

COMMONWEALTH OF PENNSYLVANIA  
**Legislative Journal**

TUESDAY, NOVEMBER 9, 2021

SESSION OF 2021 205TH OF THE GENERAL ASSEMBLY

No. 54

**SENATE**

TUESDAY, November 9, 2021

The Senate met at 1 p.m., Eastern Standard Time.

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.

**PRAYER**

The Chaplain, Reverend DAVID TIETJE, of St. John's Church, Red Lion, offered the following prayer:

I would invite you to take a breath with me.

Let us pray together.

God of all creation and our God, we pause to acknowledge the evidence of Your powerful and creative hand manifest in this glorious autumn day. Cause gratitude and appreciation to well up within us not only through words of praise, but also through faithful stewardship and an informed ecology of Earth. Remind us that we hold this planet in trust for our children and grandchildren. God of all people and our God, we pause to acknowledge the evidence of Your presence in all humanity. Allow us to lay aside the pride and prejudice that divides and separates peoples classes, races, and religions. Enable our faith and devotion to become sincere through compassionate service and extravagant generosity toward others, most especially those who are different from ourselves. God of many names and our God, we pause to acknowledge the possibilities of Your spirit at work in our midst. Cause us to hear Your still-speaking voice in the impassioned cries of those seeking justice for their communities and for solutions to their concerns. Allow us to imagine Your light and truth shining from within each other as we seek to lead or govern with equity. God of this day and of this place, we now ask for Your goodness to invade our hearts; Your compassion to inspire all our thoughts; Your creativity to ignite our imaginations; and Your love to infuse all our decisions with kindness, so that we may all experience peace and prosperity in this Commonwealth. Amen.

The PRESIDENT. The Chair thanks Reverend Tietje, who is the guest today of Senator Phillips-Hill.

**PLEDGE OF ALLEGIANCE**

(The Pledge of Allegiance was recited by those assembled.)

**BILLS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

November 9, 2021

Senators ARGALL, J. WARD, MARTIN, BARTOLOTTA, MASTRIANO, SCAVELLO, STEFANO and YUDICHAK presented to the Chair **SB 940**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for proposal of amendments by the General Assembly and their adoption.

Which was committed to the Committee on STATE GOVERNMENT, November 9, 2021.

Senators FLYNN, FONTANA, SCHWANK, YUDICHAK, COSTA, KANE and PITTMAN presented to the Chair **SB 941**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in city revitalization and improvement zones, further providing for approval.

Which was committed to the Committee on FINANCE, November 9, 2021.

Senators BROOKS and PITTMAN presented to the Chair **SB 942**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in tax for education, further providing for crimes.

Which was committed to the Committee on FINANCE, November 9, 2021.

**RESOLUTIONS INTRODUCED AND REFERRED**

The PRESIDENT laid before the Senate the following Senate Resolutions numbered, entitled, and referred as follows, which were read by the Clerk:

November 9, 2021

Senators ROBINSON, LANGERHOLC, BARTOLOTTA, BROWNE, CORMAN, PHILLIPS-HILL, MENSCH, GORDNER, FONTANA, MARTIN, BROOKS, SCHWANK, COMITTA, COSTA, ARGALL, REGAN, VOGEL, AUMENT, J. WARD, HUTCHINSON, PITTMAN, MASTRIANO,

STEFANO and STREET presented to the Chair **SR 209**, entitled:

A Resolution recognizing November 10, 2021, as "Marine Corps Day" in Pennsylvania in honor of the United States Marine Corps' 246th anniversary of its founding.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 9, 2021.

Senators ROBINSON, CORMAN, DUSH, BROOKS, BROWNE, YAW, FONTANA, MARTIN, LANGERHOLC, PHILLIPS-HILL, GEBHARD, SCHWANK, HUGHES, LAUGHLIN, SANTARSIERO, COMITTA, BARTOLOTTA, ARGALL, VOGEL, J. WARD, BREWSTER, PITTMAN, HUTCHINSON, COSTA, L. WILLIAMS, MENSCH, STEFANO and STREET presented to the Chair **SR 210**, entitled:

A Resolution honoring all Pennsylvania veterans who served during war and peace on the occasion of Veterans Day, November 11, 2021.

Which was committed to the Committee on RULES AND EXECUTIVE NOMINATIONS, November 9, 2021.

## HOUSE MESSAGES

### HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

November 9, 2021

**HB 1041** -- Committee on Education.

**HB 1443** -- Committee on Health and Human Services.

**HB 1736** -- Committee on Judiciary.

### BILLS REPORTED FROM COMMITTEES

Senator J. WARD, from the Committee on Aging and Youth, reported the following bills:

**HB 291 (Pr. No. 257)**

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in pharmaceutical assistance for the elderly, further providing for determination of eligibility.

**HB 1260 (Pr. No. 2320)**

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, in Pharmaceutical Assistance for the Elderly, further providing for the pharmaceutical assistance contract for the elderly needs enhancement tier, for board, for powers of the department and for coordination of benefits.

**HB 1650 (Pr. No. 1837)**

An Act amending Title 67 (Public Welfare) of the Pennsylvania Consolidated Statutes, in human services generally, reorganizing provisions relating to adoption opportunities and to family finding and kinship care; and making editorial changes.

Senator LAUGHLIN, from the Committee on Game and Fisheries, reported the following bill:

**SB 337 (Pr. No. 683)**

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for jurisdiction and penalties; and, in game or wildlife protection, further providing for the offense of unlawful taking and possession of protected birds and for endangered or threatened species.

Senator BROOKS, from the Committee on Health and Human Services, reported the following bill:

**SB 938 (Pr. No. 1205)**

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, in powers and duties of the Department of Drug and Alcohol Programs, further providing for powers and duties.

Senator BAKER, from the Committee on Judiciary, reported the following bill:

**HB 1255 (Pr. No. 2382)** (Amended)

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, providing for real estate appraisals.

Senator ARGALL, from the Committee on State Government, reported the following bills:

**SB 807 (Pr. No. 989)**

An Act amending Title 57 (Notaries Public) of the Pennsylvania Consolidated Statutes, in revised uniform law on notarial acts, further providing for appointment and commission as notary public, qualifications and no immunity or benefit.

**SB 812 (Pr. No. 1219)** (Amended)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in source selection and contract formation, further providing for debarment or suspension.

Senator STEFANO, from the Committee on Veterans Affairs and Emergency Preparedness, reported the following bills:

**SB 861 (Pr. No. 1072)**

An Act making the Commonwealth of Pennsylvania a party to the Recognition Of Emergency Medical Services Personnel Licensure Interstate Compact; and providing for the form of the compact.

**SB 927 (Pr. No. 1220)** (Amended)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in military educational programs, further providing for medical officer or health officer incentive program, for definitions, for establishment of program, for program stipend, for additional incentives, for recoupment of incentive payments and for adjustment of stipend amounts.

**HB 491 (Pr. No. 934)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the exclusion of veterans' benefit payments from income for Commonwealth programs.

**HB 995 (Pr. No. 2381) (Amended)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, establishing the PA VETConnect Program.

**HB 1421 (Pr. No. 1528)**

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, in Department of Military Affairs, further providing for burial details for veterans.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I request legislative leaves for Senator Tomlinson and Senator Yaw.

The PRESIDENT. Senator Kim Ward requests legislative leaves for Senator Tomlinson and Senator Yaw. Without objection, the leaves will be granted.

**JOURNAL APPROVED**

The PRESIDENT. The Journal of the Session of June 7, 2021, is now in print.

The Clerk proceeded to read the Journal of the Session of June 7, 2021.

Senator K. WARD. Mr. President, I move that further reading of the Journal be dispensed with and that the Journal be approved.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

**YEA-50**

Argall	DiSanto	Martin	Schwank
Aument	Dush	Mastriano	Stefano
Baker	Flynn	Mensch	Street
Bartolotta	Fontana	Muth	Tartaglione
Boscola	Gebhard	Phillips-Hill	Tomlinson
Brewster	Gordner	Pittman	Vogel
Brooks	Haywood	Regan	Ward, Judy
Browne	Hughes	Robinson	Ward, Kim
Cappelletti	Hutchinson	Sabatina	Williams, Anthony H.
Collett	Kane	Santarsiero	Williams, Lindsey
Comitta	Kearney	Saval	Yaw
Corman	Langerholc	Scavello	Yudichak
Costa	Laughlin		

**NAY-0**

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. The Journal is approved.

**GUESTS OF THE PRESIDENT PRO TEMPORE PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

The PRESIDENT pro tempore. Mr. President, the great Arnold Palmer once said, "Golf is deceptively simple and endlessly complicated; it satisfies the soul and frustrates the intellect." Our guests seated in the Senate gallery today made a complicated game a bit simpler, at least for a few hours, by capturing the PIAA Class AAA State championship. The State College High School Boys' Golf Team won their first State title in school history on October 25 in York, Pennsylvania. They defeated Fox Chapel in a dramatic playoff in which the team carded a birdie and three pars to bring home the championship. My congratulations goes out to the team, the coaches, and their families for a terrific achievement. I got to watch these boys play up close and personal during their run because my son plays on another high school golf team, and it was great to watch them play. I can speak from personal experience from watching them, it is a great team and a well-deserved championship, and they made history, as I said, for the first win in high school history. So let me don their cap and say congratulations. I ask the Senate to please give them our usual warm welcome and congratulations.

The PRESIDENT. Would the guests of Senator Corman please rise to be welcomed by the Senate.

(Applause.)

**GUESTS OF SENATOR KRISTIN PHILLIPS-HILL PRESENTED TO THE SENATE**

The PRESIDENT. The Chair recognizes the gentlewoman from York, Senator Phillips-Hill.

Senator PHILLIPS-HILL. Mr. President, I rise to introduce today's guest Chaplain, Reverend David Tietje of St. John's United Church of Christ, located in Red Lion. Having been ordained in 1985, Reverend Tietje has led the congregation at St. John's for the last 10 years. The church's mission is a loving, supportive, Christ-centered family glorifying God, proclaiming the gospel, nurturing growth and faith, and serving all of God's children throughout the world. Reverend Tietje and his congregation live their mission by initiating medical mission trips as well as supporting Red Lion's Community REACH and hosting a free community breakfast the last Saturday of every month. Would my colleagues please join me in giving Reverend Tietje a warm Senate welcome.

The PRESIDENT. Would the guest of Senator Phillips-Hill please rise to be welcomed by the Senate.

(Applause.)

The PRESIDENT. Senator Phillips-Hill, please continue.

Senator PHILLIPS-HILL. Mr. President, I rise to introduce my guest shadow today, Caleb Eyler, from New Park. Caleb is a junior and a member of the Kennard-Dale powerlifting team. He is also a member of the United States Air Force Auxiliary Civil Air Patrol, where he holds the rank of cadet captain. His duties include managing cadet operations, where he is tasked with plan-

ning cadet activities, drafting training plans, and preparing schedules for the commander's approval. Caleb also has the responsibility of overseeing cadet inspection programs, where he oversees and manages the overall inspection system. Caleb is 1 of 75 who was selected to participate in the National Blue Beret in Wisconsin. During the two-week training activity, Caleb helped conduct event operations that included flight marshalling, crowd control, and emergency services. Caleb aspires to attend the United States Military Academy at West Point and serve his country as an officer in the United States Army. I look forward to hearing about his accomplishments in the future. Would my colleagues please join me in welcoming my guest shadow, Caleb Eyler.

The PRESIDENT. Would the guest of Senator Phillips-Hill please rise to be welcomed by the Senate.

(Applause.)

### GUESTS OF SENATOR MARIO M. SCAVELLO PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I welcome a group of talented students and their families who are visiting the Capitol today. They are joined by my staffer, Patti Konopa, from the Scotrun office. The Classical Christian Co-Op of Nazareth is a group of homeschooling families gathering together for the purpose of educating and encouraging children in the process of "learning to learn." I have to tell you, after meeting them today, I see exceptional students. Please join me in giving the Classical Christian Co-Op of Nazareth, who are seated in the gallery, a warm Senate welcome.

The PRESIDENT. Would the guests of Senator Scavello please rise to be welcomed by the Senate.

(Applause.)

### CALENDAR

#### BILLS OUT OF ORDER

Without objection, the following bills on today's Calendar were called out of order by Senator K. WARD, as Special Orders of Business.

### THIRD CONSIDERATION CALENDAR

#### BILL REREFERRED

**SB 565 (Pr. No. 1212)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

### SECOND CONSIDERATION CALENDAR

#### BILL ON SECOND CONSIDERATION AND REREFERRED

**HB 1642 (Pr. No. 2372)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits, for limitations and for opportunity scholarships.

Considered the second time and agreed to,  
Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

### RECESS

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I request a recess of the Senate for the purpose of a Republican caucus to be held in the Majority Caucus Room and via Zoom.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, Senate Democrats will meet in the rear of the Chamber for a caucus as well.

The PRESIDENT. For purposes of Republican and Democratic caucuses to be held in their respective caucus rooms, without objection, the Senate stands in recess.

### AFTER RECESS

**The PRESIDING OFFICER (Senator Elder A. Vogel, Jr.)  
in the Chair.**

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

### RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I request a recess of the Senate for the purpose of a meeting of the Committee on Appropriations to be held here on the floor.

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Appropriations to be held here on the floor, without objection, the Senate stands in recess.

**AFTER RECESS**

**The PRESIDENT (Lieutenant Governor John K. Fetterman) in the Chair.**

The PRESIDENT. The time of recess having expired, the Senate will come to order.

**LEGISLATIVE LEAVES**

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I request legislative leaves for Senator Browne, Senator Regan, Senator Martin, and Senator Corman.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I request a temporary Capitol leave for Senator Boscola.

The PRESIDENT. Senator Kim Ward requests legislative leaves for Senator Browne, Senator Regan, Senator Martin, and Senator Corman.

Senator Costa requests a temporary Capitol leave for Senator Boscola.

Without objection, the leaves will be granted.

**CONSIDERATION OF CALENDAR RESUMED**

**THIRD CONSIDERATION CALENDAR RESUMED**

**BILLS OVER IN ORDER**

**SB 1, SB 113, SB 137 and SB 327** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

**BILL ON THIRD CONSIDERATION AND FINAL PASSAGE**

**SB 347 (Pr. No. 350)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in personal income tax, further providing for classes of income.

Considered the third time and agreed to,

On the question,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

**YEA-33**

Argall	Dush	Martin	Schwank
Aument	Flynn	Mastriano	Stefano
Baker	Gebhard	Mensch	Tomlinson
Bartolotta	Gordner	Phillips-Hill	Vogel
Boscola	Haywood	Pittman	Ward, Judy
Brooks	Hutchinson	Regan	Ward, Kim

Browne	Langerholc	Robinson	Yaw
Corman	Laughlin	Scavello	Yudichak
DiSanto			

**NAY-17**

Brewster	Fontana	Muth	Street
Cappelletti	Hughes	Sabatina	Tartaglione
Collett	Kane	Santarsiero	Williams, Anthony H.
Comitta	Kearney	Saval	Williams, Lindsey
Costa			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**BILL OVER IN ORDER**

**SB 457** -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

**BILL AMENDED**

**SB 470 (Pr. No. 490)** -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge, identified as Bridge Key 19557, on that portion of Pennsylvania Route 36 over the Redbank Creek, Brookville Borough, Jefferson County, as the CPT Raymond Harry "Bud" Hetrick Memorial Bridge.

On the question,  
Will the Senate agree to the bill on third consideration?  
Senator DUSH offered the following amendment No. A0649:

- Amend Bill, page 1, line 3, by inserting after "CPT":  
Raymond
- Amend Bill, page 1, line 7, by inserting after "CPT":  
Raymond
- Amend Bill, page 1, line 10, by inserting after "(1)":  
Raymond
- Amend Bill, page 2, line 11, by inserting after "CPT":  
Raymond

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Dush.

Senator DUSH. Mr. President, it is a technical amendment. It adds the gentleman's first name, Raymond, to the document.

And the question recurring,  
Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator K. WARD.

**BILLS OVER IN ORDER**

**SB 696, SB 703, SB 704, SB 745, SB 775 and SB 846** -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

SB 851 (Pr. No. 1046) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a bridge, identified as Bridge Key 57053, located over Dixon Run at the intersection of State Route 1012 to Pennsylvania Route 403 in Green Township, Indiana County, as the PVT William L. Hadden Memorial Bridge.

Considered the third time and agreed to,

On the question, Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Boscola, Brewster, Brooks, Browne, Cappelletti, Collett, Comitta, Corman, Costa, DiSanto, Dush, Flynn, Fontana, Gebhard, Gordner, Haywood, Hughes, Hutchinson, Kane, Kearney, Langerholc, Laughlin, Martin, Mastriano, Mensch, Muth, Phillips-Hill, Pittman, Regan, Robinson, Sabatina, Santarsiero, Saval, Scavello, Schwank, Stefano, Street, Tartaglione, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Williams, Anthony H., Williams, Lindsey, Yaw, Yudichak

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

SB 862, SB 922 and HB 1082 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

SECOND CONSIDERATION CALENDAR RESUMED

BILLS OVER IN ORDER

HB 220, SB 225, SB 284, SB 320, SB 471, SB 474, SB 504, SB 507, SB 519 and SB 525 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION

SB 562 (Pr. No. 594) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for airport land development zones.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 573, SB 597, SB 617 and HB 636 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL OVER IN ORDER AND LAID ON THE TABLE

SB 667 (Pr. No. 732) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions relating to operation of vehicles, providing for protection of children from second-hand smoke in vehicles; and imposing a penalty.

Without objection, the bill was passed over in its order at the request of Senator K. WARD.

Pursuant to Senate Rule 9, the bill was laid on the table.

BILL OVER IN ORDER

SB 676 -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILL LAID ON THE TABLE

SB 815 (Pr. No. 1016) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, in medical professional liability, providing for informed consent in pelvic, rectal and prostate examinations.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill was laid on the table.

SB 815 TAKEN FROM THE TABLE

Senator K. WARD. Mr. President, I move that Senate Bill No. 815, Printer's No. 1016, be taken from the table and placed on the Calendar.

The motion was agreed to by voice vote. The PRESIDENT. The bill will be placed on the Calendar.

BILLS OVER IN ORDER

SB 832, SB 881, SB 924, SB 931, SB 932 and SB 933 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILLS ON SECOND CONSIDERATION AND REREFERRED

SB 934 (Pr. No. 1199) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for display of the Preamble of the Constitution of Pennsylvania in each school building.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

SB 935 (Pr. No. 1200) -- The Senate proceeded to consideration of the bill, entitled:

An Act providing for display of the Preamble of the United States Constitution in each school building.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL ON SECOND CONSIDERATION

SB 937 (Pr. No. 1203) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in pupils and attendance, providing for immunization exception.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

HB 951 -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILLS ON SECOND CONSIDERATION

HB 1107 (Pr. No. 1146) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the Faxon Interchange of Interstate 180 at Northway Road in Loyalsock Township, Lycoming County, as the Sgts. Thomas Woodruff, Sr., and Hamilton Woodruff Memorial Interchange.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

HB 1120 (Pr. No. 1168) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating the bridge, identified as Bridge Key 3937, carrying Pennsylvania Route 26 over Bloody Run in Everett Borough, Bedford County, as the PFC James E. Williams Memorial Bridge.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 1121, HB 1304, HB 1312, HB 1332 and HB 1500 -- Without objection, the bills were passed over in their order at the request of Senator K. WARD.

BILL ON SECOND CONSIDERATION AND REREFERRED

HB 1588 (Pr. No. 2323) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 7 (Banks and Banking) of the Pennsylvania Consolidated Statutes, in mortgage loan industry licensing and consumer protection, further providing for definitions, for license requirements, for exceptions to license requirements, for general requirements, for powers conferred on certain licensees engaged in the mortgage loan business, for mortgage loan business prohibitions, for application for license, for prelicensing and continuing education, for license fees, for licensee requirements, for suspension, revocation or refusal and for mortgage servicers.

Considered the second time and agreed to, Ordered, To be printed on the Calendar for third consideration.

Upon motion of Senator K. WARD, and agreed to by voice vote, the bill just considered was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 1660 -- Without objection, the bill was passed over in its order at the request of Senator K. WARD.

BILLS REPORTED FROM COMMITTEE

Senator BROWNE, from the Committee on Appropriations, reported the following bills:

SB 140 (Pr. No. 117) (Rereported)

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in primary and election expenses, further providing for reporting by candidate and political committees and other persons, for late contributions and independent expenditures, for oath of compliance, perjury, disqualification from office and commercial use, for residual funds and for place of filing, providing for manner of filing and for inability to file reports or statements electronically by deadline and further providing for late filing fee and certificate of filing, for additional powers and duties of the Secretary of the Commonwealth and for reports by business entities and publication by Secretary of the Commonwealth.

**SB 448 (Pr. No. 1164)** (Rereported)

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition; and, in preemptions, providing for regulation of firearms and ammunition.

**SB 565 (Pr. No. 1212)** (Rereported)

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception.

**SB 706 (Pr. No. 1090)** (Rereported)

An Act providing for advanced manufacturing facilities and infrastructures through business partnerships with State-related institutions; establishing the Max Manufacturing Initiative Fund and Max Manufacturing Endeavor Loan Fund; and imposing powers and duties on the Department of Community and Economic Development.

**SB 755 (Pr. No. 943)** (Rereported)

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in general provisions, providing for certain transmittals and submissions to governmental bodies.

**SB 830 (Pr. No. 1126)** (Rereported)

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, establishing the Veteran-owned Business Loan Guarantee Program.

**SB 915 (Pr. No. 1225)** (Amended) (Reported)

An Act providing for the capital budget for fiscal year 2021-2022; itemizing public improvement projects, furniture and equipment projects, transportation assistance, redevelopment assistance projects, flood control projects and Pennsylvania Fish and Boat Commission projects leased or assisted by the Department of General Services and other State agencies, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services and other State agencies; authorizing the use of current revenue for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services and other State agencies stating the estimated useful life of the projects; and making appropriations.

**HB 1642 (Pr. No. 2372)** (Rereported)

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in educational tax credits, further providing for definitions, for qualification and application by organizations, for application by business firms, for tax credits, for limitations and for opportunity scholarships.

**SPECIAL ORDER OF BUSINESS****SUPPLEMENTAL CALENDAR No. 1****SB 830 CALLED UP OUT OF ORDER**

**SB 830 (Pr. No. 1126)** -- Without objection, the bill was called up out of order, from page 1 of Supplemental Calendar No. 1, by Senator K. WARD, as a Special Order of Business.

## BILL AMENDED

**SB 830 (Pr. No. 1126)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, in Commonwealth Financing Authority, establishing the Veteran-owned Business Loan Guarantee Program.

On the question,

Will the Senate agree to the bill on second consideration?

Senator GORDNER, on behalf of Senator YUDICHAK, offered the following amendment No. A2908:

Amend Bill, page 4, line 1, by inserting after "business":  
, as defined in 62 Pa.C.S. § 2201 (relating to definitions)

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator K. WARD.

BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE

**SB 448 (Pr. No. 1164)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition; and, in preemptions, providing for regulation of firearms and ammunition.

On the question,

Will the Senate agree to the bill on third consideration?

## SANTARSIERO AMENDMENT A2638 OFFERED

Senator SANTARSIERO offered the following amendment No. A2638:

Amend Bill, page 1, line 3, by inserting after "providing":  
for sale or transfer of firearms and

Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting:

Section 1. Sections 6111(f)(1) and (2) and 6120 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:  
§ 6111. Sale or transfer of firearms.

\*\*\*

(f) Application of section.--



(1) For the purposes of this section only, [except as provided by paragraph (2),] "firearm" shall mean 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.

[(2) The provisions contained in subsections (a) and (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.]

\* \* \*

Amend Bill, page 4, by inserting between lines 29 and 30:

Section 3. The provisions of 37 Pa. Code are abrogated to the extent that they are inconsistent with this act.

Amend Bill, page 4, line 30, by striking out "3" and inserting:

4

Amend Bill, page 5, line 4, by striking out "4" and inserting:

5

Amend Bill, page 5, by inserting between lines 4 and 5:

(1) The amendment of 18 Pa.C.S. § 6111(f)(1) and (2) shall take effect in 60 days.

Amend Bill, page 5, line 5, by striking out "(1)" and inserting:

(2)

Amend Bill, page 5, line 8, by striking out "(2)" and inserting:

(3)

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, this amendment would close the so-called "long gun loophole" in our system for background checks for the sale of firearms. This would create what we have commonly called a universal background check system. Now, what is that about, Mr. President? That is to require that every time a person in the Commonwealth of Pennsylvania purchases a firearm, there is a background check done. What does that mean? That means our Pennsylvania Instant Check System would be checked to see whether that person qualifies under existing State law to be able to purchase a firearm as a consequence of certain criminal or mental illness history. Why is that so important? Well, it already exists in Pennsylvania law. We have decided as a General Assembly, and as a State, that there are certain individuals in our State who should not properly purchase firearms because of a certain criminal history or because of a history of mental illness. This General Assembly has made that decision as a way of keeping our communities safe.

Mr. President, this is essentially Senate Bill No. 88, which I have been very happy to cosponsor with my friend and colleague from Philadelphia, Senator Hughes, and it is an idea whose time has long since come. Over 90 percent of Pennsylvanians, if you look at the polling, support this concept of closing the "long gun loophole" of creating a system of universal background checks, and why do they support it? They support it because they know it is one step, not the only step, but one step in helping to keep our communities safe. It is an important one because right now, Mr. President, someone who is not otherwise qualified under Pennsylvania law, someone who may have been convicted of a crime under our code that would disqualify them from buying a gun, can go in and buy a rifle without a background check being done, and we have no way of knowing whether that person, in fact, should not be entitled to that purchase. So the simple way to do this—and this should not be a Republican or Democratic

issue, this should not be a progressive or conservative issue, this is an issue of public safety. It is why our police support it. It is why our district attorneys support it. It is why, as I said, 90 percent of Pennsylvanians, including the overwhelming majority of gun owners in the Commonwealth of Pennsylvania, support universal background checks.

Now, Mr. President, as I said, Senator Hughes and I have, once again, as we did in the last Session, offered Senate Bill No. 88 as a standalone bill to have it passed, but it never gets brought up. Our colleagues in the State House have offered a similar bill there, but it never gets brought up. Why is that? Mr. President, I am not going to speculate because it is not for us to assign motive on the floor of this Chamber. But, I will say this, Mr. President, the people of Pennsylvania demand better. They demand that their communities be protected from gun violence, and, no, before someone gets up and says this is not going to solve every problem, I am not arguing that it will. But what I am saying is, if we are going to finally work to stem the tide of what is a gun violence epidemic in our State, we have to start with the most basic step, which is requiring that every time someone tries to purchase a gun in this State, that there is a background check done. The great news for us here in Pennsylvania is our Pennsylvania Instant Check System, the PICS system, is one of the most comprehensive databases that there is, so we can be certain that when a background check is, in fact, run through that system, that we are going to be able to weed out the folks who should not be purchasing a gun. In fact, the PICS system is more comprehensive than the National Instant Check System. So this is something that we should be doing right now. This is something that we can take a step toward to try to protect the people in our communities.

I have heard over the course, particularly in the last year, Mr. President, many speeches on this floor, about how important it is that we follow the will of the people; how important it is that we as elected representatives do everything we can to reflect the will of the people of the Commonwealth of Pennsylvania. If we really are for that idea, and I agree we should be, then this is something we absolutely should be voting for today, because as I said, the overwhelming majority of Pennsylvanians support universal background checks, and it is a simple loophole to close. It is all of two lines, and I do not think there is a single person in this room who could argue why we should continue to have a loophole for long guns. Mr. President, let us get this done. Let us create universal background checks for the people of Pennsylvania. Let us vote in favor of Amendment No. A2638. Thank you.

#### SANTARSIERO AMENDMENT A2638 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the proposal in Senate Bill No. 448 should stand on its own, and I move to table the amendment.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I ask for a negative vote on the tabling motion. Thank you.

The PRESIDENT. Senator Kim Ward moves that Senator Santarsiero's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-30

Argall	DiSanto	Mastriano	Stefano
Aument	Dush	Mensch	Tomlinson
Baker	Gebhard	Phillips-Hill	Vogel
Bartolotta	Gordner	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Langerholc	Robinson	Yaw
Browne	Laughlin	Scavello	Yudichak
Corman	Martin		

NAY-20

Boscola	Flynn	Kearney	Schwank
Cappelletti	Fontana	Muth	Street
Collett	Haywood	Sabatina	Tartaglione
Comitta	Hughes	Santarsiero	Williams, Anthony H.
Costa	Kane	Saval	Williams, Lindsey

A majority of the Senators having voted "aye" the question was determined in the affirmative.

The PRESIDENT. Amendment A2638 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

TARTAGLIONE AMENDMENT A2892 OFFERED

Senator TARTAGLIONE offered the following amendment No. A2892:

Amend Bill, page 1, line 3, by inserting after "articles," providing for report of theft or loss of firearm and Amend Bill, page 1, lines 9 and 10, by striking out all of said lines and inserting:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:  
§ 6115.1. Report of theft or loss of firearm.

(a) Duty to report.--An owner or other person lawfully in possession of a firearm who suffers the loss or theft of a firearm shall within 24 hours of the discovery of the loss or theft report the facts and circumstances of the loss or theft to the police department having jurisdiction where the loss or theft occurred. The person making the report shall provide the following information:

- (1) Name and permanent address of the owner.
- (2) Name of the manufacturer and importer, if applicable.
- (3) Model.
- (4) Type of action.
- (5) Caliber or gauge.
- (6) Serial number.
- (7) Any other information deemed necessary by the officer or police department receiving the report.

(b) Sharing of information.--When a person reports the loss or theft of a firearm to a police department, the officer or department receiving the report shall forward notice of the loss or theft with the information obtained under subsection (a) to the Pennsylvania State Police.

(c) Pennsylvania State Police.--The Pennsylvania State Police shall receive, collect and file the information forwarded to it under subsection (a). The Pennsylvania State Police shall cooperate, and undertake to furnish or make the information available to all law enforcement agencies in this Commonwealth, for the purpose of coordinating law enforcement efforts to locate the firearms.

(d) Penalty.--Notwithstanding any other provision of law, a person who violates subsection (a) commits a summary offense punishable by a fine of not more than \$500.

Section 2. Section 6120 of Title 18 is amended to read:  
Amend Bill, page 4, line 4, by striking out "2" and inserting:  
3  
Amend Bill, page 4, line 30, by striking out "3" and inserting:  
4  
Amend Bill, page 5, line 4, by striking out "4" and inserting:  
5  
Amend Bill, page 5, by inserting between lines 7 and 8:  
(2) The addition of 18 Pa.C.S. § 6115.1 shall take effect in 60 days.  
Amend Bill, page 5, line 8, by striking out "(2)" and inserting:  
(3)

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, my amendment would require individuals to report a lost or stolen gun within 24 hours of noticing its absence. This is straightforward. It is a commonsense gun safety measure that will protect our children and our communities. By requiring missing firearms to be reported, police can begin looking for a lost or stolen gun before it winds up at the scene of a crime. States that have this measure in place experience 46 percent less illegal gun trafficking compared to States like Pennsylvania. Remember, there is not a penalty for reporting a lost or stolen gun, there is only a penalty for failing to do so. This legitimate, commonsense enforcement tool will keep us all safer. I ask my colleagues for an affirmative vote on amendment No. A2892.

Thank you, Mr. President.

TARTAGLIONE AMENDMENT A2892 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the proposal in Senate Bill No. 448 should stand on its own. I move to table the amendment.

Senator COSTA. Mr. President, I request a negative vote on the motion made by the Majority Leader. Thank you.

The PRESIDENT. Senator Kim Ward moves that Senator Tartaglione's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-31

Argall	DiSanto	Martin	Stefano
Aument	Dush	Mastriano	Tomlinson

Baker	Flynn	Mensch	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brewster	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Yaw
Browne	Langerholc	Robinson	Yudichak
Corman	Laughlin	Scavello	

NAY-19

Boscola	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa	Keamey	Schwank	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2892 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

COSTA AMENDMENT A2636 OFFERED

Senator COSTA offered the following amendment No. A2636:

Amend Bill, page 1, line 13, by inserting a bracket before "No"  
Amend Bill, page 1, line 13, by inserting after "rule.--No":

I Except as provided in subsection (a.5), no  
Amend Bill, page 3, by inserting between lines 9 and 10:

(a.5) Prior adoption of regulation.--A local regulation of firearms, ammunition, firearms components or ammunition components in this Commonwealth adopted by a political subdivision prior to the effective date of this section shall not be subject to the provisions of this section.

Amend Bill, page 4, line 16, by striking out "The" and inserting:

Except as provided in 18 Pa.C.S. § 6120(a.5) (relating to limitation on the regulation of firearms and ammunition), the

Amend Bill, page 4, lines 24 and 25, by striking out "(relating to limitation on the regulation of firearms and ammunition)"

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, this amendment I offer essentially grandfathers into place the communities across Pennsylvania that have already enacted gun measures that would limit the use of weapons in those communities. Essentially, it is a grandfather provision.

As we know, our local governments are continuing to deal with the escalation of violent gun problems in our communities. The stress of the pandemic, as well as the economic fallout associated with it, unfortunately, has brought a 30 percent increase in violent crimes here in Pennsylvania. For those municipalities that had the courage and were able to take steps to fight violent crime by enacting stricter gun ordinances, we should allow them the opportunity to be able to make those gun laws more lenient and allow them the opportunity to be able to do that. Not allowing them to do that removes local control from these municipalities; I am specifically referring to the city of Pittsburgh, where I repre-

sent and have resided for most of my life, and where we know that the most horrific offense occurred at the Tree of Life Synagogue a little more than 3 years ago. In response to that, the city of Pittsburgh enacted responsible and reasonable gun measures that I think were appropriate for the city of Pittsburgh and provided for the local control to be able to do that.

As my colleague, Senator Hughes, spoke about earlier in the Committee on Appropriations, we talked a lot about local control and many other aspects of governance that we are dealing with here in Pennsylvania. This is an example of a situation where the same should be afforded to these local communities, whether it be Pittsburgh, Harrisburg, Philadelphia, or any municipality that chooses to take the local steps to protect their citizenry in a very responsible and reasonable manner. This is a measure that allows that to be done. So I ask my colleagues to join me in permitting the grandfathering of those communities that have already enacted reasonable, responsible gun law ordinances.

Thank you, Mr. President. I ask for an affirmative vote on this amendment.

COSTA AMENDMENT A2636 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the proposal in Senate Bill No. 448 should stand on its own, and I move to table the amendment.

The PRESIDENT. Senator Kim Ward moves that Senator Costa's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

MOTION TO RECESS

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, prior to taking a vote on the tabling motion, I make a motion that we recess the Senate until such time as we have an opportunity to be able to articulate and explain the amendments we are talking about, to further discuss them with our colleagues, and to make the case to the people of Pennsylvania that these are reasonable and thoughtful amendments that pertain specifically to this measure along the lines of local preemption and local standing with respect to who can be in a position to entertain lawsuits and the like against our local governments. That all being said, Mr. President, I ask that we recess until such time as we have the opportunity to work in a collective fashion, to work together, to fashion amendments and have the opportunity to offer them where Members will have to take a choice. Standing behind a tabling motion to not consider the merits of legislation is not what we should be doing here in Pennsylvania.

POINT OF ORDER

Senator K. WARD. Mr. President, excuse me, point of order. The motion to recess is not up for debate, and I ask for a negative vote on the motion to recess.

Senator COSTA. Mr. President, I ask for an affirmative vote. Thank you, Mr. President.

On the question, Will the Senate agree to the motion to recess?

The yeas and nays were required by Senator COSTA and were as follows, viz:

YEA-20

Table with 4 columns of names: Boscola, Cappelletti, Collett, Comitta, Costa, Flynn, Fontana, Haywood, Hughes, Kane, Kearney, Muth, Sabatina, Santarsiero, Saval, Schwank, Street, Tartaglione, Williams, Anthony H., Williams, Lindsey.

NAY-30

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Brewster, Brooks, Browne, Corman, DiSanto, Dush, Gebhard, Gordner, Hutchinson, Langerholc, Laughlin, Martin, Mastriano, Mensch, Phillips-Hill, Pittman, Regan, Robinson, Scavello, Stefano, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Yaw, Yudichak.

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring, Will the Senate agree to the motion to table Amendment A2636?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-31

Table with 4 columns of names: Argall, Aument, Baker, Bartolotta, Brewster, Brooks, Browne, Corman, DiSanto, Dush, Flynn, Gebhard, Gordner, Hutchinson, Langerholc, Laughlin, Martin, Mastriano, Mensch, Phillips-Hill, Pittman, Regan, Robinson, Scavello, Stefano, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Yaw, Yudichak.

NAY-19

Table with 4 columns of names: Boscola, Cappelletti, Collett, Comitta, Costa, Fontana, Haywood, Hughes, Kane, Kearney, Muth, Sabatina, Santarsiero, Saval, Schwank, Street, Tartaglione, Williams, Anthony H., Williams, Lindsey.

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2636 will be laid on the table.

And the question recurring, Will the Senate agree to the bill on third consideration?

COLLETT AMENDMENT A2904 OFFERED

Senator COLLETT offered the following amendment No. A2904:

Amend Bill, page 1, lines 1 through 6, by striking out all of said lines and inserting:

Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for limitation on the regulation of firearms and ammunition; and, in home rule and optional plan government, further providing for limitation on municipal powers.

Amend Bill, page 1, lines 9 through 19; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 9; by striking out all of said lines on said pages and inserting:

Section 1. Section 6120(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 6120. Limitation on the regulation of firearms and ammunition.

(a) General rule.--[No county, municipality or township] Except as provided in subsection (a.4), no political subdivision may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth.

\*\*\*

(a.4) Exception.--A political subdivision may, by ordinance, regulate the possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported on any property owned, operated or maintained by the political subdivision, including, but not limited to:

- (1) Buildings.
(2) Parks.
(3) Conveyances or vehicles.

\*\*\*

Section 2. Section 2962(g) of Title 53 is repealed:

§ 2962. Limitation on municipal powers.

\*\*\*

[(g) Regulation of firearms.--A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.]

\*\*\*

Section 3. This act shall take effect in 60 days.

On the question, Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, this amendment will ensure that municipalities across the Commonwealth have the ability to regulate the carry and use of firearms and ammunition in publicly controlled lands and facilities in a manner consistent with local control through the adoption of an ordinance or resolution. Such action will allow public participation and comments on the policies and reflects the will of each community to address their own public safety concerns. I urge my colleagues to support this amendment.

Thank you, Mr. President.

COLLETT AMENDMENT A2904 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the proposal in Senate Bill No. 448 should stand on its own, and I move to table the amendment.

The PRESIDENT. Senator Kim Ward moves that Senator Collett's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-31

Argall	DiSanto	Martin	Stefano
Aument	Dush	Mastriano	Tomlinson
Baker	Flynn	Mensch	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brewster	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Yaw
Browne	Langerholc	Robinson	Yudichak
Corman	Laughlin	Scavello	

NAY-19

Boscola	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa	Kearney	Schwank	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2904 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

SANTARSIERO AMENDMENT A2641 OFFERED

Senator SANTARSIERO offered the following amendment No. A2641:

Amend Bill, page 3, lines 26 and 27, by striking out all of said lines

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Bucks, Senator Santarsiero.

Senator SANTARSIERO. Mr. President, this amendment is very simple; it would take out one of the more egregious problems with this bill. This bill, as drafted--similar to legislation that was passed by the General Assembly a number of years ago and ultimately struck down by the State Supreme Court--would allow so-called membership organizations to sue our communities that actually do what this General Assembly refuses to do, and that is to stand up and protect its residents by passing reasonable gun safety legislation at the local level. What Senate Bill No. 448 would do in its current form, Mr. President, is allow these membership organizations, which is just a euphemism for the NRA and other similar organizations, to actually sue our local towns

and municipalities. Why is that a problem? Well, these organizations are very well funded, in fact, by sources that few of us really know because most of them operate under a veil of secrecy. So, what would happen is, our communities would, one by one, be targeted by groups like the National Rifle Association, all because they had the temerity to stand up and protect their residents by passing reasonable gun violence prevention measures; things like not allowing guns on playgrounds. Think about that for a minute; not allowing guns on playgrounds. That is the kind of ordinance that Senate Bill No. 448, right now, would put our communities at risk of being sued over. Unless this amendment goes into the bill, it is not just local gun owners in the community who would have standing to sue, but it would be the National Rifle Association and people in Washington, D.C., who would be able to come in and tell our local communities that, no, you cannot keep kids safe on playgrounds by outlawing the carrying of guns in those places.

Mr. President, it is beyond the pale for this bill to stand as it is without this amendment going into it. Every one of us should have a concern about what this would do to the safety in our communities and the ability of local elected officials to protect the citizens whom they are sworn to protect as part of their oath of office. I move, once again, for the immediate adoption of this amendment, A2641.

Thank you, Mr. President.

SANTARSIERO AMENDMENT A2641 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the proposal in Senate Bill No. 448 should stand on its own, and I move to table the amendment.

The PRESIDENT. Senator Kim Ward moves that Senator Santarsiero's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-31

Argall	DiSanto	Martin	Stefano
Aument	Dush	Mastriano	Tomlinson
Baker	Flynn	Mensch	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brewster	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Yaw
Browne	Langerholc	Robinson	Yudichak
Corman	Laughlin	Scavello	

NAY-19

Boscola	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa	Kearney	Schwank	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2641 will be laid on the table.

And the question recurring,

Will the Senate agree to the bill on third consideration?

It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, when the COVID-19 pandemic began, I heard many of my Republican colleagues, who I anticipate will vote in favor of this bill, bemoan the overreaching of the executive branch and argue about the need for the highly qualified local authorities to respond to the pandemic as they saw fit because they were the ones who knew best what was going on in their own communities. Yet, the legislation before us today, Senate Bill No. 448, would preempt the authority of local governments when it comes to enacting certain, reasonable restrictions on firearms.

Let us be clear about what Senate Bill No. 448 does. It does not assist in the recovery from the pandemic or make it easier to address crime in our neighborhoods, nor does it make Pennsylvania a safer Commonwealth for our constituents. It simply makes it harder for communities from Erie to Philadelphia to address their own local needs and do what they deem is appropriate to keep their citizens safe. Furthermore, Mr. President, this bill stands in direct opposition to what my municipalities have asked for.

When Horsham Township, which happens to be led by the Republican Majority, lobbied for local control, they noted that courtrooms across the Commonwealth prohibit firearms on their premises. Our Capitol building is secure because firearms are prohibited throughout the building. It is a matter of security and safety. Horsham rightly questioned: is the protection of our judges and legislators of more concern than the protection of the children who use our parks and libraries? Outreach from Horsham and other communities inspired me to introduce Senate Bill No. 598, which would ensure that municipalities are given the leeway and deference they deserve, something many Members of this Chamber argued vehemently in favor of just a few months ago. When Senate Bill No. 448 came up for a vote in the Committee on Local Government, I offered an amendment aligned with the principles of local autonomy, allowing each municipality the right to make decisions for themselves about how they want to manage the presence of firearms on publicly-owned and managed properties. Unsurprisingly, the amendment failed on a party line vote. Mr. President, if the General Assembly will not act to protect our citizens from gun violence, local municipalities should be able to. I urge a "no" vote.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Kearney.

Senator KEARNEY. Mr. President, surprising no one, I will be voting "no" on this bill, which you know, has moved nowhere in the last few Sessions. The open-ended nature of the potential suits that could be brought could bankrupt Pennsylvania communities and pad the pockets of outsiders seeking to interfere in communities that had nothing to do with them. I know many Pennsylvanians are passionate about firearms and the Second Amendment, but the provisions contained in this bill are meant to intimidate municipalities and communities that are merely trying to save lives in their communities. Gun violence has taken the lives of hundreds of Pennsylvanians this year, injured even more, and has destroyed so many families. I cannot understand how we as a legislature can respond to so much pain, so much violence, such a disruptive epidemic of shootings and murders in our communities with this: a giveaway to the NRA and to other outsiders. It just does not make sense.

We all know that gun violence is a problem that affects some communities quite a bit and others not so much. I actually think that allowing localized response to firearms regulations makes a lot of sense in that context. It has been hammered into my head since I arrived in Harrisburg that one size does not fit all in our Commonwealth, but one-size-fits-all is exactly what this bill intends. Our municipalities and communities could do so much to solve their own problems and reduce crime in their neighborhoods if this legislature would give them a chance. Our municipalities could crack down on gun trafficking, straw purchasers, and guns falling into the hands of minors. Our constituents beg their leaders for help: for better policies that can help keep them safe. We have an obligation to keep our communities safe, and letting them create their own solutions would be the least we could do here in Harrisburg. I urge my colleagues to vote "no" on this bill and for everyone to think about the kind of message this bill sends to the families, friends, and communities of Pennsylvanians murdered and maimed by gun violence.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Hughes.

Senator HUGHES. Mr. President, I encourage a "no" vote on this bill, and I want to go to the issue of facts, data, and science. But, I want to go to the issue of facts; why this is so unnecessary; and why local communities need to have the opportunity to control their own destiny. Mr. President, in Pennsylvania, firearm suicides increased 20 percent, and gun homicides increased 12 percent from 2010 to 2019. More than three quarters of those homicides in Pennsylvania involved a firearm in 2019. Research suggests gun violence costs Pennsylvanians \$12.1 billion each year. A research team from Penn State found that for the first 13 months of the COVID-19 pandemic, gun violence rose by 31 percent across the nation. Pennsylvania is 1 of 27 States where the risk of gun violence was significantly higher during the pandemic than the previous years. I will say that again, Mr. President, because facts matter. Pennsylvania is 1 of 27 States where the risk of gun violence was significantly higher during the pandemic than the previous years.

Mr. President, all Members, please remember that this past budget included a \$30 million appropriation for gun violence

reduction grants, but, Mr. President, there were over \$170 million in applications, all from local community organizations across the Commonwealth of Pennsylvania. Mr. President, facts matter. Philadelphia police have recovered 436 ghost guns for the year as of October 4, 2021. This is more than all of the ghost guns seized in 2019 and 2020 combined. Facts matter, Mr. President.

Pennsylvania suffers close to 1,600 gun deaths every year, whether by homicide, suicide, or unintentional shootings. Pennsylvania is one of a growing number of States where we have more gun deaths than deaths due to automobile accidents. The overall death rate is 11.7 deaths per 100,000 people. The rate of gun deaths has increased 20 percent from 2009 to 2018; 60 percent of all gun deaths in Pennsylvania are suicides; 35 percent of all deaths are homicides. In Pennsylvania, 48 percent of female murder victims are killed by an intimate partner. Out of those, 53 percent are killed with a gun. Mr. President, maybe the most startling fact that we need to come to grips with is that firearms are the number one leading cause of death among children and teens in Pennsylvania.

Over the course of the pandemic, we saw violent deaths by firearms increase in every community across Pennsylvania. In Lancaster, York, Erie, of course, unfortunately, most publicized in Philadelphia; but in those other communities, the increases were higher than in the great city of Philadelphia. In fact, violence and firearm violence increased all over the country. Now, we have a circumstance with this bill that belies the facts that I just walked through and essentially denies local communities the opportunity to create their own mission, and laws to put an end to this violence. Add that, Mr. President, as we are reminded by our Attorney General here in Pennsylvania, the alarming growth in ghost guns and how easy it is to create ghost guns in communities and households, all across the Commonwealth of Pennsylvania and, in fact, all across the country. It is time that local communities had the will, ability, and opportunity to create their own laws to do what it is that they need to do to stem the tide of this death caused by the over-proliferation of firearms.

Mr. President, facts matter, and, quite frankly, the lives attached to all of these facts that I just walked through, they matter even more. To deny local communities the opportunity to protect, secure, and make themselves safe undercuts the abilities of those local communities to, in fact, keep the lives behind these details, the people behind the statistics, and the very essence of these individuals who relate directly to the facts that I just walked through--it denies these local communities to keep these individuals alive. This deserves a resounding "no," Mr. President, and I ask for that right now.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, very briefly, I wanted to rise and summarize where we are and what has happened here this evening. Mr. President, there is a measure to limit the ability of our local governments to be able to put into place responsible and reasonable ordinances. As I mentioned previously in my remarks, I hail from the city of Pittsburgh and represent the Squirrel Hill community, the Tree of Life community that all of us in this room reached out, just 2 weeks ago, and shared the

embrace of that community and helped them heal. In response to that, this is where we are today. The Tree of Life tragedy occurred; we all gathered over on the other side of the building and had a beautiful service on the 1 year anniversary, and we continue to mourn the men and women who we lost at that event. What this amendment says to the Tree of Life community and the three synagogues that participate at that location is that the city of Pittsburgh's response to protect those people in that church, synagogue, and community--and what Harrisburg says to its people in these communities, and what Philadelphia says to the members of their communities--what this amendment says is that you have no right to be able to put into place reasonable and responsible ordinances that manage the use of weapons in those communities. That is what is being said here.

Not allowing the city of Pittsburgh a reasonable, responsible approach to address gun violence in that community, and the horrific events that took place there, we are saying to them--you are saying to them, not us, you are saying to them--that you have no right to be able to put into place measures that would allow you to manage and protect your own people. To provide for that local control that we have talked about for many months over the course of the past 18 months of the pandemic, that you know what? It matters whether schools mask. It matters, whether it is other issues pertaining to whether we are going to keep golf courses open or whether we are going to keep different organizations working and the like, but when it comes to protecting your own people, you have no right to be able to do that in Pennsylvania. That is what you are saying.

Beyond that, the message that Senate Democrats have been trying to say throughout this process is that there are reasonable and responsible gun measures that we in Pennsylvania should enact. The problem is that Pittsburgh would not have had to put into place an ordinance to protect its people if we had done so here in Pennsylvania. We do not have the will--I should say we do not have the courage--to be able to put up the tough votes that are going to put into place the things that we talked about here today. We do not have the will and courage to stand up and say, you know what? We need reasonable background checks. But we stood behind a tabling motion to be able to defeat that and not talk about it. We did not have the courage to stand up and vote "yes" or "no" as to whether or not--in Pennsylvania we have not been able to put into place whether or not we should even grandfather those folks who were in place right now. We did not have the courage to address the amendments that were offered by my colleagues, Senator Collett, Senator Santarsiero, and other colleagues who participated in today's discussion, and we will continue to discuss these matters as we go forward on the second bill that we are going to talk about.

The fact of the matter is, we do not have the courage to make the votes that we need to make to protect our own local residents. What happens? You have incidents like we saw at the Tree of Life a little over 3 years ago. We also had incidents that took place in Lancaster a number of years ago, the horrific scene that took place there. What we are going to do is, we are going to say to the people of Pennsylvania, not only can you not put your own laws into place, your own ordinances into place, we are going to say to you, you know what? The same person, or a person just like the person who walked into the Tree of Life 3 years ago, that

type of person is going to be able to go into court and challenge any ordinance that we would try to put into place. That is the last person we should be giving authority, or anyone like that person, to give them the ability to go in and challenge any ordinance anywhere in this Commonwealth. That is what we are doing here today. It is shameful. I ask for a negative vote and ask that people recognize what we are doing to our local communities, and what we are doing to the people we have to represent. Have the courage to vote "yes" or "no" on the amendments. We encourage all of you--on the next set of amendments we will be offering going forward on the next bill, Senate Bill No. 565--stand up, protect the people you represent, particularly as it relates to concealed weapons permits along those lines.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Cambria, Senator Langerholc.

Senator LANGERHOLC. Mr. President, I rise as the maker of this bill, Senate Bill No. 448, to ask for an affirmative vote. We should not have to be here discussing this bill. With respect to this bill, here is the only fact that matters: "No county, municipality or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms, ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth." Is that the language in this bill, Senate Bill No. 448, of what we are debating? No. That is the existing law of the Commonwealth as passed by this General Assembly. Look at the legislative history, 1974, 1988, look at the footnotes to that section. That is Section 6120 of Title 18 of the Pennsylvania Consolidated Statutes, commonly referred to as the Crimes Code. That is a fact. That is existing law passed by this General Assembly.

So why are we here? Is it because municipalities are not well versed in the laws of this Commonwealth? Are we at fault because we do not adequately convey the laws that we pass in the General Assembly to our municipalities, townships, or counties? It is pretty clear that this General Assembly weighed in on this issue many years ago and said, specifically, those words. So what is the purpose of this bill? Perhaps it is to get their attention because they have enacted ordinances clearly, unequivocally in the face of what this General Assembly has passed.

Do not get mired in all of these ancillary issues. This is not about further gun restrictions or allowing individuals to carry, what have you. This is about what the existing law is and why municipalities, townships, counties cannot seem to follow that law. That should give all of us cause for concern. The purpose of this bill will allow an individual or a member organization to sue a county or municipality. Yes, yes it will, and yes, they should have that right if these local municipalities brazenly refuse to follow what we do here. So, yes, we will give them the right, but, make no mistake, read the bill. There are provisions here to allow the municipalities to not go bankrupt. How? Repeal your ordinance. Repeal your ordinance that is blatantly in the face of existing law, and there are provisions that allow that: 60-day notice is built into this bill. This will give those individuals more teeth who are already forced to fight these ordinances which are declared unconstitutional. If you do not like the possibility of facing suit, repeal your ordinance. It is very simple.

With respect to the argument for local control, we are not talking about amorphous-enabling legislation by the executive branch that needs interpreted whether or not there is the power to do it. We are talking about what this General Assembly has enacted clearly. It is on the books. We have access to any law in this Chamber. It is clear. It is on the books. With respect to the argument of existing damages, again, repeal your ordinance. This legislation will put the burden on the municipality to defend its actions instead of placing the burden on the individual. This is not a one-size-fits-all approach, in rebuttal, because there is a section carved out in the General Assembly that we did in statute for the city of Philadelphia. This is not a one-size-fits-all approach. We should not have to be here debating this when it is clear, and everyone in this Chamber should have cause for concern. Do our laws not matter that we pass here? Apparently they do not to some of those municipalities that are enacting ordinances, lying in the face of existing, settled law. It is clear. That is a fact. That is Section 6120 of Title 18. I ask for an affirmative vote.

Thank you, Mr. President.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-31

Argall	DiSanto	Martin	Stefano
Aument	Dush	Mastriano	Tomlinson
Baker	Flynn	Mensch	Vogel
Bartolotta	Gebhard	Phillips-Hill	Ward, Judy
Brewster	Gordner	Pittman	Ward, Kim
Brooks	Hutchinson	Regan	Yaw
Browne	Langerholc	Robinson	Yudichak
Corman	Laughlin	Scavello	

NAY-19

Boscola	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Williams, Anthony H.
Comitta	Kane	Saval	Williams, Lindsey
Costa	Kearney	Schwank	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS  
SUPPLEMENTAL CALENDAR No. 2**

**BILL ON THIRD CONSIDERATION  
AND FINAL PASSAGE**

**SB 565 (Pr. No. 1212)** -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, repealing provisions relating to firearms not to be carried without a



license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses and repealing provisions relating to proof of license and exception.

On the question,  
Will the Senate agree to the bill on third consideration?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, before I offer my amendment, I would ask the maker of the bill to stand for a brief period of interrogation.

The PRESIDENT. Senator Dush declines.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

#### A.H. WILLIAMS AMENDMENT A2914 OFFERED

Senator A.H. WILLIAMS offered the following amendment No. A2914:

Amend Bill, page 1, lines 6 and 7, by striking out "repealing provisions relating to carrying firearms" in line 6 and all of line 7

Amend Bill, page 8, lines 17 through 26, by striking out all of said lines

Amend Bill, page 8, line 27, by striking out "4" and inserting:  
3

Amend Bill, page 9, line 28, by striking out "5" and inserting:  
4

Amend Bill, page 18, line 25, by striking out "6" and inserting:  
5

Amend Bill, page 19, line 9, by striking out "7" and inserting:  
6

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, currently in Philadelphia, the law, (*Reading:*)

Section 6108. Carrying firearms on public streets or public property in Philadelphia. No person shall carry a firearm, rifle or shotgun at any time upon the public streets or upon any public property in a city of the first class unless: (1) such person is licensed to carry a firearm [such as a police officer]; or (2) such person is exempt from licensing under section 6106(b) of this title (relating to firearms not to be carried without a license).

This was established in the 1950s by a local ordinance, then codified in the 1971 Session. It became effective in 1973, sponsored by a bipartisan group of legislators, Republicans and Democrats, which actually gave the city of the first class the right to protect its citizens in a way that they felt to be lawful and, most importantly, as reminded by my colleague on the Republican side, sanctioned by the State of Pennsylvania. As we stand here tonight, for some curious reason, the desire of this General Assembly and some Members of this body is to remove this particular piece of legislation, to rewrite history, and suggest that those

folks in Philadelphia do not have a right protected by the Commonwealth of Pennsylvania, as mentioned by the last speaker. It was very curious that he brought that up.

The last speaker told us that local government does not have the right to do things that is not given that claim by the Commonwealth. In fact, Philadelphia was given that right and responsibility. For some curious reason, we are deciding to take that away. As a matter of fact, it was challenged in court in 2014. The 2014 court was interested in the reason why this section was necessary. In *Scarborough*, the court held that the statute served a legitimate purpose. Governing firearms in Philadelphia by statute was found to rationally address the disproportionate gun violence in Philadelphia by regulating firearms within Philadelphia to curb the level of violence which, unfortunately, we have witnessed. I have listened to these arguments all day. Pro-gun, not gun, some gun, maybe gun, it does not really matter. What matters is that the State adopted, in this Chamber, in the House, and signed by a Governor, that Philadelphia has the right to suggest or, frankly, claim, that you cannot come to Philadelphia carrying a gun on your hip and brandishing it in public. That is not by an arbitrary, left-wing Democrat. That is by a bipartisan, State-sanctioned, sealed, and delivered law by this body over 48 years ago. There is no argument that I heard today which suggests that we should change it because whether you believe it is your right to have a gun, absolutely. It is your right in your neighborhood if you want to carry the gun openly. But by the standards established by the last speaker, the sponsor of that bill, it is not your right to take away our protections sanctioned by the State of Pennsylvania, and there is no one who will stand at the mic, apparently, to explain it.

As my colleague said, courage is lacking in this General Assembly, and I do not apologize for using the words of hypocrisy. Do not come at the mic anymore and suggest that local governing is the most important thing, individual liberties are important, and protecting and wrapping yourself in the flag. It is not. You are stripping a community of its culture, and by the way, maybe I missed the moment when Philadelphians were calling up to Republican Senators and asking them to introduce such a resolution, because they did not. How do I know? Because I talked to my Republican colleagues in Philadelphia, asked the Chamber of Commerce who is deathly scared of when a restaurant owner in Philadelphia decides to open his doors and is greeted by someone putting his firearm on the table as he decides to have a four-course meal at a four-star restaurant in Philadelphia. If you think that is going to drive tourism in Pennsylvania, you have lost your mind. If you desire to do that in your neighborhood, so be it. I might not be visiting, but it is your right. It is not your right to take away that which the State has sanctioned over 48 years ago for Philadelphia.

There is no logic behind it other than arrogance and one's individual opinion about what is right for all Pennsylvanians. By the way, that is called tyranny, which the Constitution is supposed to protect us from. The rights and liberty of the individual are protected by the tyranny of the majority. There is nothing that I could establish in why one would remove this other than their ideology, party affiliation, desire to feed a based perspective, but there is nothing about it which reminds us of the Quaker perspective of an individual's support of humanity. To pour salt on the

wounds of the 500-plus homicide victims in Philadelphia taken by guns is beyond insensitive and numbing of the mind. This is not a minor story. This is a national story, and it will be a national story. It will not be about gun owners versus non-gun owners. It will not be about the second Amendment and the protection of an individual's right. What it will be about is the Commonwealth of Pennsylvania, from a minority perspective, has decided to dictate the terms to individual Pennsylvanians and take away their rights. For those of us who engage in politics, be very clear, that is the story we will tell, and we will repeat it every single day. That drumbeat started a little while ago, and now it continues: the sacrifice of individual liberties; their rights; their protections; and their freedoms. That is the manner in which we will continue to describe this.

Thank you, Mr. President. I respectfully ask for support of this amendment and allow for Philadelphia to continue in the manner it has for 48 years--independent, in clear vision--about how it chooses to drive its local government and protect its local citizens.

Thank you, Mr. President.

A.H. WILLIAMS AMENDMENT A2914 TABLED

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, I move to table the amendment.

The PRESIDENT. Senator Kim Ward moves that Senator Anthony Williams' amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator K. WARD and were as follows, viz:

YEA-30

Argall	DiSanto	Mastriano	Stefano
Aument	Dush	Mensch	Tomlinson
Baker	Gebhard	Phillips-Hill	Vogel
Bartolotta	Gordner	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Langerholc	Robinson	Yaw
Browne	Laughlin	Scavello	Yudichak
Corman	Martin		

NAY-20

Boscola	Flynn	Kearney	Schwank
Cappelletti	Fontana	Muth	Street
Collett	Haywood	Sabatina	Tartaglione
Comitta	Hughes	Santarsiero	Williams, Anthony H.
Costa	Kane	Saval	Williams, Lindsey

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2914 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

FONTANA AMENDMENT A2925 OFFERED

Senator FONTANA offered the following amendment No. A2925:

Amend Bill, page 1, line 9, by striking out "and" and inserting a comma:

Amend Bill, page 1, line 10, by inserting after "exception":  
and providing for extreme risk protection orders

Amend Bill, page 19, by inserting between lines 8 and 9:

Section 7. Chapter 61 of Title 18 is amended by adding a subchapter to read:

Subchapter E  
EXTREME RISK PROTECTION ORDERS

Sec.

6191. Definitions.

6192. Petition for order.

6193. Procedure.

6194. Ex parte orders.

6195. Service of orders.

6196. Termination and renewal of orders.

6197. Surrender of firearms.

6198. Return and disposal of firearms.

6199. Reporting of orders.

6199.1. Penalties.

6199.2. Other authority retained.

6199.3. Immunity.

6199.4. Instructional and informational material.

6199.5. Registry.

§ 6191. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Extreme risk protection order." An ex parte order or a final order granted under this subchapter.

"Family or household member." A spouse or person who has been a spouse, person living as a spouse or who lived as a spouse, parent or child, other person related by consanguinity or affinity, current or former sexual or intimate partner or person who shares biological parent-hood.

"Firearm." The term shall have the same meaning given to it under section 6111(f) (relating to sale or transfer of firearms).

"Firearm license." A license issued under section 6109 (relating to licenses).

"Foreign extreme risk protection order." An extreme risk protection order issued in the United States or its possessions.

"Minor court." A magisterial district judge or a judge of the Philadelphia Municipal Court, commissioner appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) or master for emergency relief.

"Petitioner." A person who petitions for an order under this subchapter.

"Respondent." A person who is identified as the respondent in a petition filed under this subchapter.

§ 6192. Petition for order.

(a) Establishment of action.--

(1) An action known as a petition for an extreme risk protection order is established.

(2) A petition for an extreme risk protection order may be filed by:

- (i) a family or household member of the respondent; or
- (ii) a law enforcement officer or agency.

(3) An action under this subchapter must be filed in the county where the petitioner resides or the county where the respondent resides.

(b) Contents of petition.--A petition shall:

(1) Allege that the respondent poses a significant danger of causing personal injury to self or others by having in the respondent's custody or control, purchasing, possessing or receiving a firearm and be accompanied by an affidavit made under oath stat-

ing the specific statements, actions or facts that give rise to a reasonable belief of future dangerous acts by the respondent.

(2) Identify the number, types and locations of the firearms the petitioner reasonably believes to be in the respondent's current ownership, possession, custody or control.

(3) Identify whether there is a known existing protection order governing the respondent under any other applicable statute.

(4) Identify whether there is a pending lawsuit, complaint, petition or other action between the parties to the petition under the laws of this Commonwealth.

(c) Effect of existing orders and pending actions.--

(1) The prothonotary shall verify the terms of any existing order governing the parties.

(2) The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order.

(3) A petition for an extreme risk protection order may be granted whether or not there is a pending action between the parties.

(d) Notice to family and household members.--

(1) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence.

(2) The notice shall state that the petitioner intends to petition the court for an extreme risk protection order or has already done so and include referrals to appropriate resources, including mental health, domestic violence and counseling resources.

(3) The petitioner shall attest in the petition to having provided the notice or attest to the steps that will be taken to provide the notice.

(e) Omission of petitioner's address.--

(1) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or a family or household member of the petitioner, the petitioner's address may be omitted from all documents filed with the court.

(2) If the petitioner has not disclosed an address under this subsection, the petitioner shall designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record shall be that of the law enforcement agency.

(f) Fees and bonds prohibited.--

(1) No fees for filing or service of process may be charged by a court or any public agency to a petitioner seeking relief under this subchapter. The petitioner shall be provided the necessary number of certified copies, forms and instructional brochures free of charge.

(2) A person may not be required to post a bond to obtain relief in any proceeding under this section.

(g) Jurisdiction.--

(1) The courts of common pleas have jurisdiction over proceedings under this subchapter and minor courts have limited jurisdiction over issuance and enforcement of ex parte extreme risk protection orders issued under this subchapter.

(2) If the notice and order are not served on the respondent in time for the full hearing, the issuing court has concurrent jurisdiction with the court to extend the ex parte extreme risk protection order.

#### § 6193. Procedure.

(a) Hearing.--Upon receipt of the petition, the court shall order a hearing to be held not later than 14 days from the date of the order and shall issue a notice of hearing to the respondent.

(b) Service on respondent.--

(1) The prothonotary shall cause a copy of the notice of hearing and petition to be forwarded on or before the next judicial day to the appropriate law enforcement agency for service upon the respondent.

(2) Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than five business days prior to the hearing.

(c) Ex parte orders.--The court may, as provided in section 6194 (relating to ex parte orders), issue an ex parte extreme risk protection

order pending the hearing ordered under subsection (a). An ex parte order shall be served concurrently with the notice of hearing and petition.

(d) Findings by court.--Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing injury to self or others by having in the respondent's custody or control, purchasing, possessing or receiving a firearm, the court shall issue an extreme risk protection order that is effective for a period of one year.

(e) Evidence.--In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

(1) A recent act or threat of violence or injury by the respondent against self or others, whether or not the violence or threat of violence involves a firearm.

(2) A pattern of acts or threats of violence or injury by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against self or others.

(3) A dangerous mental health issue of the respondent.

(4) A violation by the respondent of a protection order issued under 42 Pa.C.S. Ch. 62A (relating to protection of victims of sexual violence or intimidation) or 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

(5) A previous or existing extreme risk protection order issued against the respondent.

(6) A violation of a previous or existing extreme risk protection order issued against the respondent.

(7) A conviction of the respondent for a crime that involves domestic violence.

(8) The respondent's ownership, access to or intent to possess firearms.

(9) The unlawful or reckless use, display or brandishing of a firearm by the respondent.

(10) The history of use, attempted use or threatened use of physical force by the respondent against another person or the respondent's history of stalking another person.

(11) A prior arrest of the respondent for an offense graded as a felony, crime of violence or personal injury crime.

(12) Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

(13) Evidence of recent acquisition of a firearm by the respondent.

(f) Authority of court.--The court may:

(1) Examine under oath the petitioner, the respondent and witnesses or, in lieu of examination, consider a sworn affidavit of the petitioner, the respondent and witnesses.

(2) Review the criminal history records related to the respondent.

(3) Review all records relating to the respondent under the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

(4) During the hearing, consider whether a mental health evaluation or chemical dependency evaluation is appropriate, and order the evaluation if appropriate.

(g) Contents of order.--An extreme risk protection order shall include the following:

(1) A statement of the grounds supporting the issuance of the order.

(2) The date and time the order was issued.

(3) The date and time the order expires.

(4) Whether a mental health evaluation or chemical dependency evaluation of the respondent is required to be completed.

(5) The address of the court in which a responsive pleading may be filed.

(6) A description of the requirements for relinquishment of firearms under this subchapter.

(7) The following statement:

To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control or possession and the firearm license issued to you

immediately. You may not have in your custody or control, purchase, possess, receive or attempt to purchase or receive a firearm while this order is in effect. You have the right to request a hearing to terminate this order every 12-month period that this order is in effect, starting from the date of this order and continuing through any renewal. You may seek the advice of an attorney as to any matter connected with this order.

(h) Notice relating to termination hearing.--When the court issues an extreme risk protection order, the court shall inform the respondent that the respondent may request termination of the order in the manner prescribed in this subchapter. The court shall provide the respondent with a form to request a termination hearing.

(i) Reasons for denial of order.--If the court denies an extreme risk protection order, the court shall state the particular reasons for the court's denial.

#### § 6194. Ex parte orders.

(a) General rule.--Upon the filing of a petition under section 6192 (relating to petition for order), a petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses an imminent and significant danger of causing injury to self or others by having in the respondent's custody or control, purchasing, possessing or receiving a firearm.

(b) Grounds to issue.--If a court finds by clear and convincing evidence that there is reasonable cause to believe that the respondent poses an imminent and significant danger of causing injury to self or others by having in the respondent's custody or control, purchasing, possessing or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

#### (c) Hearings.--

(1) The court shall hold an ex parte extreme risk protection order hearing on the day the petition is filed or on the judicial day immediately following the day the petition is filed.

(2) In accordance with this subchapter, the court shall schedule a hearing within 14 days of the issuance of an ex parte extreme risk protection order to determine if a one-year extreme risk protection order is issued under this subchapter.

(d) Contents of order.--An ex parte extreme risk protection order shall include:

- (1) A statement of the grounds for the order.
- (2) The date and time the order was issued.
- (3) The date and time the order expires.
- (4) The address of the court in which a responsive pleading may be filed.
- (5) The date and time of the scheduled hearing.
- (6) A description of the requirements for surrender of firearms under this subchapter.
- (7) The following statement:

To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control or possession. You may not have in your custody or control or you may not purchase, possess, receive or attempt to purchase or receive a firearm while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control or possession and the firearm license issued to you immediately. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with this order.

(e) Expiration of order.--An ex parte extreme risk protection order under section 6193 (relating to procedure) shall expire upon the date of the entry of an extreme risk protection order.

(f) Service of order.--An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in this subchapter for service of the notice of hearing and

petition and shall be served concurrently with the notice of hearing and petition.

(g) Reasons for denial of order.--If the court denies an ex parte extreme risk protection order, the court shall state the particular reasons for the court's denial.

#### § 6195. Service of orders.

An extreme risk protection order issued under this subchapter shall be served as provided under section 6194 (relating to ex parte orders) upon the respondent, except as otherwise provided in this subchapter, as follows:

(1) The law enforcement agency with jurisdiction in the municipality in which the respondent resides shall serve the respondent personally.

(2) If the law enforcement agency cannot complete service on the respondent within 10 days, the law enforcement agency shall notify the petitioner. The petitioner shall provide information sufficient to permit the notification.

(3) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service shall be waived and proof of service of that order shall not be necessary.

(4) Returns of service under this subchapter shall be made in accordance with the applicable court rule.

#### § 6196. Termination and renewal of orders.

##### (a) Procedure to terminate.--

(1) The respondent may submit a written request for a hearing to terminate an extreme risk protection order issued under this subchapter every 12-month period that the order is in effect, starting from the date of the order and continuing through any renewal.

(2) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request shall be served on the petitioner in accordance with this subchapter. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(3) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing injury to self or others by having in the respondent's custody or control, or by the respondent purchasing, possessing or receiving, a firearm. The court may consider any relevant evidence, including evidence of the considerations specified in this subchapter for the issuance of an order.

(4) If the court finds after the hearing that the respondent has met the respondent's burden of proof, the court shall terminate the order.

(b) Notice to petitioner.--The court shall notify the petitioner of the impending expiration of an extreme risk protection order. Notice shall be received by the petitioner 90 days before the date the order expires.

##### (c) Motion to renew.--

(1) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of an extreme risk protection order at any time within 90 days before the expiration of the order.

(2) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than 14 days from the date the order issues.

(3) The respondent shall be personally served in the same manner prescribed by section 6195 (relating to service of orders).

(4) In determining whether to renew an extreme risk protection order issued under this subsection, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in this subchapter for issuance of an order.

(5) (i) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order continue to be met, the court shall renew the order.

(ii) If, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(6) The renewal of an extreme risk protection order shall be for one year, subject to termination as provided in subsection (a) or further renewal by order of the court.

§ 6197. Surrender of firearms.

(a) Court order.--Upon issuance of an extreme risk protection order under this subchapter, including an ex parte extreme risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control or possession and a firearm license issued under section 6109 (relating to licenses).

(b) Duties of law enforcement officers.--

(1) The law enforcement officer serving an extreme risk protection order under this subchapter, including an ex parte extreme risk protection order, shall request that the respondent immediately surrender all firearms in the respondent's custody, control or possession and the firearm license and conduct any search permitted by law for firearms.

(2) The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight or discovered from a lawful search.

(3) If personal service by a law enforcement officer is not possible, or not required because the respondent was present at the extreme risk protection order hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 48 hours of being served with the order by alternate service or within 48 hours of the hearing at which the respondent was present and ordered to surrender all firearms and the firearm license.

(4) At the time of surrender, the law enforcement officer taking possession of firearms and the firearm license shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that the appropriate law enforcement agency retains a copy of the receipt.

(c) Effect of failure to complete.--

(1) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this subchapter, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in the respondent's possession, custody or control.

(2) If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of firearms discovered from the search.

(d) Other persons who are lawful owners.--If a person other than the respondent claims title to a firearm surrendered under this section, and the person is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to the person, provided that:

(1) The firearm is removed from the respondent's custody, control or possession and the person agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm.

(2) The firearm is not otherwise unlawfully possessed by the person.

(3) The person is informed and acknowledges that providing a firearm to the respondent for whom an order is issued under this subchapter commits an offense under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) if the person returns the firearm to the possession of the respondent.

(e) Firearm surrender hearing.--

(1) Upon the issuance of a one-year extreme risk protection order, the court shall order a new hearing date and require the respondent to appear not later than three business days from the issuance of the order.

(2) The court shall require a showing that the person subject to the order has surrendered all firearms in the person's custody, control or possession.

(3) The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(f) Duty of Pennsylvania State Police.--The Pennsylvania State Police shall develop policies and procedures for use by all law enforcement agencies within 180 days of the effective date of this section regarding the acceptance, storage and return of firearms required to be surrendered under this subchapter.

§ 6198. Return and disposal of firearms.

(a) General rule.--If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding a firearm and firearm license that has been surrendered under this subchapter shall return a surrendered firearm and firearm license requested by a respondent only after confirming:

(1) Through a background check, that the respondent is currently eligible to own or possess firearms under Federal and State law.

(2) With the court that the extreme risk protection order has terminated or has expired without renewal.

(b) Notice to family and household members.--A law enforcement agency shall, if requested, provide prior notice of the return of a firearm to a respondent to family or household members of the respondent in the manner provided by law.

(c) Disposal.--A firearm that is surrendered by a respondent under this subchapter and remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

§ 6199. Reporting of orders.

(a) Duties of clerk of court and law enforcement agency.--

(1) The clerk of the court shall enter an extreme risk protection order or ex parte extreme risk protection order issued under this subchapter into a Statewide judicial information system on the same day the order is issued.

(2) The clerk of the court shall forward a copy of an order issued under this subchapter the same day the order is issued to the appropriate law enforcement agency specified in the order.

(3) The clerk of the court shall forward a copy of the order to the Pennsylvania State Police for entry in the Pennsylvania Instant Check System.

(4) Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the national instant criminal background check system, any other Federal or State computer-based system used by law enforcement or others to identify prohibited purchasers of firearms and any computer-based criminal intelligence information system available in this Commonwealth used by law enforcement agencies to list outstanding warrants.

(5) The order shall remain in each system for the period stated in the order and the law enforcement agency shall only expunge orders from the systems that have expired or terminated.

(6) Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order.

(7) The order shall be fully enforceable in any county in this Commonwealth.

(b) Termination order.--If an extreme risk protection order is terminated before its expiration date, the clerk of the court shall forward the same day a copy of the termination order to the Pennsylvania State Police and the appropriate law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered under this section.

§ 6199.1. Penalties.

A person who:

(1) Files a petition under this subchapter knowing the information in the petition to be materially false, or with intent to harass the respondent, commits a misdemeanor of the third degree.

(2) Has in the person's custody or control, or the person purchases, possesses or receives, a firearm with knowledge that the person is prohibited from doing so by an order issued under this subchapter commits a misdemeanor of the first degree and is prohibited from having in the person's custody or control or from purchasing, possessing or receiving or attempting to purchase or re-

ceive a firearm for a period of five years from the date the existing order expires.

§ 6199.2. Other authority retained.

This subchapter does not affect the ability of a law enforcement officer to remove a firearm or firearm license from a person or conduct a search and seizure for firearms under other lawful authority.

§ 6199.3. Immunity.

Nothing in this subchapter shall be construed to impose criminal or civil liability on any person or entity for acts or omissions related to obtaining an extreme risk protection order or ex parte extreme risk protection order, including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing or declining to file a petition under this subchapter.

§ 6199.4. Instructional and informational material.

The Office of Attorney General shall develop and prepare instructions and informational brochures, standard petitions and extreme risk protection order forms and a staff handbook on the extreme risk protection order process. The following apply:

(1) The standard petition and order forms must be used for all petitions filed and orders issued under this subchapter.

(2) The instructions, brochures, forms and handbook shall be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges and law enforcement personnel. Materials shall be based on best practices and available electronically online to the public.

(3) The instructions shall be designed to assist petitioners in completing the petition and include a sample of a standard petition and order for protection forms.

(4) The instructions and standard petition shall include a means for a petitioner to identify, with only lay knowledge, the firearms the respondent may own, possess, receive or have in the respondent's custody or control. The instructions shall provide pictures of types of firearms that a petitioner may choose from to identify the relevant firearms or an equivalent means to allow a petitioner to identify firearms without requiring specific or technical knowledge regarding firearms.

(5) The informational brochure shall describe the use of and the process for obtaining, modifying and terminating an extreme risk protection order under this subchapter and provide relevant forms.

(6) The extreme risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement:

You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application.

(7) The staff handbook shall allow for the addition of a community resource list by the clerk of court. All clerks of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling and other relevant resources serving the county in which the court is located. The clerk of court may make the community resource list available as part of or in addition to the informational brochure described in this subsection.

(8) The Office of Attorney General shall distribute a master copy of the petition and order forms, instructions and informational brochures to all clerks of court and shall distribute a master copy of the petition and order forms to all superior, district and municipal courts. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in this Commonwealth.

(9) The Office of Attorney General shall determine the significant non-English-speaking or limited English-speaking populations in this Commonwealth. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all clerks of court within one year of the effective date of this section.

(10) The Office of Attorney General shall update the instructions, brochures, standard petition and extreme risk protection order forms and staff handbook as necessary, including when changes in the law make an update necessary.

§ 6199.5. Registry.

(a) Duties of Pennsylvania State Police.--The Pennsylvania State Police shall establish a Statewide registry of extreme risk protection orders and shall maintain a complete and systematic record and index of all valid ex parte and final extreme risk protection orders filed under subsection (b). The Statewide registry shall include, but need not be limited to, the following:

(1) The names of the petitioner and any other protected party.

(2) The name and address of the respondent.

(3) The relationship between the petitioner and the respondent.

(4) The date the order was entered.

(5) The date the order expires.

(6) The relief granted under this subchapter.

(7) The judicial district in which the order was entered.

(8) Where furnished, the Social Security number and date of birth of the respondent.

(9) Whether or not a firearm and firearm license were ordered to be relinquished.

(b) Duty of prothonotary.--

(1) The prothonotary shall send, on a form prescribed by the Pennsylvania State Police, a copy of the extreme risk protection order to the Statewide registry of extreme risk protection orders so that it is received within 24 hours of the entry of the order. An amendment to or revocation of an order shall be transmitted by the prothonotary within 24 hours of the entry of the order for modification or revocation.

(2) The Pennsylvania State Police shall enter orders, amendments and revocations in the Statewide registry of extreme risk protection orders within eight hours of receipt.

(3) Terminated orders shall be purged from the registry.

(c) Availability.--

(1) The registry of the Pennsylvania State Police shall be available at all times to inform courts, dispatchers and law enforcement officers of a valid extreme risk protection order involving a respondent.

(2) When an order granting relief has been entered by a court, the information shall be available to the Pennsylvania State Police for the purpose of conducting a criminal history records check in compliance with the applicable provisions of Chapter 61 Subch. A (relating to Uniform Firearms Act).

(3) Information contained in the Statewide registry shall not be subject to access under the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(d) Information concerning crimes of violence.--Each police department shall transmit to the Pennsylvania State Police, in a manner prescribed by the Pennsylvania State Police, the information specified in subsection (a) related to crimes of violence between family or household members.

(e) Annual report.--The Pennsylvania State Police shall annually compile and analyze the incident report data received and publish a Statewide report that includes aggregate, county and municipal statistical profiles. The Pennsylvania State Police shall transmit a copy of the annual report to the Governor and the General Assembly.

(f) Enforcement of foreign extreme risk protection orders.--

(1) All foreign extreme risk protection orders shall have the presumption of validity in this Commonwealth, and law enforcement officers shall make arrests for violations of foreign extreme risk protection orders in the same manner as applicable to violations of extreme risk protection orders issued within this Commonwealth. Until a foreign order is declared to be invalid by a court, it shall be enforced by all law enforcement personnel in this Commonwealth.

(2) A law enforcement officer shall rely upon a copy of a foreign extreme risk protection order that has been presented to the law enforcement officer by any source and may verify the existence of an extreme risk protection order consistent with this subchapter. The fact that a foreign extreme risk protection order has not been

filed with a prothonotary or entered into the Pennsylvania State Police registry shall not be grounds for law enforcement to refuse enforcement of the order.

(g) Immunity.--The following entities shall be immune from civil liability for good faith conduct in an action arising in connection with a court's finding that the foreign order is invalid or unenforceable:

(1) Law enforcement agencies and their agents and employees.

(2) County correctional and detention facilities and their agents and employees.

(3) Prothonotaries and their agents and employees.

Amend Bill, page 19, line 9, by striking out "7" and inserting: 8

On the question, Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Fontana.

Senator FONTANA. Mr. President, this legislation is also known as the red flag laws. This legislation would empower families and police officers only to petition a court to temporarily remove firearms from someone who is a threat to themselves or others. What is important to point out here is that almost half of the United States has already implemented the extreme risk protection order laws, which include some Republican-controlled States, obviously bipartisan legislation. Additionally, polling consistently illustrates that a vast majority of Americans are in favor of these laws, including a majority of Republicans as well as gun owners. Mr. President, this is about getting guns out of the hands of people who are clearly dangerous to themselves and others and potentially referring them to seek treatment. This is a bill that will protect our loved ones who may be having issues and our families who might be in harm's way. Please note, Mr. President, and colleagues, this legislation establishes a legal process that ensures the courts, judges, make the decision that someone is clearly dangerous to themselves or others and that someone should not possess a gun, and that is only up to one year.

Let me end by saying, Mr. President, since apparently there will be a motion to table this amendment, and I would gladly withdraw it if I could get a commitment to run Senate Bill No. 134, I have been trying to do that for a while, but I doubt I will get that. So since I am not getting that commitment, Mr. President, I am asking for an affirmative vote on this amendment. Thank you very much.

FONTANA AMENDMENT A2925 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move to table this amendment.

The PRESIDENT. Senator Gordner moves that Senator Fontana's amendment be laid upon the table.

On the question, Will the Senate agree to the motion?

The yeas and nays were required by Senator GORDNER and were as follows, viz:

YEA-30

Table with 4 columns: Argall, Aument, Baker, Bartolotta, Brewster, Brooks, Browne, Corman, DiSanto, Dush, Gebhard, Gordner, Hutchinson, Langerholc, Laughlin, Martin, Mastriano, Mensch, Phillips-Hill, Pittman, Regan, Robinson, Scavello, Stefano, Tomlinson, Vogel, Ward, Judy, Ward, Kim, Yaw, Yudichak

NAY-20

Table with 4 columns: Boscola, Cappelletti, Collett, Comitta, Costa, Flynn, Fontana, Haywood, Hughes, Kane, Kearney, Muth, Sabatina, Santarsiero, Saval, Schwank, Street, Tartagliano, Williams, Anthony H., Williams, Lindsey

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2925 will be laid on the table.

And the question recurring, Will the Senate agree to the bill on third consideration?

CAPPELLETTI AMENDMENT A2932 OFFERED

Senator CAPPELLETTI offered the following amendment No. A2932:

Amend Bill, page 1, line 9, by inserting after "licenses":

and for sale or transfer of firearms

Amend Bill, page 10, line 3, by inserting after "(9)":

and 6111(a) and (f)(2)

Amend Bill, page 18, by inserting between lines 24 and 25:

§ 6111. Sale or transfer of firearms.

(a) Time and manner of delivery.--

(1) [Except as provided in paragraph (2), no seller shall deliver a firearm to the purchaser or transferee thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.] No seller, licensed importer, licensed dealer, licensed manufacturer or county sheriff facilitating a transfer of a firearm between two persons, who are not licensed importers, licensed dealers or licensed manufacturers shall deliver the firearm to the purchaser or transferee until a period of 72 hours has elapsed from the time of the purchase.

(2) Thirty days after publication in the Pennsylvania Bulletin that the Instantaneous Criminal History Records Check System has been established in accordance with the Brady Handgun Violence Prevention Act (Public Law 103-159, 18 U.S.C. § 921 et seq.), no seller shall deliver a firearm to the purchaser thereof until the provisions of this section have been satisfied, and, when delivered, the firearm shall be securely wrapped and shall be unloaded.

(3) Paragraph (1) shall not apply to a transfer between spouses, a transfer between a parent and child or a transfer between a grandparent and grandchild.

\*\*\*

(f) Application of section.--

\*\*\*

(2) The provisions contained in [subsections (a) and] subsection (c) shall only apply to pistols or revolvers with a barrel length of less than 15 inches, any shotgun with a barrel length of less than 18 inches, any rifle with a barrel length of less than 16 inches or any firearm with an overall length of less than 26 inches.

\*\*\*

On the question,  
Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, my amendment would create a 72-hour waiting period on the sale of all firearms defined as handguns, rifles, and shotguns. There is an exception for the sale of such firearms between licensed dealers. I would like to mention, as this seems to be the case, that any vote to table this amendment is essentially a "no" vote on it.

POINT OF ORDER

Senator GORDNER. Mr. President, point of order.

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, under Rule 10(b), any Senator has to confine remarks to the question under debate, avoiding personal references or questions as to motive. The Senator just said that if a person votes "no" they are voting in a certain way. That is questioning the motive and that should not be allowed under Rule 10(b).

The PRESIDENT. Senator Cappelletti, please continue.

Senator CAPPELLETTI. Mr. President, over the last decade, 1.2 million Americans were shot, and 39,000 Americans killed by gun and firearm violence each year. In 1994, Congress passed the Brady Handgun Violence Prevention Act. What this law did was impose a 5-day waiting period for handgun purchases from a licensed dealer. In the 4 years between when the law was passed and its elimination in 1998, there was a 17 percent dropoff in gun homicides and a 6 percent reduction in suicides across the country.

Now, you may have heard me speak in the past about Hans. He legally purchased a firearm, was handed it that day, and was dead 2 hours later. Or the domestic violence victim in my district who purchased a firearm, and that same evening, both her and her young child dead. This bill is a proven policy tactic that literally saves lives. There is an overwhelming amount of evidence that demonstrates that suicide attempts are impulsive, with little to no planning. A 72-hour waiting period in Pennsylvania will provide a cooling-off period, allowing people time to think through their actions and to get the help they need. If it saves even one life, is that not worth it? I am encouraging my colleagues to vote "yes" on this amendment. Thank you.

CAPPELLETTI AMENDMENT A2932 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move to table this amendment.

The PRESIDENT. Senator Gordner moves that Senator Cappelletti's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator GORDNER and were as follows, viz:

YEA-30

Argall	DiSanto	Mastriano	Stefano
Aument	Dush	Mensch	Tomlinson
Baker	Gebhard	Phillips-Hill	Vogel
Bartolotta	Gordner	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Langerholc	Robinson	Yaw
Browne	Laughlin	Scavello	Yudichak
Corman	Martin		

NAY-20

Boscola	Flynn	Kearney	Schwank
Cappelletti	Fontana	Muth	Street
Collett	Haywood	Sabatina	Tartaglione
Comitta	Hughes	Santarsiero	Williams, Anthony H.
Costa	Kane	Saval	Williams, Lindsey

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2932 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?

HAYWOOD AMENDMENT A2926 OFFERED

Senator HAYWOOD offered the following amendment No. A2926:

Amend Bill, page 1, lines 1 through 10, by striking out all of said lines and inserting:

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations) and 34 (Game) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for possession of firearm or other dangerous weapon in court facility; in firearms and other dangerous articles, further providing for definitions, for evidence of intent, for persons not to possess, use, manufacture, control, sell or transfer firearms and for firearms not to be carried without a license, providing for license not required, further providing for prohibited conduct during emergency, repealing provisions relating to carrying firearms on public streets or public property in Philadelphia, providing for sportsman's firearm permit, further providing for licenses, providing for firearm eligibility license, for application for firearm eligibility license, for fee and qualification, for investigations and training course and for issuance and terms and further providing for sale or transfer of firearms, for Pennsylvania State Police, for loans on, or lending or giving firearms prohibited, for proof of license and exception and for administrative regulations; in protection from abuse, further providing for relief; in hunting and furtaking, further providing for cooperation after lawfully killing big game; and, in protection of property and persons, further providing for possession of firearm for protection of self or others.

Amend Bill, page 2, lines 3 through 30; pages 3 through 5, lines 1 through 30; page 6, lines 1 through 29; by striking out all of said lines on said pages and inserting:

Section 1. Section 913(b)(3) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 913. Possession of firearm or other dangerous weapon in court facility.

\*\*\*

(b) Grading.--  
\*\*\*



(3) An offense under subsection (a)(1) is a summary offense if the person was carrying a firearm under section 6106(b) (relating to firearms not to be carried without a license) or 6109 (relating to [licenses] license to carry) and failed to check the firearm under subsection (e) prior to entering the court facility.

\*\*\*

Section 2. Section 6102 of Title 18 is amended by adding definitions to read:

§ 6102. Definitions.

Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

\*\*\*

"Firearm eligibility license." A license issued by the commissioner that authorizes a person to purchase a firearm.

\*\*\*

"Qualified firearm instructor." A certified firearms instructor who is recognized by the Pennsylvania State Police and has one of the following:

(1) A valid qualified firearm instructor license issued by the commissioner.

(2) A certificate issued by a nationally recognized firearms organization.

\*\*\*

Section 3. Sections 6104, 6105(h) and 6106(a) of Title 18 are amended to read:

§ 6104. Evidence of intent.

In the trial of a person for committing or attempting to commit a crime enumerated in section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms), the fact that that person was armed with a firearm, used or attempted to be used, and had no license to possess or carry the same, shall be evidence of that person's intention to commit the offense.

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

\*\*\*

(h) License prohibition.--Any person who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing any firearm under this section shall not be eligible for or permitted to obtain a license to carry a firearm under section 6109 (relating to [licenses] license to carry).

\*\*\*

§ 6106. Firearms not to be carried without a license.

(a) Offense defined.--

(1) Except as provided in paragraph (2), any person who carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license [under this chapter] to carry under section 6109 (relating to license to carry) commits a felony of the third degree.

(2) A person who is otherwise eligible to possess a valid license [under this chapter] to carry under section 6109 but carries a firearm in any vehicle or any person who carries a firearm concealed on or about his person, except in his place of abode or fixed place of business, without a valid and lawfully issued license to carry and has not committed any other criminal violation commits a misdemeanor of the first degree.

\*\*\*

Amend Bill, page 6, line 30, by striking out "2" and inserting:

4

Amend Bill, page 7, lines 18 and 19, by striking out all of said lines and inserting:

Section 5. Section 6107 of Title 18 is amended to read:

Amend Bill, page 8, line 17, by striking out "3" and inserting:

6

Amend Bill, page 8, line 27, by striking out "4" and inserting:

7

Amend Bill, page 9, lines 28 through 30; page 10, lines 1 through 3; by striking out all of said lines on said pages and inserting:

Section 8. Section 6109 heading and (a), (b), (c), (d) heading, introductory paragraph, (3), (4) and (5), (e)(1) introductory paragraph, (i), (v) and (vii), (3) introductory paragraph and (ii) and (4), (f)(2) and (4), (g), (h)(3) and (4), (i.1) heading and (1), (j) and (m.1)(1) introductory paragraph and (ii), (2), (3), (4), (7) and (9) of Title 18 are amended, subsection (d) is amended by adding a paragraph and subsection (e)(1) and (3) are amended by adding subparagraphs to read:

Amend Bill, page 10, line 4, by inserting a bracket before "Licenses."

Amend Bill, page 10, line 4, by inserting after "Licenses":

l License to carry

Amend Bill, page 11, by inserting between lines 25 and 26:

I am the holder of a valid firearm eligibility license.

Amend Bill, page 12, line 26, by striking out the bracket after "firearms)"

Amend Bill, page 12, line 26, by inserting after "and":

l;

Amend Bill, page 13, line 3, by inserting a bracket before the period after "application"

Amend Bill, page 13, line 3, by inserting after "application.":

l; and

(6) confirm with the Pennsylvania State Police that the applicant holds a valid firearm eligibility license.

Amend Bill, page 13, by inserting between lines 23 and 24:

(xv) An individual who does not possess a valid firearm eligibility license under section 6109.1 (relating to firearm eligibility license).

Amend Bill, page 14, by inserting between lines 1 and 2:

(vii) The number of the licensee's firearm eligibility license.

Amend Bill, page 18, lines 25 through 30; page 19, lines 1 through 9; by striking out all of said lines on said pages and inserting:

Section 9. Title 18 is amended by adding sections to read:

§ 6109.1. Firearm eligibility license.

(a) Required.--Except as provided in subsection (b), a firearm eligibility license shall be required to own or possess a firearm within this Commonwealth.

(b) Exception.--Subsection (a) may not apply to any of the following:

(1) A licensed firearms manufacturer.

(2) A dealer licensed under section 6113 (relating to licensing of dealers).

(3) A law enforcement officer or person who is retired in good standing from service with a law enforcement agency of the United States, this Commonwealth or a local law enforcement agency of this Commonwealth.

(4) A member or retired member of the armed forces of the United States or the Pennsylvania National Guard.

(5) A person purchasing an antique firearm as defined in section 6118 (relating to antique firearms) or reproductions or replicas of firearms if the antique firearm, reproduction or replica is not suitable for use.

§ 6109.2. Application for firearm eligibility license.

(a) Place of application.--An individual may apply to an issuing authority for a firearm eligibility license. If the applicant is a resident of this Commonwealth, the applicant must apply with the sheriff of the county in which the applicant resides. If the applicant lives in a city of the first class, the applicant must apply with the chief of police of the city.

(b) Form of application and content.--The application for a firearm eligibility license shall be uniform across this Commonwealth and shall be on a form prescribed by the Pennsylvania State Police. Each application shall be signed and dated by the applicant. The form may contain provisions, not exceeding one page, to assure compliance with this section. Issuing authorities shall use only the application form prescribed by the Pennsylvania State Police. The application shall contain the following statement:

I have never been convicted of a crime that prohibits me from possessing or acquiring a firearm under Federal or State law. I am of sound mind and have never been committed to a mental institution. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and

belief. I understand that, if I knowingly make any false statement herein, I am subject to penalties prescribed by law. I authorize the sheriff or the sheriff's designee, or the chief of the police department or the chief's designee, to inspect only those records or documents relevant to the information required for this application. If I am issued a license and knowingly become ineligible to legally possess or acquire firearms, I will promptly notify the sheriff of the county in which I reside or, if I reside in a city of the first class, the chief of police of that city.

#### § 6109.3. Fee and qualification.

##### (a) Firearm eligibility license fee.--

(1) The fees for a firearm eligibility license are as follows:

- (i) Fifty dollars for the original license.
- (ii) Thirty dollars for a license renewal which includes the following:

(A) A renewal processing fee of \$1.50.

(B) An administrative fee of \$5 under section 14(2) of the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act.

(C) An administrative fee of \$2 for the costs of completing the background investigation under section 6109.2(b) (relating to application for firearm eligibility license). This fee shall be deposited into the Firearms Instant Records Check Fund under section 6111.2 (relating to firearms sales surcharge).

(2) All license fees remaining after the deduction under paragraph (1) shall be deposited in the General Fund.

(3) No fee other than under this section or the Sheriff Fee Act may be assessed by the issuing authority for the cost of a background check performed in the process of issuing a firearm eligibility license.

(b) Qualifications for license.--The issuing authority shall issue a firearm eligibility license to an applicant who meets the following criteria:

(1) Is at least 18 years of age.

(2) Is a resident of this Commonwealth.

(3) Within three years prior to the submission of the application, demonstrates satisfactory completion of a certified firearms training course approved by the commissioner that includes all the following:

(i) A minimum of 16 hours of instruction by a qualified firearm instructor.

(ii) Classroom instruction on all the following:

(A) Commonwealth firearm law.

(B) Home firearm safety.

(C) Firearm mechanisms and operations.

(iii) A firearms orientation component that demonstrates the person's safe operation, handling and use of a firearm.

(4) Is not prohibited by Federal or State law from purchasing or possessing a firearm. For purposes of determining this, the following shall apply:

(i) The applicant shall provide a full set of fingerprints to the Pennsylvania State Police.

(ii) The Pennsylvania State Police shall submit the fingerprints to the Federal Bureau of Investigation to verify the identity of the applicant and obtain a current record of criminal arrests and convictions.

#### § 6109.4. Investigations and training course.

(a) Firearms training course.--The commissioner has the following powers and duties:

(1) To promulgate guidelines setting forth the requirements to become a qualified firearm instructor in this Commonwealth.

(2) To designate any program as a certified firearm training course if the program meets the minimum requirements established by the commissioner.

(b) Waiver of training course.--An applicant for a firearm eligibility license is not required to complete a firearm safety training course under subsection (a) if the applicant is any of the following:

(1) A qualified firearm instructor.

(2) A member or honorably discharged member of the armed forces of the United States or the National Guard.

(3) A police officer, as defined in 53 Pa.C.S. § 2162 (relating to definitions) who is certified under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training). The term includes a school police officer appointed under section 1302-C of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

(4) An active or retired Federal or State law enforcement officer.

(5) Certified under 61 Pa.C.S. Ch. 63 (relating to county probation officers' firearm education and training).

(6) A Commonwealth or county corrections officer or probation or parole agent.

(7) A county sheriff, deputy sheriff or constable.

(8) The lawful owner of a firearm prior to the effective date of this subsection.

(c) Conduct of investigation.--The issuing authority to whom the application is made shall:

(1) Investigate the applicant's record of criminal conviction.

(2) Review the applicant's completed Federal criminal history check.

(3) Investigate whether the applicant would be precluded from or is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing a firearm under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

(4) Conduct a criminal background, juvenile delinquency and mental health check following the procedures specified in section 6111 (relating to sale or transfer of firearms), receive a unique approval number for that inquiry and record the date and number on the application.

(d) Notice to issuing authority.--Notwithstanding any other law, a court, mental health review officer or county administrator for mental health and intellectual disability services shall notify the issuing authority of the county or city in which an individual holds a firearm eligibility license on a form prescribed by the Pennsylvania State Police within seven days of the individual's conviction or adjudication or upon determination of any of the following:

(1) A crime specified in section 6105(a) or (b).

(2) A crime punishable by imprisonment exceeding one year.

(3) Conduct that meets the criteria of section 6105(c)(1), (2), (3), (5), (6) or (9).

(4) Incompetency.

(5) Involuntary commitment to a mental institution for inpatient care and treatment under the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act.

(6) Involuntary treatment for an individual meeting the criteria of section 6105(c)(4).

(e) Immunity.--An issuing authority which complies in good faith with this section shall be immune from liability resulting or arising from the action of misconduct with a firearm committed by an individual who was issued a firearm eligibility license.

(f) Definition.--As used in this section, the term "issuing authority" shall mean a county sheriff or chief of police of a city of the first class.

#### § 6109.5. Issuance and terms.

(a) Issuance of license.--

(1) If the applicant meets the requirements of this section, a firearm eligibility license shall be issued. A license shall not be issued to an individual who is prohibited from possessing, using, controlling, selling, purchasing, transferring or manufacturing a firearm under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms) or under any other Federal or State law.

(2) The firearm eligibility license shall be designed to be uniform throughout this Commonwealth and shall be in a form prescribed by the Pennsylvania State Police. The license shall bear the following:

(i) The name, address, date of birth, race, sex, citizenship, height, weight, color of hair, color of eyes and signature of the licensee.

(ii) The signature of the issuing authority.

(iii) A license number of which the first two numbers shall be a county location code. The remaining numbers shall be issued in numerical sequence.

(iv) The period of validation.

(3) The firearm eligibility license shall include a photograph of the licensee. The photograph shall be in a form compatible with the Commonwealth Photo Imaging Network.

(4) The original firearm eligibility license shall be issued to the applicant. The first copy of the license shall be forwarded to the Pennsylvania State Police within seven days of the date of issuance. The second copy shall be retained by the issuing authority for a period of seven years. Except under a court order, both copies and the application shall, at the end of the seven-year period, be destroyed unless the license has been renewed.

(b) Grant or denial of license.--Upon receipt of an application for a firearm eligibility license, the issuing authority shall issue or refuse to issue within 30 days a license on the basis of the investigation under subsection (d) and the accuracy of the information contained in the application. If the issuing authority refuses to issue a license, the issuing authority shall notify the applicant in writing of the refusal and the specific reason. The notice shall be sent by certified mail to the applicant at the address included in the application.

(c) Term of license.--

(1) A firearm eligibility license issued under subsection (e) shall be valid throughout this Commonwealth for a period of five years unless extended under paragraph (3) or revoked.

(2) At least 60 days prior to the expiration of each license, the issuing authority shall send to the licensee an application for renewal of the license. Failure to receive a renewal application shall not relieve a licensee from the responsibility to renew the license.

(3) Notwithstanding paragraph (1) or any other provisions of law, a firearm eligibility license that is held by a member of the United States Armed Forces or the Pennsylvania National Guard on Federal active duty and deployed overseas that is scheduled to expire during the period of deployment shall be extended until 90 days after the end of the deployment.

(4) Possession of a firearm eligibility license, together with a copy of the person's military orders showing the dates of the overseas deployment, including the date that the overseas deployment ends, shall constitute a defense to any charge filed under this section during the extension period.

(d) Revocation.--

(1) A firearm eligibility license may be revoked by the issuing authority for any reason under section 6105(b) or (c) if the violation occurs during the term of the license. The revocation shall be in accordance with the following:

(i) Notice of revocation shall:

(A) Be in writing and shall state the specific reason for revocation.

(B) Be sent by certified mail to the individual.

(C) Be provided to the Pennsylvania State Police by electronic means including e-mail or facsimile transmission.

(ii) An individual who has had a license revoked may appeal to the court of common pleas for the judicial district in which the individual resides.

(2) Anyone who violates this subsection commits a summary offense.

(e) Immunity.--An issuing authority which complies in good faith with this section shall be immune from liability resulting or arising from the action of misconduct with a firearm committed by an individual who was issued a firearm eligibility license.

(f) Reciprocity.--The Attorney General shall:

(1) Have the power and duty to enter into reciprocity agreements with other states providing for the mutual recognition of a firearm eligibility license issued by the Commonwealth and a firearm eligibility license or permit issued by another state.

(2) Have the power to negotiate reciprocity agreements and grant recognition to a firearm eligibility license or permit issued by another state.

(3) Report to the General Assembly within 180 days of the effective date of this paragraph and annually thereafter on the agreements which have been made under this section.

(g) Definition.--As used in this section, the term "issuing authority" means a county sheriff or chief of police of a city of the first class.

Section 10. Section 6111(b)(1.1)(iii), (f)(3) and (g)(4)(iii) of Title 18 are amended and subsection (b) is amended by adding a paragraph to read:

§ 6111. Sale or transfer of firearms.

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(b) Duty of seller.--No licensed importer, licensed manufacturer or licensed dealer shall sell or deliver any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer or licensed collector, until the conditions of subsection (a) have been satisfied and until he has:

\*\*\*

(1.1) On the date of publication in the Pennsylvania Bulletin of a notice by the Pennsylvania State Police that the instantaneous records check has been implemented, all of the following shall apply:

\*\*\*

(iii) For purposes of conducting the criminal history, juvenile delinquency and mental health records background check which shall be completed within ten days of receipt of the information from the dealer, the application/record of sale shall include the name, address, birthdate, gender, race, physical description [and], Social Security number of the purchaser or transferee, the purchaser or transferee's firearm eligibility license number and the date of application.

\*\*\*

(2.1) Inspected the firearm eligibility license of the potential purchaser or transferee.

\*\*\*

(f) Application of section.--

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(3) The provisions contained in subsection (a) shall not apply to any law enforcement officer whose current identification as a law enforcement officer shall be construed as a valid license to carry a firearm or any person who possesses a valid license to carry a firearm under section 6109 (relating to [licenses] license to carry).

\*\*\*

(g) Penalties.--

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(4) Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:

\*\*\*

(iii) willfully furnishes or exhibits any false identification, including a false firearm eligibility license, intended or likely to deceive the seller, licensed dealer or licensed manufacturer.

\*\*\*

Section 11. Section 6111.1(b)(2) and (3) and (e)(1) of Title 18 are amended and subsections (b) and (i) are amended by adding paragraphs to read:

§ 6111.1. Pennsylvania State Police.

\*\*\*

(b) Duty of Pennsylvania State Police.--

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(1.1) Upon receipt of an application for a firearm eligibility license under section 6109.1 (relating to firearm eligibility license), the Pennsylvania State Police shall immediately:

(i) Review the Pennsylvania State Police criminal history and fingerprint records to determine whether the applicant is prohibited from receipt or possession of a firearm under Federal or State law.

(ii) Review the juvenile delinquency and mental health records of the Pennsylvania State Police to determine whether the applicant is prohibited from receipt or possession of a firearm under Federal or State law.

(iii) Inform the issuing authority of one of the following:

(A) That the issuance of a firearm eligibility license is prohibited.

(B) The individual is cleared for a firearm eligibility license. If the Pennsylvania State Police determine that the individual is eligible, the Pennsylvania State Police shall provide the issuing authority with the individual's firearm eligibility license.

(2) In the event of electronic failure, scheduled computer downtime or similar event beyond the control of the Pennsylvania State Police, the Pennsylvania State Police shall immediately notify the requesting licensee under paragraph (1) or the applicant under paragraph (1.1) of the reason for and estimated length of the delay. If the failure or event lasts for a period exceeding 48 hours, the dealer shall not be subject to any penalty for completing a transaction absent the completion of an instantaneous records check for the remainder of the failure or similar event, but the dealer shall obtain a completed application/record of sale following the provisions of section 6111(b)(1) and (1.1) (relating to sale or transfer of firearms) as if an instantaneous records check has not been established for any sale or transfer of a firearm for the purpose of a subsequent background check.

(3) The Pennsylvania State Police shall fully comply, execute and enforce the directives of this section as follows:

(i) The instantaneous background check for firearms as defined in section 6102 (relating to definitions) shall begin on July 1, 1998.

(ii) The instantaneous background check for firearms that exceed the barrel lengths set forth in section 6102 shall begin on the later of:

(A) the date of publication of the notice under section 6111(a)(2); or

(B) December 31, 1998.

(iii) The instantaneous background check for a firearm eligibility license shall take effect on the effective date of this subparagraph.

\*\*\*

(e) Challenge to records.--

(1) Any person who is denied a firearm eligibility license or is denied the right to receive, sell, transfer, possess, carry, manufacture or purchase a firearm as a result of the procedures established by this section may challenge the accuracy of that person's criminal history, juvenile delinquency history or mental health record pursuant to a denial by the instantaneous records check by submitting a challenge to the Pennsylvania State Police within 30 days from the date of the denial.

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(i) Reports.--The Pennsylvania State Police shall annually compile and report to the General Assembly, on or before December 31, the following information for the previous year:

\*\*\*

(1.1) number of firearm eligibility license applications submitted, number of applications denied, number of challenges of the denials and number of reversals of initial denials;

\*\*\*

Section 12. Sections 6115(b)(1)(i), 6122(a) and 6124 of Title 18 are amended to read:

§ 6115. Loans on, or lending or giving firearms prohibited.

\*\*\*

(b) Exception.--

(1) Subsection (a) shall not apply if any of the following apply:

(i) The person who receives the firearm is licensed to carry a firearm under section 6109 (relating to [licenses] license to carry).

\*\*\*

§ 6122. Proof of license and exception.

(a) General rule.--When carrying a firearm concealed on or about one's person or in a vehicle, an individual licensed to carry a firearm shall, upon lawful demand of a law enforcement officer, produce the [license] individual's firearm eligibility license and license to carry for inspection. Failure to produce such license either at the time of arrest or

at the preliminary hearing shall create a rebuttable presumption of nonlicensure.

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§ 6124. Administrative regulations.

The commissioner may establish form specifications and regulations, consistent with [section] sections 6109(c) (relating to [licenses] license to carry) and 6109.1 (relating to firearm eligibility license), with respect to uniform forms control, including the following:

(1) License to carry firearms.

(2) Firearm registration.

(3) Dealer's license.

(4) Application for purchase of a firearm.

(5) Record of sale of firearms.

(6) Firearm eligibility license.

Section 13. Section 6108(a)(7) introductory paragraph of Title 23 is amended to read:

§ 6108. Relief.

(a) General rule.--Subject to subsection (a.1), the court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

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(7) Prohibiting the defendant from acquiring or possessing any firearm for the duration of the order, ordering the defendant to temporarily relinquish to the sheriff or the appropriate law enforcement agency any firearms under the defendant's possession or control, and requiring the defendant to relinquish to the sheriff or the appropriate law enforcement agency any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to [licenses] license to carry) the defendant may possess. The court may also order the defendant to relinquish the defendant's other weapons or ammunition that have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children. A copy of the court's order shall be transmitted to the chief or head of the appropriate law enforcement agency and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

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Section 14. Sections 2325(a.1) and 2525(a) of Title 34 are amended to read:

§ 2325. Cooperation after lawfully killing big game.

\*\*\*

(a.1) Exception.--Nothing in this section shall prohibit any person from carrying a loaded handgun in the field provided that person is in compliance with 18 Pa.C.S. § 6109 (relating to [licenses] license to carry).

\*\*\*

§ 2525. Possession of firearm for protection of self or others.

(a) General rule.--It is lawful for a law enforcement officer or any person who possesses a valid license to carry a firearm issued under 18 Pa.C.S. § 6109 (relating to [licenses] license to carry) to be in possession of a loaded or unloaded firearm while engaged in any activity regulated by this title.

\*\*\*

Section 15. This act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Haywood.

Senator HAYWOOD. Mr. President, my amendment does the significant opposite of the proposed legislation. Given the gun violence pandemic that has been described by several speakers already, I will not repeat the statistics or the losses of lives that have already been described. I will share, Mr. President, that back in 2018, actually on the anniversary of Sandy Hook, I conducted a session to bring experts from across the United States

to talk about how we could reduce gun violence at La Salle University. We had representatives from the Gifford Foundation and many other organizations WHO recommended the two most effective approaches to reduce gun violence. First, the permit to purchase legislation, which is in this amendment. Secondly, gun violence prevention grants such as what we adopted this year in our budget, \$30 million. Those were the top two ways to reduce gun violence.

It is now time to take the second step and not the first with the money for gun violence prevention. My amendment would require individuals to get a permit to purchase a gun. That permit would also require that the individual receive training before purchasing the gun. It would also require background checks for individuals before purchasing the gun. This is all part of responsible gun ownership. Here in Pennsylvania, we already require a license to go fishing for trout. We could certainly require a license for owning a lethal weapon. This legislation is also, Mr. President, proven to be effective in this nation. Missouri had this similar legislation, studied by Johns Hopkins and Daniel Webster, and they found a 17 percent decrease in homicide and approximately 15 percent decrease in suicide. Mr. President, Connecticut has similar legislation, and they have found a 40 percent decrease in homicide and about a 15 percent decrease in suicide. Certainly we should do all that we can to reduce both, the senseless loss of life due to homicide and the unfortunate losses of life through suicides. Recently, in the spring of this year, a poll was conducted of Pennsylvania citizens, and that poll demonstrated that there were 73 percent of Pennsylvanians who support this permit to purchase legislation.

For those reasons, Mr. President, I encourage all Members of the Senate to support this amendment which will protect our citizens, particularly those most vulnerable in our State, cities, and towns.

Thank you, Mr. President.

HAYWOOD AMENDMENT A2926 TABLED

The PRESIDENT. The Chair recognizes the gentleman from Columbia, Senator Gordner.

Senator GORDNER. Mr. President, I move to table this amendment.

The PRESIDENT. Senator Gordner moves that Senator Haywood's amendment be laid upon the table.

On the question,  
Will the Senate agree to the motion?

The yeas and nays were required by Senator GORDNER and were as follows, viz:

YEA-30

Argall	DiSanto	Mastriano	Stefano
Aument	Dush	Mensch	Tomlinson
Baker	Gebhard	Phillips-Hill	Vogel
Bartolotta	Gordner	Pittman	Ward, Judy
Brewster	Hutchinson	Regan	Ward, Kim
Brooks	Langerholc	Robinson	Yaw
Browne	Laughlin	Scavello	Yudichak
Corman	Martin		

NAY-20

Boscola	Flynn	Kearney	Schwank
Cappelletti	Fontana	Muth	Street
Collett	Haywood	Sabatina	Tartaglione
Comitta	Hughes	Santarsiero	Williams, Anthony H.
Costa	Kane	Saval	Williams, Lindsey

A majority of the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Amendment A2926 will be laid on the table.

And the question recurring,  
Will the Senate agree to the bill on third consideration?  
It was agreed to.

And the amendments made thereto having been printed as required by the Constitution,

On the question,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Mr. President, I rise in support of Senate Bill No. 565, and I am proud to be a cosponsor of this historic legislation that will allow Pennsylvania to join over 20 States in recognizing constitutional carrying. Law-abiding citizens in our Commonwealth should not need to beg the government for permission to carry a firearm. That turns the right to bear arms into a mere privilege. This legislation simply puts law-abiding citizens who are otherwise legally able to possess and carry a firearm on equal footing and codifies the inherent right to carry a firearm into statute. Violent crime has recently spiked in our Commonwealth. The number of murders surged by nearly 30 percent, from 16,669 in 2019 to 21,570 in 2020. The largest year-over-year increase on record. Some district attorneys have compounded this issue with lenient sentencing and early release of violent criminals. In high crime rate communities, a long wait for a concealed carry permit could be a matter of life and death. Concealed carry makes our communities and our people safer. The Crime Prevention Research Center did a deep dive study of 21.52 million concealed carry permits around the nation and found that, compared to the rest of the country, the 25 States with the highest concealed carry rates experienced markedly lower rates of murder and violent crime.

We currently have a President who, in a speech at the White House earlier this year, stated, "no amendment to the Constitution is absolute." That is a dangerous statement to make, for these words to be uttered. It remains to be seen what the Federal government is planning to encroach on our Second Amendment rights here in Pennsylvania, but we can act now to preempt that. Our own Pennsylvania Constitution makes it clear, "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." The linchpin that protects our freedoms from tyranny is the right of the citizens to bear arms in defense of themselves. This right shall not be questioned. I urge my colleagues to vote "yes" on Senate Bill No. 565.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Street.

Senator STREET. Mr. President, I rise in opposition to this bill. We have families every day who are experiencing the loss of loved ones. Lost, because people are being killed with firearms. Lost, because we have some of the highest firearm possession rates currently on the East Coast. There is no shortage of access to firearms in the Commonwealth of Pennsylvania, but what this bill does is, it makes it more difficult for law enforcement to stop dangerous folks from having a firearm. In fact, if there is no permit to carry requirement, then we will see a huge uptick in the number of people carrying firearms. If people are stopped with a firearm and there is no permit to carry, there is nothing for law enforcement to request. The threshold for questioning whether a person has a firearm will become that much higher. Whether you can determine whether it is probable cause, to examine whether someone has a firearm, will get harder. The ability of law enforcement to keep people safe just got harder.

These changes will have real-world consequences should this bill be signed into law. We are experiencing record numbers of deaths. It is true that the places that have stricter enforcement provisions around guns tend to have lower levels of gun deaths. It is, in fact, not true that more guns equals more safety. It is not true now; it has never been true. The ability to access firearms in Pennsylvania is already fairly easy, and now we want to say that everybody, regardless of whether you are eligible to get issued a permit, should be able to carry a firearm. There is not a problem with people who are lawfully able to get a permit to carry in the Commonwealth of Pennsylvania. What this bill does, it makes it easier for people who should not have a gun to be walking around with them. That means people are going to die. Families are going to have loss of loved ones, and to do this in the midst of a time when so many people are losing loved ones sends a horribly wrong message. I will tell you that we all are supposed to have the right to life, liberty, and the pursuit of happiness. We certainly cannot do that if you have to duck from bullets, children have to engage in active shooter drills, and families have to wonder if their relatives are coming home.

There was a time when the epidemic of gun violence was limited to some communities in our urban centers, like the one in north Philadelphia that I represent and the ones that I grew up in. That is not the case now. We have children in rural settings, urban settings, practicing active shooter drills. We have people mourning the loss of loved ones. To use the provision in the Constitution that suggested merely that we allow for a well-protected militia, to say that we now have gone so extreme that people should not even have a permit to carry and that everyone, good or bad, should be able to carry a gun concealed, making everyone less safe, well, that is just plain wrong. On Independence Day—a day that, normally, folks would enjoy and embrace—there were folks who, in my community, always ducked because the sound of fireworks all too often was indistinguishable from the sound of gunfire. I have always been one of those folks who grew up in such a community. This past Independence Day, the sound of fireworks and gunfire mixed, once again, as 105 shots rained out across 60th Street in west Philadelphia, and five people were shot, two people died, and one of those people hit was Salahaldin Mahmoud, my nephew.

I would say that in a year where we have lost so many, we should be doing more to make Pennsylvanians safe. We should not be ignoring the requests of law enforcement and families. We should not be expanding the number of guns available to even those parties who cannot get a permit under the law as it is currently stated. We should reject this bill. I urge Members to vote "no," and should the General Assembly engage in the insanity of moving this forward, I urge the Governor to veto this nonsense.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Cappelletti.

Senator CAPPELLETTI. Mr. President, I stand before you as a member of a lawful firearms-owning family. I am pretty sure you have all heard me say that before, but it is worth reiterating because I refuse to allow gun-owning families to be categorized as monoliths in this discussion, and that is exactly what is happening. I also will not allow our military members and veterans to be painted with the same broad stroke. I am the proud wife of a Navy veteran who, God love him, listens to Session every day we are here, and we often discuss what has happened and what we expect to happen. We have been discussing this bill since it first came up in the Committee on Judiciary. In fact, I got a call from him at 7 o'clock this morning, and I have been getting text messages throughout the day with his thoughts on this exact bill. Let me be clear: my gun-owning, proud, Navy veteran husband is vehemently against this bill. If we are going to talk about military experience—and we do that a lot in this Chamber—and we want to learn from those experiences, let me share his experience with you.

He served on the USS *George Washington*, a nuclear aircraft carrier. It is the equivalent of a small city on the ocean, and weapons on that carrier are highly regulated. In fact, they are signed out, and only people who are on the duty that specifically requires the carrying of said weapon are supposed to be and are allowed to sign them out. The military knows that the safest way to run a community is to regulate the use and carrying of firearms to highly trained and specific individuals. That is literally how they run their ships. Another salient point my husband made: they do not allow people in boot camp to carry weapons either, some food for thought. However, the point that he makes over and over again to me is that our military should be and, in fact, is worried about domestic terrorists. Could you imagine what January 6, 2021, would have been like if many, if not all, of those insurrectionists had concealed weapons on them? Most of them have never had any real training on how to use their weapon outside of target practice. The utter devastation and carnage that would have happened had they all had weapons, the mass chaos and loss of life, where would we be today and how many lives would we have lost?

You can practice all you like at a gun club. But, in scenarios where your adrenaline is rushing; it is life or death decisions; your body is determining whether it is fight, flight, or freeze; you do not have the specialized training our armed forces, police officers, SWAT teams, and the like have; and you make one wrong decision, imagine what that must do to you, knowing that you made the wrong decision, thinking that you were going to save someone, and you killed another human being. Imagine the mental anguish, imagine that carnage, but maybe that is his real fear. Given this Chamber's connection to the January 6 insurrec-

tion, maybe his real fear is for the life of his wife and her colleagues. But, that is not the only increased violence we need to worry about. When we look at States that have similar laws in place as to what is being proposed right now, we see an increase in violence to the tune of 13 to 15 percent in the 10 years after passing these laws.

In fact, there is a robust body of academic literature that demonstrates when more people carry guns in public, violent crimes increase. In Arkansas, gun deaths increased 34 percent from 2010 to 2019, compared to a 17 percent increase nationwide, and a 44 percent increase in aggravated assaults committed with a firearm in the 6 years after announcing this very same legislation in their State. We are going to do that? Arkansas also has the ninth highest rate of gun deaths in the United States. Oklahoma, similar law, the 10th highest rate. West Virginia, again, same law, 13th highest rate of gun deaths in the nation, and we want to add Pennsylvania to that? Taxpayers in these States foot the bill for those deaths. In Arkansas, it is estimated that firearms violence costs \$3.8 billion, of which \$161.6 million is paid for by taxpayers. We want to do that to our constituents? I thought we were trying to be fiscally conservative.

If none of that convinces you guys that expanding public carry does not have any public safety benefit, then consider that in less than one percent of cases where an individual does successfully defend themselves with a gun or firearm, it is shown that they are not statistically more safe because of that firearm than any other type of weapon or protection that they would have had on them. In fact, we see that there is an increased risk of violence and criminal victimization for those who have firearms on them, and that relates back to the lack of training during high-pressure situations. You all think you can hold your gun out and tell some robber--somebody who does not seem to have a care in the world or maybe is high on something and does not recognize what is happening--and say stop; I have got a gun; freeze. They are not going to. You might end up shaking, pulling that trigger, and killing an innocent victim, and then what does that do to you? Think about that.

Right now, we are already experiencing an unprecedented increase in firearms violence for a variety of reasons, and passing this legislation would only compound the problem. Nothing of what I am talking about has really taken into consideration the accidental injuries that occur from people improperly handling their weapons. This bill is reckless, and it is dangerous. Not all military members, veterans, or firearms owners believe this is a good idea. Just because the loud voices of the few speak out does not mean that they speak for the majority, because the majority would rather see us pass comprehensive legislation that protects responsible firearms and gun owners. This legislation does not do that, and I encourage my colleagues to take these things into consideration and vote "no" on this reckless bill.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Montgomery, Senator Collett.

Senator COLLETT. Mr. President, I rise today to express the concerns that I and the vast majority of my constituents have with Senate Bill No. 565. Not only do my constituents want to see less gun violence and more commonsense gun safety legislation, they and I also want to see this legislature taking up the urgent issues

of the moment. Once again, I find myself here begging my colleagues to stop moving partisan, headline-grabbing bills that you know will be vetoed and instead work together to get people back into the workforce, families back on their feet, and small businesses back up and running. Let us stop naming bridges and make sure Pennsylvanians have access to affordable healthcare and our seniors are able to age with dignity. Let us stop relitigating missteps that may have been made during the pandemic and look to our children's futures, making sure our kids are getting a quality education, and protecting and improving the economy of the Commonwealth we will be leaving to them.

While that is what I think we should be talking about, since we are talking about Senate Bill No. 565, I will simply point out that 2 out of 3 Pennsylvanians believe our Commonwealth needs more laws to regulate gun ownership. Senate Bill No. 565 ignores the will of the majority of Pennsylvanians. It would dismantle the existing concealed carry permitting system and lower its age limit from 21, allowing anyone over 18 to carry a loaded, concealed firearm in public without a permit. In Pennsylvania, one needs a permit or license to do everything from drive a car, own a business, get married, become a manicurist, have a picnic in a public park, or put up a fence in their backyard. If I want to take my dog to get his nails trimmed, I need my driver's license in case I am stopped along the road; my dog needs to be licensed; the dog groomer needs to be licensed; and the PetSmart needs its permit from the fire department, municipality, and so on in order to open its doors every day. If I stop for a coffee on my way home, the coffee shop needs its health permits and the baristas working there need work permits. Why on earth would we want to require any less of law-abiding gun owners than we do law-abiding drivers, dog owners, business owners, and workers. It makes no sense to me.

There is no proof that this bill will protect any lives and ample proof it will put lives at risk, and I strongly encourage my colleagues to vote "no" on its passage.

Thank you, Mr. President.

#### LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Corman has returned, and his legislative leave is cancelled.

And the question recurring,  
Shall the bill pass finally?

The PRESIDENT. The Chair recognizes the gentlewoman from Chester, Senator Comitta.

Senator COMITTA. Mr. President, I will be voting "no" on this bill. As we continue to face the COVID-19 pandemic, we have been talking a lot about health: public health, mental health, economic health, healthy communities, and so on. The fact is, gun violence is a leading threat to the health of all Pennsylvanians. It is a threat to law enforcement, workers, businesses, children, and families. It is a threat to our kids and grandkids, yours and mine.

Meanwhile, this bill moves us completely in the wrong direction, the opposite direction and a very dangerous direction, at the very time when we can and should be acting to better ensure

safety in each of our communities. Earlier this fall, we marked the third year since the mass shooting at the Tree of Life, New Light, and Dor Hadash congregations in the Squirrel Hill neighborhood of Pittsburgh. Since then, we have made very little progress on meaningful gun reform in the legislature. In that time, tragically, 4,600 Pennsylvanians have been killed by firearms and many others have been seriously injured. Gun violence has an immense and immeasurable toll on the families and friends who continue to grieve for their lost loved ones. It has a tremendous psychological toll on all of the survivors. That should be enough. It should be enough to vote "no" on dangerous and deadly bills like this one. It should be enough to take up enhanced background checks, safe storage, and extreme risk protection laws to keep guns out of the hands of those who present a risk to themselves and to others; but if it is not, let us remember the economic toll of gun violence. Pennsylvania has the 25th highest per person cost of gun violence in the United States, \$942 per person, on average, each year. We have the 34th highest per person cost of gun suicide in the United States with an average cost of \$455 per person. Overall, gun violence costs Pennsylvania taxpayers \$567 million per year. If you have lost someone to gun violence or gun suicide, and I have, and I know I am not alone, those dollars do not matter. No amount of money can bring back your mother, father, sister, brother, friend, son, or daughter. No amount of money can bring them back. What does matter is working to stop gun violence, ensure safer communities, and prevent anyone from experiencing harm, loss, severe injury, or death.

What does matter is saving lives. Loosening gun laws to allow permitless concealed carry and undermining the ability of local municipalities to protect their communities is not about freedom; it is about the firearms industry selling more guns. We are already paying the price. Communities and families across the Commonwealth are paying it every day, and with these bills, we are going to pay even more. I ask for a "no" vote. Let us act now to pass real, meaningful gun reform. Let us do it out of respect for gun violence victims and their families. Let us do it for our future and the safety and health of all our children and grandchildren.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, I do not often ask why, but tonight I have to ask, does anyone know Khallid Henderson, 21--a neighbor, member of a congregation, young person who had dreams and, frankly, volunteered frequently throughout his neighborhood? Does anyone know Aidan Seddon, 18 years old--not from Philadelphia, college student, brother, son, admired contributor to society? Anyone know Tymel Fullwood, 35 years old, engaged, newly born child? How about Alan Womack, Jr., 28 years old--fitness buff, entrepreneur, passionate, loving, family member? Tyrone Armstrong, 36 years old; Kyseem Roberts, 27 years old; Raheem Hightower, 22 years old; Vincent McClain, 35 years old; I can go through thousands of Pennsylvanians who have been claimed by gun violence this year alone. That number is increasing, not decreasing. The question I have, which I do not often ask, is: if these things are true and we are here to honor their memory--as in the case of Randy

Davalos who is a veteran, sacrificed for his country, asked nothing more than to be able to live in peace in this neighborhood; all of these individuals are part of the consequence of gun violence in Pennsylvania--if we are here to honor their lives and not necessarily celebrate their deaths, how does this help?

How does this moment and these bills--which statistically have been proven only to increase the danger of gun violence and not remediate or reduce the level gun violence--how do we claim as a General Assembly to be here on behalf of those families, individuals, and communities which have lost contributing members of society? Understand something that, you know, every time there is a death that is read in Philadelphia, there is this underlining perspective that they must have been doing something wrong. It is not frequently stated in public, but that is the truth. I have talked to many of my friends, Democrat, Republican, Black and White, they always tend to think, what did that person do wrong? The names I just read off to you--some Philadelphians, some not--not one of them was reported to be involved in anything unsavory or illegal. By the way, some of them did own guns. The fact that they owned a gun apparently did not save their lives, nor did it save anyone else.

The consequence of what we are doing tonight is tragic in light of the fact that we want to politicize guns in America, rather than celebrate the Second Amendment, which allows for guns to be owned by responsible gun owners in America. We prefer to take a stance and suggest that anyone who would deny access to a gun easily is counter to the American value system; but, unfortunately, I have to suggest to you, all you need to do is talk to your local police chief. I do not care if they are in Clearfield, Susquehanna, Greene, Philadelphia, or Delaware County, all you need to do is talk to them and ask them how comfortable they are with concealed weapons when they have to pull someone over on the side of the road at 8 o'clock at night when it is dark tonight. Ask them how comfortable they are and how we serve and protect them on a night such as this. Ask a war veteran who knows the consequence of what guns do in battle. Ask Alan Womack, Jr., who lost his life simply because he was walking from a gym and someone had access to a weapon. Ask the mother of Tyrone Armstrong, 36 years old, who is still grieving to this day. She lost her child 5 years ago because someone had access to a gun, and it was not controlled. If someone could simply give me an understanding of how this contributes to the safety of society, protection, and uplifting of those lost souls, I would concede and sit down. But unfortunately, that is just not the case.

Be clear, I am not here to suggest that some of us come from districts where guns are simply a recreational tool. That many, if not the majority, of gun owners in Pennsylvania use them in a responsible way to either hunt with their grandchild, sister, brother, or protect their property. None of us here tonight are to debate that, but what we are here is for the voice of the voiceless. Those who have gone on to glory because we have not responsibly conducted ourselves in a way that many of us know to be, and that is to add a period to the end of this long sentence, of what we do about guns that are irresponsibly handled.

I am reminded of a phrase that a lot of my gun-loving gun owners tell me about. I thought about it in the last conversation about the last bill when the gentleman stood up and said, look, we have so many towns that are not respecting the law. He read



off the law as it states in Pennsylvania. I simply remind my friend of the following: it seems to me we do not need more gun laws. Heard that before? We do not need more gun laws. We simply need to enforce the gun laws we have. So if there is a town in Pennsylvania that is breaking the law, then guess what? Enforce the law. Do not give more guns to people across Pennsylvania. If you are concerned about the fact that the Second Amendment is undermined by those reckless and out-of-control towns, we do not need more gun laws, we need to simply enforce the gun laws we have. Pennsylvania is at a crossroads, and it has always been in the spotlight of America because it is such an independent State. It votes Democratic, it votes Republican, but be very clear, Pennsylvania has figured it out. For those who want to sort of pursue the base and follow the blood-in-the-water agenda, that dog does not hunt. Pennsylvanians are going to tell you that in numbers that will make you understand because the names I read off tonight come from many parts of Pennsylvania that consider themselves not affiliated with Republican or Democrat, they are just Pennsylvanians. I would hope at some point in time we will slow ourselves down to make sense of this space. That we would be an example to this country, that the divisiveness that we see that is tearing this country apart--every time we take an issue and politicize it as opposed to rationally deal with it, we tear the foundation down just a little bit more. Tonight we are feeding the beast; we are not making people safer. We are not taking up the mantle of justice in Pennsylvania. We are not protecting the Second Amendment. We are not providing for those who believe and responsibly have a gun. What we are doing is what we always do of late: have an argument. Again, that dog does not hunt, and that dog never will.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Philadelphia, Senator Saval.

Senator SAVAL. Mr. President, I rise in opposition to Senate Bill No. 565. Two thousand twenty was the deadliest year of gun violence in more than two decades with gun violence killing nearly 20,000 Americans and injuring 40,000 more. On top of this, our country experienced 24,000 gun-related suicides. Each of these deaths leaves in its wake an unfillable hole in a family and a permanent, irremediable loss in a community. In 2020, across the United States, murders rose by 27 percent, but here in Pennsylvania, the number of murders increased by 49 percent. Even here in Harrisburg, around us, the number of murders nearly doubled. Gun violence is endemic to our society, indeed, in that it is unlike any society in the world in the number of people killed by guns. Last year, our hurting communities were ravaged by it. We should be pouring resources into these communities across our State to help them heal and prevent future violence. But communities' pleas for resources to combat this surge in senseless destruction of human life are going ignored, and that is because, here in this room, cloistered from the communities and families who are grieving, the question laid upon the table is not: how can we meet the needs of Pennsylvanians for safety? Instead, we are forced to spend time debating how we can implement anti-safety gun laws and how we can prevent municipalities from taking measures to protect their residents.

Violent crimes increase when gun safety is restricted and when gun safety provisions are repealed. This bill restricts safety

provisions, and it repeals them. The danger here is evident to an unusually broad coalition of groups that are opposed: the Office of the Attorney General, opposed; the Pennsylvania District Attorneys Association, opposed; the Pennsylvania Chiefs of Police Association, opposed; the Office of the Governor, opposed; CeaseFirePA, opposed; the Pennsylvania Council of Churches, opposed; the Bucks County Women's Advocacy Coalition, opposed; Moms Demand Action, opposed; the Philadelphia District Attorney's Office, opposed; and the Allegheny County Chiefs of Police Association, opposed. This group of opposition represents a diverse majority of Pennsylvanians supportive of gun safety.

If this legislation is adopted, more people will die. The intent simply does not matter. The effect will be that more Pennsylvanians, our neighbors, loved ones, constituents will die, and the people who hold responsibility for these deaths are right here in this Chamber. I urge a negative vote.

The PRESIDENT. The Chair recognizes the gentleman from Jefferson, Senator Dush.

Senator DUSH. Mr. President, I initially wanted my remarks to be a whole lot more brief than they are, but seeing some of the comments that have been made, I think they deserved to be answered. First of all, a little background, 24 years in the military. Of that 24 years, all of it had to do with law enforcement and security. I was one of those trained professionals who was referenced earlier. I also spent 16 years in the Pennsylvania Department of Corrections, sitting and talking with inmates, murderers, as well as those who had been shot by others on the streets and survived. I have worked as an insurance investigator doing surveillance work in Chester, west Philly, north Philly, and Camden.

I have watched children raising children on the streets, and I will tell you in answer to the question of one of the previous speakers as to why. I look at what happens when these kids are raising each other. I have sat and talked with these guys and I have asked them--I am looking at the pictures of their kids, and I ask them if they are their kids, and they are, oh, yeah, and they are all proud of their kids; everybody should be proud of their kids--but when I am looking them in the eye, and I am asking them, what are you doing here? Boom, the heads drop. They cannot hold my eyes. I tell them, why are you here instead of at home with those children? They are your legacy. I say: nobody that you were running with on the streets, when you get out of here, you get killed on the streets, 10-15 years ago, they are not going to remember who you are. They say: you do not know what you are talking about C.O. I said, all right, tell me this: tell me the real name, not the street name, of somebody who you know who was killed 10 or 15 years ago. That is not right C.O. I said, yeah, you are right, it is not right. Those kids are the only ones who are going to remember you, but you have to be there for them.

The root cause--everybody is talking gun violence--the problem is violence; 90 percent of our male incarcerated individuals do not have a male role model in the home; 95 percent of the women who are incarcerated do not have a male role model in the home. We have put fatherhood out the door. We do not have people teaching discipline--

Senator COSTA. Mr. President--

Senator Dush. --to young people.

Senator COSTA. Mr. President--

Senator DUSH. I am answering the questions that were raised.

#### POINT OF ORDER

Senator COSTA. Mr. President, point of order.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, I think the discussion is related to Senate Bill No. 565 as it relates to concealed weapons. I think questioning parenthood of individuals in this Commonwealth, or other places around the country and around the world, is simply not appropriate for this discussion and ask that the Member rein in his remarks specifically to this piece of legislation.

Thank you, Mr. President.

Senator DUSH. Mr. President, I would like to say that I was responding to the questions that were raised earlier.

Senator COSTA. Mr. President, there were no questions raised earlier. There were comments that were made by Members on the floor during debate of this legislation. There were no questions posed to the Member, or any other Member on the other side of the aisle. Thank you.

The PRESIDENT. Senator Dush, are you prepared to finish your statements?

Senator DUSH. Mr. President, I am. I think I have made my point on that. Over and over again, it was said that gun violence, well, it is not gun violence, it is violence. One of the things that was raised was about the changes to Philadelphia. The point was made that Philadelphia has a right to restrict firearms. Governments do not have rights; individuals have rights; governments have responsibilities. Rights are defined in the Pennsylvania Constitution in our Bill of Rights, specifically, Article 1, Section 21: "The right of the citizens to bear arms in defense of themselves and the State shall not be questioned." When you put a law that restricts that right, you are doing more than questioning. The exclamation point to our Bill of Rights, Article 1, Section 25, "To guard against transgressions of the high powers which we have delegated, [we, meaning the people] we declare that everything in this article [Article 1] is excepted out of the general powers of government and shall forever remain inviolate." What this General Assembly has been doing is restoring that right, and it is the right of the people, not the right of the government.

It was stated earlier that more guns does not mean more safety. That has never been true. I have to tell you, you need to go to some places that I have been around the world, because the lack of firearms in personal possession and the ability to defend oneself, it is evident. Things are a whole lot worse in those countries. For one who carries, if you are in the store or some place where somebody is going to be robbing something, if you have to carry your firearm outside, you become the target. You are the first person targeted by that person with evil intent; you make yourself a target if you have to carry open; you lose the ability to defend yourself and others.

One of the things we talk about in the law enforcement community, and the people who I have been hanging around, we have a saying, when seconds count, the police are minutes away. We know that a person, an individual who is armed, can put a stop to things. Usually, in fact, almost all the time, it is without having

to fire a shot. Just pointing that weapon at somebody, if that is all you ever plan on doing, I suggest you do not do it, go get trained to do it right. But that gun puts a stop to most actions without even having to fire a shot. But when that person, as it was described, an innocent victim was a description used of someone who was said to be trying to rob you, what happens if they keep coming? Well, that person has evil intent, and you try to stop them. You are not shooting to kill, you are shooting to stop the action.

I have to say this. Having worked 26 miles, I think it was, of the Pacific Coast Highway, working with the California Highway Patrol and the Santa Barbara County Sheriff's, even the military stops that I have done, we treat every stop as if somebody has a weapon, and that is part of our training. If they were not trained that way, there is something seriously wrong with the training. When you make a traffic stop or you are responding to a domestic disturbance--it does not matter what it is--when a police officer responds, they know that there is a potential for violence, whether it is from a gun, knife, baseball bat, or shovel, and I have seen all of them on a response. We need to make sure that number one, we guard our rights. Anytime that we start trampling our rights, that is why we have that exclamation point in our Bill of Rights. Let me repeat that one: "To guard against transgressions of the high powers which we [the people] have delegated, we declare that everything in this article [our Bill of Rights] is excepted out of the general powers of government and shall forever remain inviolate." We need to start holding our oath to that statement seriously. If we do not, we are violating the trust that the people of the Commonwealth of Pennsylvania have placed in us. This is an attempt to fix some things that have gone wrong in this body before.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes, for the second time, the gentleman from Philadelphia, Senator Anthony Williams.

Senator A.H. WILLIAMS. Mr. President, I am glad the gentleman stood and spoke. There were some who took exception to his comments, but I did not. I am grateful he put for the record the thought process behind these bills. For the record, I want to make sure certain things are quite clear. The comment about the government is central to the conversation, and I reiterate the obvious: the people of Philadelphia have a desire to be heard. They do not want concealed weapons without a license, and they do not want people to carry guns on their hip in public. So, to reiterate what was stated in the Constitution, I think that is the point to our comments. Further, indeed, Philadelphia is a part of the problem, but be very clear: Philadelphia is not the only problem. Philadelphia is not the only place that has seen this extraordinary level of homicides from guns.

I heard the gentleman's comment on fatherhood. There were some who were cringing in their seats and probably cringing in their places where they were watching on television as comments were made. I am glad they were said, because for the first time in a long time, some honest conversation has occurred on this floor. But, be very clear, perception does not greet reality in this conversation. Some of the names I read off were fathers. Some of the carnage which is occurring in Philadelphia, Pittsburgh, Erie, Greene County, and in any part of Pennsylvania comes from, and has happened to, fathers. By the way, some of those families

which you say are fatherless are fatherless because someone murdered their father with a gun. I do not understand any logic that just occurred when they said, you know, I talked to those young kids on the corners. By the way, I did pick up a distinct reflection upon an attempt at an accent. I did notice that. I do not know what the logic is to give a 17-year-old kid access to an armament without a license--to carry it down the street at 17 years old when he or she does not know who they are.

We are talking about places where there is already violence, and now we are going to suggest that fatherhood is the implementation of murder or the lack thereof. Well, be very clear, I have lived in Philadelphia all my life. I have never owned a firearm--do not own one, do not use one. I walked through some of the toughest neighborhoods in the city of Philadelphia, and I am still standing here at 64 years old. By the way, I mentor a generation of young people in a variety of associations, and they do not carry guns either. Yes, some of them have that accent. But, be very clear, there is a Jewish kid with an accent who lost his family in a synagogue; an Italian kid in south Philadelphia who lost his father as well; there is a Polish, Irish, do I need to go through the whole litany of individuals who have ethnic backgrounds with accents who lost themselves and lost someone in their family? I do not think I need to do that. The reality is that this level of violence is color blind, party blind, gender blind, and has splattered blood across Pennsylvania. That is the truth of the situation.

You know, unfortunately, an 8-year-old child lost her life in a part of my district not too long ago. That child was shot by a police officer. The child did not have a gun. As a matter of fact, he did not even see the child. What happened was the police officer said he heard gunfire in the background, turned around, and shot into a crowd of children. With all due respect to the training comments that were made, can you imagine if a police officer who has that level of training--who was shooting into a crowd of children--can you imagine what that police officer is going to do when they arrive at a crime scene, everyone has a gun, and he or she does not know who did what? Let me repeat the obvious. If you think it was a tragedy with the 8-year-old child, what do you think is going to happen when everybody has a gun at a crime scene? More peace? Arresting the right person? How about the criminal gets to draw on the cop?

#### POINT OF ORDER

Senator K. WARD. Mr. President, point of order.

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, the comments are not germane to the bill.

Senator A.H. WILLIAMS. Oh my God, are you serious? Are you serious?

Senator K. WARD. I am.

Senator A.H. WILLIAMS. You cannot be. Not with what he just did, talking about fatherhood and accents. You cannot be serious.

Senator K. WARD. Senator Costa objected when Senator Dush was going down this road.

Senator A.H. WILLIAMS. And he continued. Yes, he did. I am looking for the ruling of the Chair.

The PRESIDENT. Please continue, but we want to make sure we are mindful of all the concerns in the room.

Senator A.H. WILLIAMS. Mr. President, and to those who are involved, and I do not say this disrespectfully, but what just happened prior to this was an affront to many people who are watching. Not intended, but nonetheless an affront. That accent, the inflection, the reference to kids in Philadelphia, that was an affront and a stereotype. The people of Pennsylvania deserve to hear a consequence and a response to that commentary. It is hurtful, it is painful, and as uncomfortable as it may be, I sat in my seat with dignity and respect for this institution and allowed the gentleman to proceed, and, in fact, told Senator Costa to please refrain from interrupting. He did. So, I take objection to anyone who would suggest to me that I was exceeding the limitations of this argument. Frankly, I am all involved in this argument and not withstanding the fact that some would suggest that I am out of order with regard to my comments, I take strong exception to that, because, frankly, liberties were taken in the previous comments. No disrespect to the individual who made them because his reference point is his reference point. I am here to illuminate, educate, and provide perspective to that perspective because, frankly, that is what is holding the State back. That is what allows for us to come on this floor and talk about guns from one perspective and stomp on the other human being's perspective. That is what allows us to say, you know what, we are doing the people's business and running all up and down the streets of Philadelphia. So while I appreciate the manner and decorum in which this institution has been defined, we continuously find ourselves at the intersection of what we are really going to do.

Going forward, if we want to remain in that space, and I certainly want to, then we need to be thoughtful before we stand at the podium and make comments such as the ones that were just made. They were not thoughtful, they were very insensitive, they were not productive, nor were they germane to the bill. Frankly, as I said before, they were an affront to many fathers who lost their lives to gun violence. That is it. I appreciate the manner in which you have allowed me to express my concerns, my indignation, my trouble and frustration with the manner that we proceed with public policy in Pennsylvania. There are some of you who I have very significant differences with regard to how we approach it, but I do not have any mistrust of your heart. There are some of you who I will, probably 20 percent of the time, vote with. That does not mean that 20 percent will not be significant for all of Pennsylvania. What made me stand up at this podium tonight was, frankly, a correction of the record and making sure we put an exclamation point behind humanity for all Pennsylvanians.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Montgomery, Senator Haywood.

Senator HAYWOOD. Mr. President, these remarks are brief. I shared with Senator Gordner, while we were standing there, that I had to respond to one brief statement that was made. It was a statement that, more guns equal more safety, and he compared various countries. I want to share the rate of homicide, highest rate of homicide in the world: Brazil; number two, the United

States; number three, Venezuela; number four, Mexico; next India; next Colombia; followed by the Philippines; and Guatemala--U.S., number two. Rate of suicide: number one, Greenland; number two, U.S.A.; number three, Uruguay; next Sint Maarten; next Montenegro. More guns do not equal more safety.

Thank you, Mr. President. Thank you, Madam Leader, and Mr. Leader.

The PRESIDENT. The Chair recognizes the gentlewoman from Westmoreland, Senator Kim Ward.

Senator K. WARD. Mr. President, this issue surely does spark a lot of emotion. We have strong feelings about firearms, and I feel for the cities that have such crime, violence, and death, but a lot of those cities--some of those cities--are gun-free zones. I think one of the things we might think about looking into or exploring is the guns that are used in those cities and some of those crimes, are they legally gotten? When we have young people killing other young people, they are not old enough to have a gun. So I do not, you know, I feel terrible about that, and we should find some way to help society with the crime in the cities. This is about our Second Amendment and our right to bear arms.

The Second Amendment does not say anything about restrictions on our right to bear arms. Right now, and this is a very simple simplification of the bill, but we can, right now, because we are an open carry State, we can walk down the street with guns hanging off of our belts, if we want to, and that is legal. But, if we are stopped by a police officer and we pull out our insurance card and there is a gun in there and we do not have a permit to carry, we have now committed a felony. There is something wrong with that. This bill would change that. It would give law-abiding citizens who still go through the whole check system, the instacheck, when they purchase a firearm. This does not change any of that. It means now we are not going to charge law-abiding citizens, who legally have a firearm, with a felony if they have a gun that you cannot see and they do not have a permit. It is just simple to me that this bill makes perfect sense.

I would hope that our colleagues here on our side of the aisle would support this. It is our Second Amendment--there are places that want to say you cannot have guns, they want to ban guns, they want a preemption. Do they do that with freedom of speech? Do they do that with our other constitutional rights? We just single out this one, and it is easy to take this issue and blow it up. You can blow it up and talk about violence everywhere. How is that working out for New York? How is that working out for Chicago? It does not work. It is not relevant to law-abiding gun owners, and this bill does nothing to weaken a law-abiding gun owner's ability to have a firearm. Thank you.

And the question recurring,  
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-29

Argall	DiSanto	Martin	Scavello
Aument	Dush	Mastriano	Stefano
Baker	Gebhard	Mensch	Vogel

Bartolotta	Gordner	Phillips-Hill	Ward, Judy
Brewster	Hutchinson	Pittman	Ward, Kim
Brooks	Langerholc	Regan	Yaw
Browne	Laughlin	Robinson	Yudichak
Corman			

NAY-21

Boscola	Fontana	Muth	Street
Cappelletti	Haywood	Sabatina	Tartaglione
Collett	Hughes	Santarsiero	Tomlinson
Comitta	Kane	Saval	Williams, Anthony H.
Costa	Kearney	Schwank	Williams, Lindsey
Flynn			

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

UNFINISHED BUSINESS  
BILLS ON FIRST CONSIDERATION

Senator KANE. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

**SB 337, SB 807, SB 812, SB 861, SB 927, SB 938, HB 291, HB 491, HB 995, HB 1255, HB 1260, HB 1421 and HB 1650.**

And said bills having been considered for the first time,

Ordered, To be printed on the Calendar for second consideration.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

WEDNESDAY, NOVEMBER 10, 2021

9:00 A.M.	COMMUNICATIONS AND TECHNOLOGY (S) and CONSUMER AFFAIRS (H) (joint public hearing on rural broadband)	Room 140 Main Capitol
9:00 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 301 and 776; and House Bill No. 598)	Room 461 Main Capitol
9:00 A.M.	STATE GOVERNMENT (public hearing to receive information on congressional maps recommended by members of the public)	Room 8E-A East Wing (LIVE STREAMED)
9:30 A.M.	AGRICULTURE AND RURAL AFFAIRS (to consider Senate Bill No. 450)	Room 461 Main Capitol
10:00 A.M.	EDUCATION (to consider Senate Bill No. 527)	Room 8E-B East Wing (LIVE STREAMED)

10:30 A.M.	LABOR AND INDUSTRY (to consider House Bills No. 1819, 1829 and 1837)	Room 8E-B East Wing (LIVE STREAMED)
Off the Floor	RULES AND EXECUTIVE NOMINATIONS (to consider Senate Bill No. 248; and certain Executive Nominations)	Senate Chamber (LIVE STREAMED)

**PETITIONS AND REMONSTRANCES**

The PRESIDENT. The Chair recognizes the gentleman from Centre, Senator Corman.

The PRESIDENT pro tempore. Mr. President, I rise to speak about a resolution that I have cosponsored with my colleague from Allegheny County, Senator Robinson, that recognizes November 11, 2021, as Veterans Day in Pennsylvania. I am incredibly honored to cosponsor this resolution with him, and I would like to recognize and thank him for his service in the United States Marine Corps. For those who do not know, Senator Robinson is the fourth generation in his family to honorably serve our country in the military. I cannot think of any greater legacy than one steeped in such a strong family history of protecting our country in uniform. Thank you to Senator Robinson and his entire family.

My own father was a veteran of the United States Army. It has been ingrained in me since childhood that Veterans Day is about giving back to those who have defended our freedoms by acknowledging their sacrifices and spending the day showing our gratitude to them in some way. I encourage everyone to participate in a Veterans Day event this week: it can be as simple as saying thank you, attending a parade, buying a meal for a veteran. Tomorrow, my district office will be hosting an event at the Boalsburg Military Museum from 9 a.m. to 4 p.m., that will have representatives available to help connect veterans with benefits they have earned through their service and answer questions that many have about their benefits. Going forward, this service will be held on the third Friday of every month. So I encourage all the veterans and members of their family to stop by the event, and my staff will be there happy to assist with any healthcare, disability claim, GI Bill assistance, or any other veterans benefits.

In the spirit of gratitude, I would like to take this moment to recognize our colleagues on the floor here today who are also veterans. Senator Robinson, as I mentioned earlier, served in the United States Marine Corps; Senator Mastriano was a Colonel in the United States Army; Senator Aument, a Captain in the United States Army; Senator Yaw, First Lieutenant in the United States Army; Senator Dush, a member of the United States Air Force; and Senator Mensch, a member of the United States Army Engineers Reserve.

Thank you to you and your families as well as all the 800,000 veterans who currently reside in the Commonwealth of Pennsylvania.

(Applause.)

Our safety and freedom would not be possible without their selfless service for every resident in this Commonwealth and our country. I ask you all to join me, along with Senator Robinson, in recognizing November 11, 2021, as Veterans Day in Pennsylvania.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentlewoman from Philadelphia, Senator Tartaglione.

Senator TARTAGLIONE. Mr. President, I rise today because it has been 5,602 days since the Pennsylvania legislature last passed an increase in the minimum wage. That means, Mr. President, our lowest earners have not seen an increase in their wages in more than 15 years. These workers who are making at or near the minimum wage are not just teenagers working for pocket change. Mr. President, these workers, which number more than 700,000, are productive members of society who deserve to earn higher than poverty-level wages. If we pass Senate Bill No. 12, it is estimated that nearly 24 percent of our entire Commonwealth's workforce would see an increase in their pay by 2025. According to a study by the Economic Policy Institute, if there was an increase to \$15 by 2025, about 91 percent of the workers receiving wage increases would be age 20 or older, and 68 percent would be at least age 25. A typical worker in a family who will benefit from this minimum wage increase is actually the family breadwinner, earning about 52 percent of their family's total income. Raising the minimum wage would provide an immediate and needed influx of money right into the economy and continue to drive the recovery from this pandemic and growth in our economy. Mr. President, I ask my colleagues here in the Senate to come together and help our lowest wage earners. We were sent here to work for our constituents and to help ensure the best possible for them. Maybe it is time we just do that, by lifting nearly a quarter of the Commonwealth workers up.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, today I rise, as I have done many times in the past, to urge my colleagues in this body to join me in fulfilling the will of the taxpayers across Pennsylvania to act on and reform the Commonwealth's burdensome and ever-growing local school property tax. It is past time that we act on this important issue. I will continue to stand up here each week during Session until we get meaningful action on behalf of our homeowners around the State who have to make those tough decisions every single day as to whether to pay their school taxes or buy food and medication.

Our seniors, in particular, have become the victims of a system that does not care whether you have children in school, or are an elderly widow living on \$1,200 of Social Security a month, or taxes have risen ten-fold since you retired. As I have said standing here before, a constituent in my district lost her husband, had her Social Security cut in half, and could not pay her school taxes that had risen from \$400 to \$4,000 in a 20-year period, per year. She came to me and said, I am guilty of living too long. Not one legislator in this Chamber would say that they are not a champion of quality education. Not one legislator would say that they do not support our seniors. We can do both. Every one of us has committed ourselves to supporting our Commonwealth's students, and we continually work to ensure our students have the opportunities to further themselves and succeed, but too often we do not talk about the price of our antiquated school tax system and its impact on our homeowners, especially our seniors.

My Senate district is a victim of unfair State funding that drove millions of dollars away from our region when we had the fastest-growing population in the Commonwealth between 1991 and 2002. There was no growth supplement for the growth. To this day, that situation has never been made right. Rather than receiving our fair share of education dollars to offset ever-growing school population, our residents were saddled with that burden. Now my school districts in the Pocono region, as well as the Northampton area, pay the highest portion of their incomes in school property taxes. I would rather be known as an area that is a beautiful place to live, with schools that do not have to fight for their fair share of funding, and our seniors who do not have to worry about losing their homes.

In the meantime, our legislative body has discussed, debated, researched, held hearings, and hosted town halls for the last two decades with zero progress on any meaningful school property tax reform. I have sponsored and cosponsored numerous school tax bills and reform proposals, the most prolific was the popular Senate Bill No. 76, the School Property Tax Independence Act. This bill proposed full elimination of school property tax on all properties. Since 2004, we have worked to try to pass this bill, including a vote which ended in a 24-24 tie in 2016, with the former Lieutenant Governor at the time voting against and breaking the tie. I would vote for elimination tomorrow, if we had the votes. Our peers' support has waned since the last time this bill was considered and failed, because many of the people who voted in favor of Senate Bill No. 76 have since retired.

Mr. President, I urge my colleagues who have not supported any school property tax proposal to step up to the plate and help make the hard decisions needed to get meaningful action for our citizens. If the statewide constitution vote to allow the treatment of homesteads differently from other properties in 2017 was an indication, there is broad support for action on school property tax reform. It is just the right thing to do. For the citizens who live in districts where your legislators have not come out in support of meaningful school property tax reform, I urge you to make your voices heard and ask for their support, so that they know that this is an important issue for their district.

In the meantime, we cannot continue to sit here while our seniors lose their homes to increasing school property taxes. That is why I have introduced Senate Bill No. 590 of 2021. A proposal that, through just a half percent increase in the State sales tax, we would be able to reduce or eliminate school property taxes for most senior homeowners in the Commonwealth. For someone at age 65 or older, whose combined income is not greater than \$60,000, a number which would only factor in half of your Social Security income, you would receive up to a \$5,000 credit off of your school property tax bill. Like the homestead exclusion you see on your tax bill each year, which is funded from gambling revenue--which I have always said would never eliminate school taxes like it was proposed when it was passed--some senior homeowners would see an additional amount reduced from their tax bill under my proposal. A half percent increase in the State sales tax avoids the pitfalls we inevitably encounter when we talk about expanding the sales tax bases on items and services. My proposal, simply a half percent increase in the existing sales tax.

It is my hope that this is the first step toward broader reform like Senate Bill No. 76 proposes, but we cannot continue to stand by while our seniors are in crisis. This proposal is so simple, and so critical that I urge my colleagues to do the right thing, join me on this bill, show our citizens that you care about our students and our seniors. Mr. President, the time for action was yesterday. We cannot wait longer. I ask my colleagues to join me in this fight.

Thank you, Mr. President.

The PRESIDENT. The Chair recognizes the gentleman from Franklin, Senator Mastriano.

Senator MASTRIANO. Mr. President, on this day in 1989, the world changed. The Cold War began to end. My wife and I were living in Germany during the time. I was assigned with the 2nd Armored Cavalry Regiment based out of Nuremberg, Germany, with the mission of patrolling West Germany's border with Czechoslovakia and East Germany. For several years there, I was patrolling the border, watching terrible things happen as East Germans and Czechs tried to escape, and seeing what was going on, on the other side: the despair; lack of freedom; lack of the right to worship; Christians being imprisoned; political dissidents being put in camps to be re-educated; and hard labor as well. To see that fracture in this Communist society happen before our eyes was a bit startling.

My own regiment, which was the front line of the VII Armored Corps, was there to face the wrath of the Soviet 8th Guards Tank Army should war break out. We were told we would last 45 minutes in the face of that force. We watched vigilantly, and one day--being on the Iron Curtain as it was collapsing--a group of East Germans came across, and I went over to engage them in conversation. At first they were intimidated by me and my soldiers, but then while welcoming them to freedom in the West, I saw a spark of light and life in their eyes that I never saw in an Ossi, an Easterner, before. Freedoms are something that we take for granted in the West, and I think we have forgotten, all too soon, the sacrifices that came as a result of ending the Cold War: a massive commitment of American and allied forces across Europe, in particular, but around the world, standing vigilant and on guard. Whether in the United States Air Force on missions in Germany, keeping B-52's in the air 24/7, or manning missile silos; the United States Navy subs in various parts around the world off the Soviet coast, Navy operations around the world in the Mediterranean; the Marines as well, through amphibious operations; and, of course, the United States Army, deployed heavily in Germany with two Armored Corps and hundreds of thousands of men and women.

Our presence there was not going to be enough, technically, to stop the Soviets if they came--because of their overwhelming forces--but, it was a guarantee to West Germany and western Europe that the United States would be there and that we were committed to them. That deterrence model came out of the failures of the First World War, when the League of Nations, including the United States, withdrew in the aftermath of the First World War and left imbalance in Europe. The vigilance and commitment of the United States Army, Air Force, Navy, and Marine Corps in Europe brought the longest period of peace in European history since the fall of Rome 1,500 years ago. Sadly, that vigilance, cost of so many lives, and the sacrifice is all but

forgotten by our NATO allies. It is interesting to note that our friends and allies in the East--former eastern Europe or northern Europe--love the Americans, the presence, and what we did, especially the Poles and the Baltic nations as well. They welcome an American commitment forward. American forces are in Poland, even some of our troops from Pennsylvania. The 28th Infantry Division is partnered with Lithuania forward deployed.

If you think back across the uncertainty, of course, the Cold War began in the aftermath of the Second World War. As a result of the massive threat--it looked like there would be a third world war--with the Soviet forces poised in eastern Europe, the plan by the Europeans was to create an alliance structure, now known as the North Atlantic Treaty Organization, as they said, to keep the Americans in, the Germans down, and the Russians out. It indeed kept the Americans there and kept the Russians out. That commitment began with 12 nations and has grown significantly since then. We will remember that the North Atlantic Treaty Organization, the centerpiece of NATO, was Article 5, that an attack upon one member was an attack upon all members. With that model, it was always assumed that America would come to the rescue of our allies in Europe. The only time Article 5 was invoked was after 9/11--the irony--when our allies came to our aid to help us in Afghanistan and stood with us vigilantly for 20 years in that very difficult mission that only concluded a few months ago.

I had my first, close-up perspective of life in the East as a teenager, when I was an exchange student to West Germany. When we made a visit to East Berlin, I was detained by the People's Police, the Volkspolizei, for merely taking a picture in the Friedrichstrasse subway in the U-Bahn there. Later on, in East Berlin, I met a teenager about my age who tried to escape to the West and found himself 2 years of hard labor, just for wanting freedom. That was an eye-opening experience, and it was quite a bit of a joy and pleasure to go back a few years later as Lieutenant Mastriano leading a platoon of men in the 2nd Cavalry Regiment. In honor of that service, I wear those spurs to this day.

The notion of the Iron Curtain, and all that it entailed, was a clash of civilizations. On one side, in the East, led by the Soviet Socialist Republic in Moscow, was repression and government control. On our side, led by Washington, D.C., was freedom and the right to choose and walk as free people. It says in John 8:36, if Jesus sets you free, you are free indeed. Freedom is indeed something precious, and freedoms once lost are difficult to resecure or regain. The idea of the Iron Curtain was coined in 1946 by Sir Winston Churchill when he observed, "From Stettin in the Baltic, to Trieste in the Adriatic, an iron curtain has descended across the Continent." Having been there on the front lines in the waning days of the Cold War, and then watching the Cold War end--obviously it did not end abruptly on the ninth of November, there was a long road to go for many nations, especially in Lithuania where the Soviets tried to maintain control and several scores of people were killed later on in January of 1990--but Margaret Thatcher, then-Prime Minister of the United Kingdom, observed in August of 1990--less than a year after the beginning of the end of the Cold War--she said: *(Reading)*

...today we are coming to realize that an epoch in history is over....For more than forty years that Iron Curtain remained in place. Few of us expected to see it lifted in our life-time. Yet with great sud-

denness the impossible has happened. Communism is broken, utterly broken....The Cold War is over.

So, as we come up to Veterans Day, here, a special recognition to all the Cold Warriors. Thank you for your vigilance and service. Your duty, dedication, honor, and integrity saved an entire generation of Europeans from war. Thank you, and God bless you all.

Thank you, Mr. President.

## HOUSE MESSAGES

### HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to **HB 416**.

### SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 772**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDENT. Pursuant to Senate Rule 13(c)(2)(i), the bill will be referred to the Committee on Rules and Executive Nominations.

## BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

November 9, 2021

Senators DiSANTO, FONTANA, SCAVELLO, STEFANO, VOGEL and BREWSTER presented to the Chair **SB 921**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in real estate foreclosure, further providing for definitions, for effect of certification of vacancy and abandonment, for post-sheriff's sale possessory action, effect of certification of vacancy and abandonment in action for possession and disposition of abandoned personal property for applicability, and providing for private selling officer sales and for conduct of online sheriff sales.

Which was committed to the Committee on BANKING AND INSURANCE, November 9, 2021.

Senators DiSANTO, MENSCH, KANE, GEBHARD, STEFANO and SCAVELLO presented to the Chair **SB 929**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, November 9, 2021.

**BILL SIGNED**

The PRESIDENT (Lieutenant Governor John K. Fetterman) in the presence of the Senate signed the following bill:

**HB 416.**

**RECESS**

The PRESIDENT. The Chair recognizes the gentleman from Monroe, Senator Scavello.

Senator SCAVELLO. Mr. President, I move that the Senate do now recess until Wednesday, November 10, 2021, at 11 a.m., Eastern Standard Time, unless sooner recalled by the President pro tempore.

The motion was agreed to by voice vote.

The Senate recessed at 9:11 p.m., Eastern Standard Time.