

# 2019-20 Critical Pro-Gun Legislation-PA House & Senate



1. Strengthening PA Firearm Preemption Law - [HB1066](#) / [SB531](#)
2. Eliminate the PICs System - [HB1244](#)
3. Declared Emergency Gun Ban Fix - [HB1747](#) / [SB98](#)

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

## Item #1 Analysis Below:

### **Strengthening PA Firearm Preemption Laws**

#### **[HB1066](#) (Rep. Mark Keller) & [SB531](#) (Sen. Langerholc)**

When a community loses a lawsuit over the enactment of 'local' firearms laws the legal expenses of the challenge are borne by the plaintiff/challenger. Communities which enact their own ordinances/laws, such as the illegal laws enacted in Pittsburgh, are in direct violation of, not only, the Constitution and PA criminal law but also the Ortiz Supreme Court decision (1996) and Dillon's Rule!

This legislation will allow for the recovery of legal expenses are incurred to stop these illegal laws in violation of PA Preemption Law, Title 18 §6120 Limitation on the regulation of firearms and ammunition.

Legislative debate on the importance of a statewide standard on firearms law is intertwined in numerous areas such as Constitutional law; Dillon's Rule and Supreme and Appeals court decisions.

If a court of law finds that an ordinance violates Pennsylvania Preemption law (Title 18, §6120), the local government shall pay damages, reasonable attorney fees and costs.

## Item #2 Analysis Below:

### **Instant Checks – Eliminate PICS & Move to NICS - [HB1244](#)**

[HB1244](#) (Rep. Ortity) would replace the Pennsylvania Instant Check System (**PICS**) with the National Instant Check System (**NICS**) providing for more effective background checks, a far more reliable system.

Making this change will save \$\$ Millions annually (with tens of millions of more dollars saved by avoiding required additional computer upgrades that adds to the burden on taxpayers) for the Commonwealth that can be spent on training and equipping more PSP Troopers and going after career recidivist criminals.

This legislation would also eliminate unconstitutional fees for citizens as well as remove a growing obstacle for firearms retailers who face unnecessary complications in the firearms purchase process.

## Item #3 Analysis Below:

### **Stopping an Emergency Declaration from Banning Guns – [HB1747](#) / [SB98](#)**

[SB98](#) (Sen. Hutchinson) this legislation 'eliminates' the unconstitutional gun ban in **Title 18 §6107**. Current law gives State 'and' Local executives the power to ban firearms, except for citizens with Licenses to Carry Firearms, on all 'public property' just by declaring an Emergency. Circumventing the Constitution, especially during Emergencies, is not only 'unconstitutional' but an unjustified delegation of power.

This legislation removes this authority to strip citizens of their rights in circumstances when the Right to Keep and Bear Arms may be the difference between life and Death!

#### **MORE** **Legislation to** **Support**

#### **\*\*PA House**

HB 38  
HB 102  
HB 251  
HB 440  
HB 456  
HB 549  
HB 603  
HB 618  
HB 726  
HB 729  
HB 866  
HB 1066  
HB 1188  
HB 1244  
HB 1412  
HB 1416  
HB 1422  
HB 1423  
HB 1468  
HB 1553  
HB 1618  
HB 1747  
HB 1781  
HB 1805  
HB 1835  
HB 1837  
HB 1850  
HB 1851  
HB 1852  
HB 1855  
HB 1872

#### **\*\*PA Senate**

SB 98  
SB 103  
SB 147  
SB 398  
SB 437  
SB 531  
SB 621  
SB 883  
SB 897

## More Important Pro-Gun Legislation-PA House & Senate

4. Constitutional Carry (known as two-tiered carry) – [HB1412](#)
5. Registration of Gun Owners & Guns Prohibition – [HB1416](#)
6. Firearms Transfers During PICS Outages – [HB251](#)

### Item #4 Analysis Below:

#### **Constitutional Carry of Firearms Legislation – [HB 1412](#)**

(Rep. Bernstine) **Constitutional Carry** empowers law-abiding citizens to exercise the Right of Self-Defense without the need of a license from the state to lawfully possess and carry a firearm, concealed or not. When a state or other jurisdiction has adopted Constitutional Carry, it is legal for law-abiding citizens to carry a handgun, firearm, or other weapon concealed with or without a separate license.

The law decriminalizes the carry of handguns for self-defense purposes without a license, fixes the transportation of firearms problem, and puts the burden upon prosecutors 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.

#### **16 states have 'FULL' Constitutional carry & 2 have limited Constitutional Carry:**

- |                    |                       |                          |                                       |
|--------------------|-----------------------|--------------------------|---------------------------------------|
| 1. Vermont         | 6. Kansas (2015)      | 11. West Virginia (2016) | 16. Oklahoma (2019)                   |
| 2. Alaska (2003)   | 7. Mississippi (2015) | 12. New Hampshire (2017) | 17. New Mexico ( <i>Limited</i> )     |
| 3. Arizona (2010)  | 8. Maine (2015)       | 13. North Dakota (2017)  | 18. Montana (1991) ( <i>Limited</i> ) |
| 4. Wyoming (2011)  | 9. Missouri (2016)    | 14. Kentucky (2019)      |                                       |
| 5. Arkansas (2013) | 10. Idaho (2016)      | 15. South Dakota (2019)  |                                       |

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

### Item #5 Analysis Below:

#### **Prohibition of the Registration of Law-Abiding Gun Owners – [HB1416](#)**

[HB1416](#) (Rep. Marshall) - Prohibition on retaining firearms sales records and the maintenance of a Firearms Registry. With enactment of Pennsylvania's Uniform Firearms Act in 1931, the Commonwealth instituted a requirement that purchasers of firearms submit to a background check and complete a Record of Sale for Handguns. In 1995, 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. This legislation would restore the intent of the legislature that law-abiding citizens should not be in a government run registry of lawful owners.

### Item #6 Analysis Below:

#### **Firearms Transfers During PICS Outages – [HB251](#)**

[HB 251](#) (Rep. Gabler) will 'require' that the PSP post on the main Internet site the cause and projected duration of PICS outages. This legislation will then provide that anyone with a License To Carry Firearms can still purchase firearms as well as allowing firearms purchases to proceed for 'all' citizens once 48 hours have passed since the outage began. A Record of Sale would still be required to be completed.

**\*\*We ask ALL gun owners** to urge 'every' PA Rep. & Senator to fight to bring these critically important bills to the floor. Ask your PA House/Senate member if he/she is a co-sponsor of this legislation and what their position is on this legislation, in writing. Please share their responses with us so we can add this information to their record on our Right to Bear Arms and our Constitutional Freedoms.

Questions & Comments for FOAC: [Website: www.foac-pac.org](http://www.foac-pac.org) [E-Mail: info@foacpac.org](mailto:info@foacpac.org)

**Fax:** (412) 257-1099 **Mail:** P.O. Box 1111, McMurray, PA 15317

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**Firearm Owners Against Crime (FOAC)** is non-partisan, non-connected Political Action All-Volunteer 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.