

## Legislation Text

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Amending Chapter 10-800 of The Philadelphia Code, entitled “Safety,” by adding a new Section, entitled “Acquisition or Transfer of Firearms,” to regulate the acquiring or transferring of any firearm within the City of Philadelphia; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 10-800 of The Philadelphia Code, entitled “Safety,” is amended by adding a new Section 10-814a to read as follows:

§10-814a. Acquisition or Transfer of Firearms.

(1) Definitions.

(a) Firearm. Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

(b) Department. The Philadelphia Police Department.

(2) Prohibited Conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City that is brought into the City, unless application has been submitted to, and license obtained from, the Department.

(3) Application. The applicant for a license shall pay a fee of two (2) dollars, for each transaction of acquisition or transfer regardless of the number of firearms transferred or acquired at that time, and supply the following information on forms provided by the Department:

(a) the name, and any other names by which applicant has been known;

(b) the home address, and any other addresses at which applicant resided within five (5) years immediately prior to application;

(c) the present business or occupation, and any business or occupation, in which applicant has engaged in the five (5) years immediately prior to the application;

(d) the date and place of birth of applicant;

(e) the caliber, length of barrel, make, model and, if known, manufacturer's number of the firearm;

(f) a statement by applicant indicating the date, place, nature and disposition of any criminal proceedings brought against the applicant for any offense other than traffic violations;

(g) name, address and occupation, of the person from whom the firearm is to be acquired or transferred; and

(h) a copy of applicant's fingerprints and his photograph.

(4) License.

(a) No license shall be issued unless the Department, after due investigation, approves the application. The Department shall not approve the application if it finds that applicant is either:

(.1) under eighteen (18) years of age;

(.2) a person convicted of either a crime of violence, any violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

(.3) a person convicted of selling, using or possessing narcotics;

(.4) An unlawful abuser of any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 802); or

(.5) unable to demonstrate knowledge of firearms safety.

(b) A license shall be deemed refused if it is not issued within thirty (30) days after the filing of an application.

(c) The license shall bear applicant's name, age, place of residence, and a full description of the firearm; and shall also have affixed thereto applicant's photograph, signature, and a copy of his or her fingerprints.

(d) All persons licensed hereunder carrying a firearm on or about their persons shall carry the license for that firearm on their person as provided herein with the exception of:

(.1) Employees of common carriers, banks or business firms whose duties require them both to protect moneys, valuables or other property in the discharge of such duties, and to carry firearms owned and supplied by their employers, but such employers shall maintain a copy of said license at their principal place of business; and

(.2) persons less than eighteen (18) years of age accompanied by the parent or guardian licensed to acquire or transfer that firearm.

(e) The Department shall revoke the license of any person who, subsequent to obtaining a license, has either:

(.1) been convicted of a crime of violence, a violation of the Uniform Firearms Act or carrying a concealed deadly weapon;

(.2) been convicted of selling, using or possessing narcotics;

(.3) been an unlawful abuser of any controlled substance as defined in section 102 of the Controlled Substance Act (21 U.S.C. 902); or

(.4) lost ability to demonstrate knowledge of firearms safety.

(5) Duty of Transferor or Vendor.

(a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor or vendor shall insert said number in the designated space, and shall forthwith notify the Department of the sale or transfer of the particular firearm and advise the Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this Section:

(a) for any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

(7) Safety Training.

(a) The requirement that all applicants shall demonstrate knowledge of firearms safety training shall be fully satisfied if the applicant:

(.1) Submits a photocopy of a certificate of firearms safety training course completion, as defined in subsection (b) of this subsection signed by a qualified firearms safety instructor as defined in subsection (e) of this subsection;

(.2) Submits a photocopy of a certificate that shows the applicant completed a firearms safety course given by or under the supervision of any state, county, municipal, or federal law enforcement agency; or

(.3) Is a licensed, qualified firearm safety instructor.

(b) Any qualified firearms safety instructor may issue a certificate of firearm safety training course completion to any applicant. On the certificate of course completion the qualified firearms safety instructor shall affirm that the individual receiving instruction has taken and passed a firearms safety course of at least eight hours in length taught by the instructor that included:

(.1) Handgun safety in the classroom, at home, on the firing range and while carrying the firearm;

(.2) A physical demonstration performed by the applicant that demonstrated his or her ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or her marksmanship with both;

(.3) The basic principles of marksmanship;

(.4) Care and cleaning of cancelable firearms;

(.5) Safe handling and storage of firearms at home;

(.6) The laws relating to firearms promulgated by the federal government, the Commonwealth of Pennsylvania and the City of Philadelphia;

(.7) The laws relating to the justifiable use of force;

(.8) A live firing exercise of sufficient duration for each applicant to fire a handgun, from a standing position or its equivalent, a minimum of fifty rounds at a distance of seven yards from a B-27 silhouette target or an equivalent target; and

(.9) A live fire test administered to the applicant while the instructor was present of twenty rounds from a standing position or its equivalent at a distance from a B-27 silhouette target, or an equivalent target, of seven yards.

(c) A qualified firearms safety instructor shall not give a grade of “passing” to anyone who:

(.1) Does not follow the orders of the qualified firearms instructor or cognizant range officer;

(.2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety instructor, poses a danger to the applicant or to others; or

(.3) During the live fire testing portion of the course fails to hit the silhouette portion of the targets with at least fifteen rounds.

(d) Qualified firearms safety instructors who provide firearms safety instruction to any person who applies for a concealed carry endorsement shall:

(.1) Make the applicant’s course records available upon request to the sheriff of the county in which the applicant resides;

(.2) Maintain all course records on students for a period of no less than four years from course completion date; and

(.3) Not have more than forty students in the classroom portion of the course or more than five students per range officer engaged in range firing.

(e) A firearms safety instructor shall be considered to be a qualified firearms safety instructor if the instructor:

- (.1) Is a valid firearms safety instructor certified by the National Rifle Association holding a rating as a personal protection instructor or pistol marksmanship instructor;
  - (.2) Submits a photocopy of a certificate from a firearms safety instructor's course offered by a local, state, or federal governmental agency;
  - (.3) Submits a photocopy of a certificate from a firearms safety instructor course approved by the department of public safety;
  - (.4) Has successfully completed a firearms safety instructor course given by or under the supervision of any state, county, municipal or federal law enforcement agency; or
  - (.5) Is a certified police officer firearms safety instructor.
- (8) Penalty. The penalty for violation of this Section shall be a fine of not more than three hundred (300.00) dollars, or imprisonment of not more than ninety (90) days, or both.

SECTION 2. Upon becoming effective, this Ordinance shall repeal Section 10-814 of The Philadelphia Code, entitled "Acquisition or Transfer of Firearms."