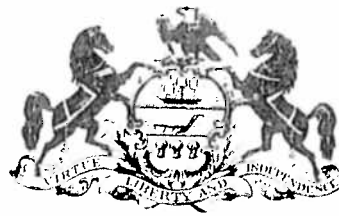


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

Member
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December 14, 2010

MEMORANDUM

TO: All House Members

FROM: Representative Matt Gabler *MG*

SUBJECT: Introduction of Legislation – Providing for firearms transfers during PICS outages.

In Pennsylvania, current law requires licensed firearms dealers to utilize Pennsylvania's Instant Check System (PICS) to verify whether an individual seeking to purchase a firearm is legally able to do so. I was recently made aware of the difficulties faced by both dealers and law abiding purchasers when PICS is experiencing technical difficulties. It is my understanding that there is presently no alternative to PICS unless the system is down for more than 48 hours and that there is presently no simple way for dealers and purchasers to find out if the system is down, why it is down and for how long it is expected to be down.

In the near future, I will be introducing legislation to allow dealers to complete transactions absent the completion of an instantaneous records check when PICS is experiencing technical difficulties and the purchaser presents a valid Pennsylvania license to carry a firearm. The dealer would be required to obtain a completed application/record of sale according to the provisions established in Sections 6111(b)(1) and (1.1) (relating to the sale or transfer of firearms) for the purpose of a subsequent background check. If the purchaser does not present a valid Pennsylvania license to carry a firearm, the dealer will not be able to complete the sale until PICS is back up or more than 48 hours has elapsed since PICS went down. Presenting a license to carry a firearm is a reasonable alternative to PICS because it shows that the holder has already passed a background check.

In addition, my legislation will require the Pennsylvania State Police to post a notice on their website any time PICS experiences technical difficulties. This notice will be required to provide the cause of the PICS outage as well as the estimated length of PICS down time. By requiring PSP to provide this information in a centralized location both dealers and purchasers will now have the ability to find PICS outage information and plan accordingly.

If you are interested in joining me as a co-sponsor, please contact Alex Baldivieso at 260-6142 or via email abaldivi@pahousegop.com.