this court case then ignored Federal Court Judge Sanchez’ decision)
4. Putting firearms purchasers on a delayed status and ‘then’ automatically denying the firearms transaction.
5. Creating an Internet browser based pilot program for automated firearm background checks that has, arguably, violated PA law that requires checks to be conducted over the phone.

Privacy issues are also a concern from computer displays as well as hacking/security issues.

***(the list above is not complete and there are numerous additional examples)

****We respectfully ask legislators** to please consider adding their name as a co-sponsor to this important legislation that will help to restore and enhance citizen freedoms and SAVE tax payer money.

Item #2 Analysis Below:

Hunting with semi-auto rifles [SB 737](#) & [HB 366](#)

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[SB 737](#) [Hutchinson](#), [Scarnati](#), [Alloway](#), [Eichelberger](#), [Stefano](#), [Vogel](#), [Vulakovich](#), [White](#), [Mensch](#) And [Bartolotta](#) Senate Co-sponsors as of 5-05-2016

[HB 366](#) [Saccone](#), [Krieger](#), [Diamond](#), [Mustio](#), [James](#), [Kauffman](#), [Mullery](#), [A. Harris](#), [M. K. Keller](#), [Marshall](#), [Schemel](#), [Dush](#), [Gabler](#), [Grove](#), [Metcalf](#), [Gibbons](#), [Roae](#), [Rapp](#), [Petrarca](#), [Maloney](#), [Phillips-Hill](#), [Ortitay](#), [Everett](#), [Sonney](#), [McGinnis](#), [Jozwiak](#), [Harhai](#), [Gillen](#), [Bloom](#), [Rader](#), [Ward](#), [Staats](#), [Emrick](#), [Sankey](#), [Farina](#), [Cutler](#), [Cox](#), [Christiana](#), [Dunbar](#), [Saylor](#), [Reese](#), [Harkins](#), [Flynn](#), [P. Daley](#), [Caltagirone](#), [Metzgar](#), [Goodman](#), [Evankovich](#), [Hanna](#), [Moul](#), [English](#), [Mahoney](#), [D. Costa](#), [Warner](#), [Causar](#), [Turzai](#), [Wheeland](#) And [Burns](#) House Co-sponsors as of 5-05-2016

[HB 366](#) & [SB 737](#) Hunters in 49 out of 50 states are allowed to use semi-auto rifles for hunting some species of game in their state. Only Pennsylvania prohibits the use of semi-auto rifles for any hunting.

Points for Legislators:

Are YOU aware that:

- ✓ This proposed legislation if passed, would not automatically allow these semi-auto rifles to be used for hunting, but would simply give the Pa Game Commission (PGC) the authority to regulate and allow the use of such semi-auto rifles during specific seasons or for specific species as they currently do for semi-auto shotguns
- ✓ Currently the PGC does allow disabled hunters with amputation of a hand or both hands to use semi-auto rifles for hunting, without problems
- ✓ Center fire semi-auto rifles in PA will be 5 rounds capacity (not counting the chamber).
- ✓ 17 out of 49 states had some magazine capacity restrictions for hunting, out of those only 10 states had 5 round limitation as proposed in Rep Saccone's legislations (plus NJ)
- ✓ ALL of the other states directly adjoining PA allow the use of semi-auto rifles for hunting
- ✓ In 49 states, where these firearms are legal to hunt with, there is no documented evidence that hunting with semi-auto firearms makes lawful hunting less safe or that there are 'any' greater number of problems because of the use of this type of firearms action.
- ✓ Something to consider about some of the reasons why to legalize semi-auto firearm for youth, woman and even older men hunters.
- ✓ One big downside to manually operated rifles, when compared to a semi-automatic rifle, is felt recoil. Larger calibers, from some favorite deer calibers such as the .30-06 on up, generate heavy recoil the average shooter may not tolerate well. Gas-operated semi-autos attenuate this recoil.
- ✓ Another plus favoring semi-autos is faster reloading for follow-up shots. Combine less recoil for eliminating muzzle jump with faster loading and getting the sights or crosshairs on target for a second or third shot IF its required and the semi-auto wins out over the bolt action to humanely harvest game.
- ✓ The reduced recoil and follow up shot is why you will see semi-auto shotguns so often used by PA hunters.
- ✓ Many of these same semi-auto rifles also have adjustable stocks and pistol grips that make them more user friendly again for young hunters, woman and hunters in general.
- ✓ These are few of the key reasons for allowing PA become the 50th state to allow semi-auto rifles for hunting as this change will retain and help recruit new hunters to carry on the all of recreational activity that hunting provides.

****We respectfully ask legislators** to please consider co-sponsoring this important legislation that will help to restore and enhance citizen freedoms as well as the hunting experience.

Item #3 Analysis Below:

Transportation of Firearms Legislation – [HB 718](#)

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[Krieger](#), [Millard](#), [Tallman](#), [Dush](#), [McGinnis](#), [Marshall](#), [Topper](#), [Barrar](#), [Saccone](#), [Causar](#), [Dunbar](#), [Diamond](#), [Saylor](#), [Reese](#), [Greiner](#), [Metcalf](#), [Schemel](#), [Gabler](#), [Kortz](#), [Kauffman](#), [A. Harris](#), [Bloom](#), [Cutler](#), [Mullery](#), [Lawrence](#), [M. K. Keller](#), [Pickett](#), [Sankey](#), [Maloney](#), [Mahoney](#), [Gibbons](#), [Grell](#), [Peifer](#), [Moul](#), [Rapp](#), [Roae](#), [Jozwiak](#), [Harhai](#), [Farry](#), [Rader](#), [Ward](#), [Phillips-Hill](#), [Staats](#), [Ortitay](#), [Warner](#), [Emrick](#), [Christiana](#), [Cox](#), [Ellis](#), [Grove](#), [Petrarca](#), [Benninghoff](#), [Snyder](#), [Flynn](#), [P. Daley](#), [D. Parker](#), [Metzgar](#), [Godshall](#), [Mustio](#), [Goodman](#), [Knowles](#), [Hanna](#), [Gillen](#), [Evankovich](#) And [Burns](#)

House Co-sponsors as of 5-05-2016

HB 718 (Rep. Krieger) **corrects flaws in current law** regarding the transportation of unloaded firearms in **Title 18 §6106(b)**.

Currently the lawful transportation of unloaded firearms is very restrictive and only compasses certain destinations without any stops for any reason, **no exceptions**. This legislation will remove inconsistencies in the law & also benefit travelers from other states who transport firearms through PA.

Questions for Legislators:

Are YOU aware that:

- ✓ Gun owners (who do not possess a License to Carry a Concealed Firearm) can ‘only’ transport lawfully owned and unloaded firearms (definition in Title 18-§6102) to four places (not counting hunting) with NO STOPS in travel:
 - To & from a gun club.
 - To & from a ‘licensed’ FFL dealer
 - To & from a recreational home
 - To & from the police to surrender or recover a firearm.
 - To & from hunting with license (seasonal).
- ✓ This language does ‘not’ allow for ANY STOPS for ANY reason and that includes fueling vehicles, dining out, and even denying restroom stops.
- ✓ Being found guilty of violating this law carries a ‘lifelong loss of the right to own a firearm’.
- ✓ This criminal violation requires NO mens rea (guilty mind/criminal intent).

What this law will do:

- ✓ Adds a simple section of the law to correct the problem - “Any person who is not otherwise prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm shall be entitled to transport a firearm for any lawful purpose if, during such transportation, the firearm is not loaded” (definition in Title 18-§6102)
- ✓ Protects citizens against unintentional violations of the law and unwarranted and specious prosecutions.

**** We respectfully ask legislators to please consider co-sponsoring this important legislation that will help to restore and enhance citizen freedoms.**

Item #4 Analysis Below:

Constitutional Carry of Firearms Legislation – [HB 230](#)

[Saccone](#), [Dunbar](#), [Maloney](#), [Diamond](#), [Krieger](#), [Cutler](#), [Kauffman](#), [Reese](#), [Roae](#), [Saylor](#), [James](#), [McGinnis](#), [Everett](#), [Sankey](#), [Hickernell](#), [A. Harris](#), [Readshaw](#), [Maher](#), [Metcalf](#), [Tallman](#), [Cox](#), [Snyder](#), [Harhai](#), [M. K. Keller](#), [Neuman](#), [Helm](#), [Rapp](#), [F. Keller](#), [Gibbons](#), [Ortitay](#), [Phillips-Hill](#), [Kortz](#), [Bloom](#), [Jozwiak](#), [Gillen](#), [Christiana](#), [Rader](#), [Marshall](#), [Ward](#), [Petrarca](#), [Staats](#), [Gabler](#), [Warner](#), [Baker](#), [Ellis](#), [Grove](#), [Benninghoff](#), [P. Daley](#), [Metzgar](#), [Mustio](#), [Evankovich](#), [Mahoney](#), [Rothman](#), [Turzai](#), [Wheeland](#), [Causar](#), [Nesbit](#) And [Burns](#)

House Co-sponsors as of 5-05-2016

HB 230 (Rep. Saccone) **Constitutional Carry** is a situation within a jurisdiction in which the carrying of firearms, concealed or not, is generally not restricted by the law. When a state or other

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jurisdiction has adopted Constitutional Carry, it is legal for law-abiding citizens to carry a handgun, firearm, or other weapon concealed with or without an applicable permit or license.

The law decriminalizes the carry of handguns for self-defense purposes without a license, and puts the burden upon a prosecutor to prove criminal intent of a person carrying a handgun. Also, there are no limitations as to whether a legally carried handgun should be carried openly or concealed; thus it is considered Constitutional Carry.

Alaska enacted Freedom To Carry in 2003 and all's well. Texas enacted Freedom To Carry "light" in 2007 as the Motorist Protection Act: there is no government interference with discreetly having a gun anywhere in your premises or your vehicle (including any sort of motor home), and from your premises to your vehicle, an excellent start (you still need a license while out and about on foot, so they're taking it one step at a time, so to speak). Having a firearm, if you're doing nothing wrong, is not a crime. And should not be a crime. What a concept. A woman should be able to put a handgun in her handbag and go about her day without fear of arrest. Montana enacted Freedom To Carry in 1991 for 99.4% of the state (outside city limits).

11 states currently have Constitutional carry:

- | | | |
|-----------------|---------------------|-------------------------------|
| 1. Vermont | 5. Arkansas 2013 | 9. Montana (City Permit only) |
| 2. Alaska 2003 | 6. Kansas 2015 | 10. West Virginia (2016) |
| 3. Arizona 2010 | 7. Mississippi 2015 | 11. Idaho (2016) |
| 4. Wyoming 2011 | 8. Maine 2015 | |

(Vermont's Constitutional Carry has been in effect for over 3 decades-the state's violent crime rate was the lowest in 2014)

Some of the other states considering constitutional carry are:

Colorado, Iowa, Kentucky, Montana, Minnesota, Nevada, New Hampshire, South Carolina, Texas, Tennessee, Georgia, Oregon, Utah, Virginia

Under the infringement of so-called "reciprocity" schemes (an odious feature of "right-to-carry" plans), your human and civil rights as an American have been reduced to a list of government-approved states for licensees only, when you leave your home state. The 98% of the public that refuses to jump through the hoops, be taxed, get on the criminal database and get "rights" papers is left out in the cold when they travel under the current "reciprocity" model. ***Enormous police effort that could be going directly toward reducing crime is instead being diverted into registering, regulating and tracking the innocent. Open Carry of a firearm without a license is legal in PA, paying a tax to wear coat just to conceal your firearm from view shouldn't be a crime!***

**** We respectfully ask legislators to please consider co-sponsoring this important legislation that will help to restore a Constitutional right and enhance citizen freedoms.**

Item #5 Analysis Below:

Firearm Freedom Act (FFA) – [HB 510](#)

[Gabler](#), [Baker](#), [Barrar](#), [Bloom](#), [Causar](#), [D. Costa](#), [Cutler](#), [Diamond](#), [Dunbar](#), [Dush](#), [Evankovich](#), [Everett](#), [Gibbons](#), [Gillen](#), [Greiner](#), [Grell](#), [Grove](#), [A. Harris](#), [Helm](#), [Hickernell](#), [James](#), [Kauffman](#), [M. K. Keller](#), [Knowles](#), [Krieger](#), [Major](#), [Maloney](#), [Marshall](#), [McGinnis](#), [Metcalf](#), [Metzgar](#), [Millard](#), [Moul](#), [Mullery](#), [Oberlander](#), [Peifer](#), [Pickett](#), [Readshaw](#), [Reese](#), [Regan](#), [Saccone](#), [Sankey](#), [Saylor](#), [Tallman](#), [Topper](#), [Roae](#), [Rapp](#), [F. Keller](#), [Kortz](#), [Phillips-Hill](#), [Sonney](#), [Rader](#), [Petrarca](#), [Staats](#), [Warner](#), [Farina](#), [Christiana](#), [Cox](#), [Ellis](#), [Benninghoff](#), [Mustio](#), [Ward](#), [Ortitay](#) And [Schemel](#)

House Co-sponsors as of 5-05-2016

[HB 510](#) The **PA Firearm Freedom Act** is modeled after the "Montana Firearm Freedom Act"(HB 246) which was signed into law by the governor of Montana on April 15, 2009 and went into effect of Oct 1, 2009. The "Tennessee Firearm Freedom Act" was also passed into law in June 09, since then a total of **9 states have enacted Firearm Freedom Act.**

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- **Alaska** HB 186 signed by governor 5-27-10
- **Arizona** governor Jan Brewer signed HB 2307 on 4-5-10
- **Idaho** Governor Butch Otter signed HB 589 – 4/8/2010
- **Montana** Governor signed April 15, 2009
- **South Dakota** Governor Rounds Signs Firearms Freedom Act into Law – 3/12/10
- **Tennessee** Firearms Freedom Act was also passed into law in June 09.
- **Utah** Governor signs FFA – 2/26/10
- **Wyoming** Governor signs bill on federal gun regulation – 3/11/10

Both houses in Oklahoma passed Firearm Freedom Act by large numbers, except for a single veto by the Governor and lack of time to override it would be the 9th state.

Kansas governor signed SB 102 on 4-16-2013 to make officially the 9th state to enact FFA.

Both houses in Missouri passed FFA by large numbers in April of 2013 except for a single veto by the Governor and failing by a veto override by one vote it would be the 10th state.

Besides the nine states that passed Firearms Freedom Act legislation. There have been an additional 26 states besides PA that have introduced similar legislation to Montana's Firearm Freedom Act.

They are Alabama, Arkansas, Colorado, Florida, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin are pending.

In each state, the Firearms Freedom Act asserts the state's sovereignty within its own borders and rejects Federal regulation over arms possessed within the borders of those states. Traditionally, the Federal government has justified such meddling via the [Interstate Commerce Clause](#) of the Constitution, as well as through 18 USC § 922.

Strictly speaking, the Fed's mandate only applies in situations involving commerce across state lines, and in matters that could affect said activities. If an item is assembled in-state, from parts manufactured in-state, and it isn't sold across state lines, then there's a real question of whether or not the Federal government can interfere.

Taking cues from the 9th & 10th Amendments, many states legislators are saying that the Feds can't.

This tests our state sovereignty in relationship to the federal government, and it would attract new small gun manufacturers to PA to manufacture certain types of firearms and ammunition that are only used in intrastate commerce. This legislation will also help "mom and pop" businesses that deal with firearms, ammunition or accessories. FFA will create new private sector jobs and sales in PA which is always a good thing in generating more state revenue.

Please, consider adding your name with the other representatives as a co-sponsor to Rep. Gabler's PA Firearms Freedom Act (FFA) to put the feds on notice that the elected state Representatives of PA makes the laws and we are not subservient to Washington D.C. federal regulations.

**** We respectfully ask legislators to please consider co-sponsoring this important legislation** that will help to restore the balance of states rights and enhance citizen freedoms.

Item #6 Analysis Below:

Right to Bear Arms Protection Act

SB 357 [Eichelberger](#), [Scavello](#), [Vulakovich](#), [Ward](#), [White](#), [Aument](#), [Hutchinson](#), [Vogel](#), [Scarnati](#), [Stefano](#), [Folmer](#), [Brooks](#), [Bartolotta](#), [Brewster](#) And [Baker](#) Senate Co-sponsors as of 5-05-2016

HB 357 [Metcalf](#), [Mustio](#), [Metzgar](#), [Sonney](#), [A. Harris](#), [Bloom](#), [Kauffman](#), [Baker](#), [Grove](#), [Cutler](#), [Sankey](#), [Saccone](#), [Tallman](#), [Diamond](#), [Dush](#), [Oberlander](#), [McGinnis](#), [Gabler](#), [Lawrence](#), [Dunbar](#), [Maloney](#), [Knowles](#), [Ellis](#), [Everett](#), [Zimmerman](#), [Moul](#), [Phillips-Hill](#), [Roae](#), [Rapp](#), [Mullery](#), [Greiner](#), [Heffley](#), [Ward](#), [Emrick](#), [Gingrich](#), [Irvin](#), [Klunk](#), [Ortitay](#), [B. Miller](#), [Jozwiak](#), [Farry](#), [Marshall](#), [Gillen](#),

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[Farina](#), [Petrarca](#), [Vereb](#), [Staats](#), [Schemel](#), [Causer](#), [Boback](#), [Quigley](#), [Warner](#), [Saylor](#), [Major](#), [Helm](#), [Millard](#), [Rader](#), [Pyle](#), [Peifer](#), [Payne](#), [James](#), [Fee](#), [Cox](#), [Evankovich](#), [Reese](#), [Krieger](#), [F. Keller](#), [Christiana](#), [Day](#), [Barrar](#), [Pickett](#), [Benninghoff](#), [Schlegel Culver](#), [Harhart](#), [Hickernell](#), [Nesbit](#), [Toepel](#), [M. K. Keller](#), [Regan](#) And [Wheeland](#) House Co-sponsors as of 5-05-2016

HB 357 (Rep. Metcalfe) & **SB 357** (Sen. Eichelberger) which says any federal laws that violate the Second Amendment are unenforceable in PA

**** We respectfully ask legislators to please consider co-sponsoring this important legislation** that will help to restore and enhance citizen freedoms.

Item #7 Analysis Below:

Prohibition on Maintenance of Firearms Registry **HB 783**

Prohibition on Maintenance of Firearms Registry *former HB1430*

[Krieger](#), [Tallman](#), [McGinnis](#), [Saccone](#), [Causer](#), [Dunbar](#), [Diamond](#), [Saylor](#), [Reese](#), [Greiner](#), [Metcalfe](#), [Gabler](#), [Kauffman](#), [A. Harris](#), [Bloom](#), [Mullery](#), [Lawrence](#), [M. K. Keller](#), [Pickett](#), [Knowles](#), [Gillen](#), [Maloney](#), [Peifer](#), [Moul](#), [Rapp](#), [Roae](#), [Kortz](#), [Ward](#), [Staats](#), [Baker](#), [Ortitay](#), [Emrick](#), [Christiana](#), [Gibbons](#), [Cox](#), [Marshall](#), [Grove](#), [Warner](#), [Petrarca](#), [Goodman](#), [Phillips-Hill](#) And [Evankovich](#) House Co-sponsors as of 5-05-2016

HB 783 With enactment of Pennsylvania's Uniform Firearms Act in 1995, the Commonwealth instituted a requirement that purchasers of firearms submit to a background check. Integral to the passage of the Uniform Firearms Act was Section 6111.4, which expressly prohibited any government or law enforcement agency from maintaining or operating a "registry of firearm ownership". Despite the plain language of the Act, the Pennsylvania State Police have created and are maintaining a database of handgun owners from data obtained from such checks. Unfortunately, by way of some tortured logic, the Pennsylvania Supreme Court, in *Allegheny County Sportsmen's League v. Rendell*, held that this database was not a "registry of firearm ownership", despite having all the attributes of a registry.

The bill would reverse the holding in the Allegheny County Sportsmen's League case, by defining the term "Registry of Firearm Ownership" to make absolutely clear that the term includes any database, record or registry reflecting the sale, transfer or ownership of firearms. Passage of this bill would require the Pennsylvania State Police to destroy the existing record of sale database, and make it crystal clear that no such database can again be created or maintained.

**** We respectfully ask legislators to please consider co-sponsoring this important legislation** that will help to restore and enhance citizen freedoms.

Item #8 Analysis Below:

Firearm Storage Device Sales Tax Exclusion **SB 629** & **HB 283**

[Hutchinson](#), [Alloway](#), [Aument](#), [Boscola](#), [Costa](#), [Rafferty](#), [Teplitz](#), [White](#), [Scarnati](#), [Smith](#) And [Vulakovich](#) Senate Co-sponsors as of 5-05-2016

[F. Keller](#), [Barrar](#), [Cutler](#), [Grove](#), [Harhai](#), [Kortz](#), [Millard](#), [Readshaw](#), [Saylor](#), [Gabler](#) And [Sturla](#) House Co-sponsors as of 5-05-2016

SB 629 & **HB 283** Makes it more affordable to safely store firearms under lock and key by creating an Exemption from PA state tax for any retail sales of gun safe, gun lockers, gun cabinet, any locking gun case to transport firearm or any storage container with key or combination lock or any and all devices which do not allow use of the firearm without a key or combination.

This legislation will encourage firearm owners to purchase and make it more affordable to store their firearms when not in use under lock and key to prevent theft or unauthorized access. This is a commonsense effort to incentivize the safe and responsible storage of firearms.

Item #9 Analysis Below:

Disparity of Force [HB 45](#)

[Saccone](#), [Reese](#), [Knowles](#), [Bloom](#), [Kauffman](#), [Maloney](#), [Cutler](#), [Gillen](#), [Diamond](#), [McGinnis](#), [Gabler](#), [Dush](#), [Sonney](#), [Metcalf](#), [Readshaw](#), [Tallman](#), [Barbin](#), [Roae](#), [Rapp](#), [Jozwiak](#), [Christiana](#), [Farry](#), [Rader](#), [Marshall](#), [Ward](#), [Phillips-Hill](#), [Staats](#), [Warner](#), [Farina](#) And [Rothman](#)

House Co-sponsors as of 5-05-2016

[HB 45](#) **Disparity of Force Legislation**, would enhance the protections for citizens who use force to defend themselves. The purpose of this legislation is to fix a weakness in the recently enacted Castle Doctrine law. Currently Castle Doctrine provides that an attacker must display a “firearm or any other weapon readily or apparently capable of lethal use” before Castle Law protections can be enjoyed. This portion of the law does not encompass other factors such as physical size, strength or disparity in numbers of attackers that can also constitute a threat of serious bodily harm or death.

It is a recognized legal fact that multiple assailants, disparity in size, along with a multitude of other factors can present a lethal force threat to the average citizen. It is unreasonable to believe that citizens should be denied the expanded protections of the Castle Doctrine law in the unorthodox and deadly situations that play out daily on the streets of Pennsylvania, especially in the urban areas in our state.

Again, an attacker or group of attackers **must** be demonstrating the **ability, opportunity, and intent to inflict immediate and serious bodily injury** to the innocent citizen or those around that citizen in order to justify the use of lethal force.

**** We respectfully ask legislators to please consider co-sponsoring this important legislation** that will help to restore and enhance citizen freedoms.

Item #10 Analysis Below:

Firearms Offense Sentences [HB 44](#)

[Saccone](#), [Deluca](#), [Reese](#), [Knowles](#), [Stephens](#), [Baker](#), [Barrar](#), [Readshaw](#), [D. Costa](#), [Lawrence](#), [Dush](#), [Sonney](#), [Metcalf](#), [Maloney](#), [Roae](#), [Rapp](#), [McGinnis](#), [Jozwiak](#), [Gillen](#), [Bloom](#), [Farry](#), [Rader](#), [Marshall](#), [Ward](#), [Phillips-Hill](#), [Staats](#), [Warner](#) And [Gabler](#) House Co-sponsors as of 5-05-2016

[HB 44](#) In PA firearm offenses committed by repeat violent offenders often have the firearm laws negated by underhanded Plea Bargaining practices which, in many cases, invalidate the intent of Title 42 with respect to mandatory five year sentencing upon conviction of a violent crime with a firearm.

HB 44 Firearms Offenses Sentence will add the requirement that the mandatory sentence imposed under Section 9712 of Title 42 shall be imposed **consecutively** to any other sentence imposed by the court; and prohibits **concurrent** sentences for such violent offenses.

It is important to treat crime, by the use of firearms, seriously. By judges and prosecutors accepting and imposing decisions that provide for these sentences to run concurrently with other sentences, the justice system is devaluing the intent of the law and the legislature to punish very dangerous, and life-threatening crimes. Firearm sentences should be meted out, and served, on their own enhancing the impact and amplifying their severity by insisting on the consecutive imposition of the indicated punishments.

FYI difference between Concurrent Sentencing vs. Consecutive Sentences

Concurrent sentencing is when a criminal is convicted of violating several different sections of law and serves the sentence for each conviction at the same time.

Under concurrent sentencing guidelines let's assume an offender has three different convictions being 5, 7 & 10 years in total. Some would assume that the offender would serve up to a total 22 years. INCORRECT! The most they would serve is 10 years maximum sentence or considerably less with the eligibility for early parole. (Often times the 5 Year Mandatory for the use of a gun in a crime

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will be added, when it IS used, onto a sentence in this way so the record shows usage of this section of law but the intended impact on the criminal is worthless as a public safety measure)

Consecutive sentencing would implement the full 22 years maximum also with possibility of parole after many more years spent behind bars.

The choice between criminals running loose on the streets or being incarcerated is an easy one. How, is it in the interest of public safety that our laws are ignored when they were enacted based on the need to improve public safety? How better to serve the public interest than to sentence accordingly! How many innocent lives could have been saved if the violent repeat offender had been serving their full sentence?

**** We respectfully ask legislators to please consider co-sponsoring this important legislation that will help to restore and enhance citizen freedoms by locking up the bad guys.**

Item #11 Analysis Below:

Concealed Carry Reciprocity [HB 80](#)

[Evankovich](#), [Baker](#), [Saccone](#), [Barrar](#), [Readshaw](#), [Sankey](#), [Diamond](#), [Bloom](#), [Knowles](#), [Mullery](#), [Kauffman](#), [Tallman](#), [A. Harris](#), [Millard](#), [Saylor](#), [Gillen](#), [D. Costa](#), [Grove](#), [Cutler](#), [Gabler](#), [James](#), [Lawrence](#), [Hickernell](#), [Pickett](#), [Metcalf](#), [Major](#), [Benninghoff](#), [Peifer](#), [Moul](#), [Barbin](#), [Roae](#), [Rapp](#), [F. Keller](#), [Phillips-Hill](#), [Ortitay](#), [Kortz](#), [Sonney](#), [McGinnis](#), [Jozwiak](#), [Harhai](#), [Rader](#), [Everett](#), [Marshall](#), [Staats](#), [Warner](#), [Farina](#), [Mustio](#), [Klunk](#) And [Turzai](#)

House Co-sponsors as of 5-05-2016

[HB 80](#) Concealed Carry Reciprocity, recognizes:

Article I, Section 21 of the Pennsylvania Constitution provides that:

The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

The 2nd Amendment to the United States Constitution states that:

A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

These constitutional provisions recognize the inherent and fundamental right of citizens to defend themselves and their families. That right should not be infringed or diminished simply because one crosses state borders.

Pennsylvania law provides that individuals, who can pass a computerized background check, as well as an investigation of character and reputation by local law enforcement officials, may carry concealed firearms for defensive purposes. A Pennsylvania license to carry a firearm is currently recognized in a number of our sister states, however, certain provisions of the Uniform Firearms Act still stand as an obstacle to the full realization of this right.

Concealed Carry Reciprocity provide for mutual reciprocity for any state which recognizes the validity of a Pennsylvania license to carry a firearm. By cutting through the red tape and bureaucratic wrangling which surrounds the current reciprocity process, this legislation provides additional protection for law-abiding Pennsylvanians who travel outside the Commonwealth and affords that same protection to residents of other states who visit Pennsylvania.

**** We respectfully ask legislators to please consider co-sponsoring this important legislation that will help to restore & enhance citizen freedoms, both for PA residents & visitors to PA.**

In conclusion:

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****We respectfully ask you** to please help these courageous legislators fight to bring this legislation to the floor by asking your House member if he/she is a co-sponsor of this legislation and where their position is on voting for this legislation.

Please ask for their positions in writing and share with us their responses so we can add this information to their record on our Right to Bear Arms and our Constitutional Freedoms.

We can be reached by the methods below:

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Firearm Owners Against Crime (FOAC) is non-partisan, non-connected Political Action Committee organized to empower all gun owners, outdoors enthusiasts and supporters of the 2nd Amendment to the Bill of Rights of the U.S. Constitution and Article 1 Section 21 and Section 25 of the PA Constitution with the tools and information necessary to protect this freedom from transgression. Candidates for office are evaluated every election cycle, approved, placed on an FOAC voter guide and distributed throughout the Commonwealth.