

IN THE
**COMMONWEALTH COURT
OF PENNSYLVANIA**

Docket No.

FIREARMS OWNERS AGAINST CRIME – INSTITUTE FOR LEGAL,
LEGISLATIVE AND EDUCATIONAL ACTION and GERARD MANGOLD
Petitioners

v.

JOSH SHAPIRO
ATTORNEY GENERAL OF THE
COMMONWEALTH OF PENNSYLVANIA
Respondent

**PETITION FOR REVIEW
ADDRESSED TO THIS COURT’S ORIGINAL JURISDICTION**

Joshua Prince
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September 21, 2022

NOTICE TO PLEAD

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within 30 days (pursuant to Pennsylvania Rule of Appellate Procedure 1516(b)) after this Petition and Notice are served by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any claim or relief requested by the Petitioners.

INTRODUCTION

1. In either absolute dereliction and abdication of his statutory duties or for political purposes, Attorney General Josh Shapiro has failed to timely hear and adjudicate appeals of Pennsylvania Instant Check System (“PICS”) Challenges over the past four years, resulting in individuals, like Petitioner Mangold and members of Petitioner FOAC-ILLEA being unconstitutionally stripped of their right to bear arms, in violation of Article 1, Section 21 of the Pennsylvania Constitution and the Second Amendment to the U.S. Constitution, and right to due process, in violation of Article 1, Section 1 of the Pennsylvania Constitution and the Fifth and Fourteenth Amendments to the U.S. Constitution, as the result of the Pennsylvania State Police’s erroneous, improper, and unsupportable labeling of Petitioner Mangold and those similarly situated, as prohibited, even when they have submitted evidence establishing that they are neither prohibited under state nor federal law, and resultantly, stripping these non-prohibited individuals from their constitutional right – as set forth by the U.S. Supreme Court in *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111 (2022) – to purchase, possess, and carry a firearm inside and outside of their home for purposes of defense of themselves, their families, and others.

2. As a result of Attorney General Josh Shapiro's and his Office of the Attorney General's ("OAG") interpretation, implementation, and enforcement of their rules, policies, and practices, in direct defiance of the General Assembly's mandate,¹ individuals, such as Petitioners, can expect, based on the Pennsylvania State Police's ("PSP") statistics regarding decisions by the Attorney General's Office, that their cases will be adjudicated in approximately *1,076 years*, or well past their deaths, ten times over.²
3. Not to worry though, based on the same statistics, individuals, such as the Petitioners, can expect to receive a hearing in approximately *215 years*, or well past their deaths, three times over.³
4. This petition challenges Respondent Attorney General Josh Shapiro and his OAG's interpretation, implementation, and enforcement of their rules, policies, and practices, in direct defiance of the General Assembly's

¹ See, 18 Pa.C.S. § 6111.1(e)(3) (declaring that "[i]f the challenge is ruled invalid, the person shall have the right to appeal the decision to the Attorney General within 30 days of the decision. The Attorney General shall conduct a hearing de novo in accordance with the Administrative Agency Law.")

² Based on the Attorney General issuing decisions at the rate of one single decision every four years, consistent with his practice in the last four years, and an estimated pool of 268 pending appeals.

³ Based on the Attorney General hearing appeals at a rate of five hearings every four years, consistent with his practice in the last four years, and an estimated pool of 268 pending appeals.

mandate⁴ – as well as, the right to keep and bear arms and due process – purposely refusing or failing to conduct *de novo* appellate hearings and issue decisions in appeals from the final decision of the PSP on a challenge to the outcome of a PICS background check.

5. PICS is a background check system used to search the criminal history, juvenile delinquency, and mental health history records of potential purchasers or transferees of firearms or license to carry firearms applicants.⁵
6. The General Assembly, to comport with the requirements of due process, enacted the Uniform Firearms Act (“UFA”) at 18 Pa.C.S. § 6111.1(e) outlining appellate review procedures for those individuals who are denied the purchase/transfer of firearms or issuance of licenses to carry firearms.
7. Upon denial of such a background check, the first line of review is a challenge to the Pennsylvania State Police itself, pursuant to 18 Pa.C.S. § 6111.1(e)(2), and its implementing regulations at 37 Pa.Code 33.102 *et. seq.*
8. If the Pennsylvania State Police rule the challenge invalid, the applicant then has “the right to appeal the decision to the Attorney General. The

⁴ See, fn 1, *supra*.

⁵ See generally, 18 Pa.C.S. §§ 6111, 6111.1.

Attorney General shall conduct a hearing de novo in accordance with the Administrative Agency Law. The burden of proof shall be upon the Commonwealth.” 18 Pa.C.S. § 6111.1(e)(3).

9. Despite the clear statutory requirement and the constitutional rights involved, Respondent has purposely refused to hear appeals firearms denial appeals or issue decisions following appeal hearings.
10. For ease of reference, the Respondent’s practice and policy described in ¶¶ 1-2, 4, 9 will be referred to as “Respondent’s Practice”.
11. As an additional result of Respondent Shapiro’s and his OAG’s refusal to hear firearms denial appeals, not only has Petitioner Mangold and at least one other member of FOAC-ILLEA waited nearly a year after filing their appeals with no scheduled hearing, but they have been effectively barred from further possessing or acquiring firearms or ammunition, or applying for licenses to carry firearms, until a decision is rendered on their appeals.
12. Left with no other option to enforce their statutory and constitutional rights – including their rights to bear arms and due process – Petitioners file this Petition for Review in the nature of mandamus and under the Declaratory Judgments Act, 42 Pa.C.S. §§ 7531-7541, on behalf of themselves, FOAC-ILLEA’s members, and those similarly situated.

PARTIES

13. Petitioner Gerard Mangold is an adult residing in Southampton, Pennsylvania.
14. Petitioner Firearms Owners Against Crime – Institute for Legal, Legislative, and Educational Action (“FOAC-ILLEA”) is a 501(c)(4) non-profit organization incorporated under the laws of Pennsylvania with its principal place of business in Pittsburgh, Pennsylvania. The purposes of FOAC-ILLEA include defending and promoting the People’s rights – especially the fundamental, individual Second Amendment right to keep and bear arms – advancing individual liberty, and restoring freedom. FOAC-ILLEA serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, and other programs. FOAC-ILLEA’s members reside within Pennsylvania. FOAC-ILLEA represents its members and supporters – who include gun owners, prospective gun owners, licensed firearm retailers, and others – and brings this action on behalf of itself, its members, including the named Plaintiff herein, supporters who possess all the indicia of membership, and similarly situated members of the public. FOAC-ILLEA members and supporters

have been adversely and directly harmed by Respondent's enforcement of the laws, regulations, policies, practices, and customs challenged herein.

15. Respondent Joshua Shapiro is the Attorney General of the Commonwealth of Pennsylvania and is sued in that official capacity. As the Attorney General, Respondent Shapiro is responsible for the creation, implementation, execution, and administration of the laws, regulations, customs, practices, and policies of the OAG, including interpretation, implementation, and enforcement of the Respondent's Practice complained of herein.

JURISDICTION

16. This Court has original jurisdiction of this action pursuant to 42 Pa.C.S. § 761(a)(1), as this is a civil action against the Commonwealth Government and an officer thereof, acting in this official capacity.

FACTUAL ALLEGATIONS

Facts Specific to Mr. Gerard Mangold

17. In or about June-July 2021, Mr. Mangold attempted to purchase or transfer a firearm but was denied by the PSP PICS background check.

18. On July 7, 2021, Mr. Mangold filed PSP, SP4-197 PICS Challenge Form⁶ challenging his denial.
19. On July 8, 2021, the PSP issued a letter response advising Mr. Mangold confirming the denial of his attempt to purchase or transfer a firearm due to an alleged 2011 conviction under the Controlled Substance, Drug, Device, and Cosmetic Act.⁷
20. Sometime after July 8, Mr. Mangold, through counsel, responded to the PSP providing additional information, including an expungement order for the case, demonstrating that he had not been convicted of an offense⁸ prohibiting him from purchasing or transferring firearms and even if, *arguendo*, he had been convicted, the charge was not prohibiting for purchasing and possessing firearms and even if, *arguendo*, it were initially prohibiting, he would not be prohibited as a result of the expungement.⁹
21. On August 25, 2021, the PSP issued another letter upholding their decision to deny his challenge.¹⁰

⁶ See, 37 Pa.Code § 33.121

⁷ Exhibit A.

⁸ Mr. Mangold received, pursuant to 35 P.S. 780-117(3), an alternative “Section 17 – Probation Without Verdict” disposition, which is not a conviction.

⁹ Pursuant to 18 Pa.C.S. § 6102 and 18 U.S.C. § 921(a)(20), the term “conviction” does not include a conviction which has been the subject of an expungement.

¹⁰ Exhibit B.

22. The PSP's August 25, 2021 letter advised Mr. Mangold that he "may appeal this decision to the Office of Attorney General, Regulatory Compliance & Intelligence Section, at 610-631-6592 in accordance with the provisions of the Uniform Firearms Act within 30 days of the date of this letter." *Id.*
23. On September 24, 2021, Mr. Mangold through the undersigned, submitted a timely letter of appeal to the OAG. ¹¹
24. On September 27, 2021, the OAG issued a letter confirming receipt of Mr. Mangold's appeal and assigned the caption "Gerard Joseph Mangold V. Pennsylvania State Police, Docket No. FAD 01749." ¹²
25. The OAG's September 27, 2021 letter states, in part, "Appeals based upon the [Uniform Firearms Act] and [Criminal History Records and Information Act] are heard by an Administrative Agency Law Judge (AALJ) appointed by the Attorney General, in this case William Stoycos, Esquire, Senior Deputy Attorney General in the Criminal Law Division of the OAG." ¹³

¹¹ Exhibit C.

¹² Exhibit D.

¹³ *Id.*

26. As a result of Respondent's Practice, Mr. Mangold has not received an appeal hearing of his PSP PICS denial and does not expect to receive one during his lifetime.
27. In fact, based on PSP's published statistics,¹⁴ he will not receive a hearing for approximately 215 years and will not receive a decision for approximately 1,076 years.
28. As a result of Respondent's Practice, since July 2021, Mr. Mangold has been unable to purchase or possess firearms or ammunition.
29. As a result of Respondent's Practice, consistent with having to divest himself of firearms and ammunition, Mr. Mangold has been unable to purchase or possess a firearm inside or outside his home for purposes of defense of himself or his family.

Facts Specific to FOAC-ILLEA

30. Petitioner FOAC-ILLEA, consistent with its steadfast dedication to the protection of Article 1, Section 21, monitors, *inter alia*, delays in the scheduling and decision of PICS appeal hearings.¹⁵
31. FOAC-ILLEA has multiple non-prohibited members, whose statutory and constitutional rights are being disenfranchised by Respondent's Practice, resulting in indefinite delays of PICS appeal hearings and thus

¹⁴ See ¶¶ 33-46 *infra*.

¹⁵ See, Declaration of Kim Stolfer at ¶ 5.

the inability to purchase or possess firearms or ammunition. In fact, at least two of its members, inclusive of Mr. Mangold, have been waiting almost a year for an OAG PICS appeal hearing.

*Facts Specific to Attorney General Shapiro
and his Office of Attorney General*

32. Respondent Attorney General Shapiro was sworn into office on January 17, 2017.¹⁶
33. In 2016, 88 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, and while the number of appeals heard by the OAG is not documented, it decided 20 appeals¹⁷
34. In 2017, 55 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, and while the number of appeals heard by the OAG is not documented, it decided 15 appeals¹⁸
35. In 2018, 61 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, the OAG heard five UFA appeals, and the OAG issued a decision in one UFA appeal.¹⁹

¹⁶ <https://www.attorneygeneral.gov/taking-action/josh-shapiro-sworn-in-as-pennsylvania-attorney-general/>

¹⁷ Exhibit E, PSP's Firearm Annual Report, 2016, p.5.

¹⁸ Exhibit F, PSP's Firearm Annual Report, 2017, p.5.

¹⁹ Exhibit G, PSP's Firearm Annual Report, 2018, p.5.

36. In 2019, 55 appeals of PSP PICS firearms denials were filed with the OAG pursuant to the UFA, the OAG heard one UFA appeal, and the OAG did not issue a single decision in a UFA appeal.²⁰
37. In 2020, 60 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, the OAG did not hear a single UFA appeal, and the OAG did not issue a single decision in a UFA Appeal.²¹
38. In 2021, 112 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, the OAG did not hear a single UFA appeal, and the OAG did not issue a single decision in a UFA appeal.²²
39. Between 2018-2021, 19 appeals were “withdrawn/cancelled.”
40. Between 2016-2017, 143 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA, of which it decided 35, or approximately 24% of the appeals filed in that period.²³
41. Between 2018-2021, 288 appeals of PSP PICS denials were filed with the OAG pursuant to the UFA.²⁴
42. Between 2018-2021, the OAG heard six appeals, or approximately 2% of the appeals filed in that period.²⁵

²⁰ Exhibit H, PSP’s Firearms Annual Report, 2019, p.5.

²¹ Exhibit I, PSP’s Firearms Annual Report, 2020, p.4.

²² Exhibit J, PSP’s Firearms Annual Report, 2021, p.5.

²³ See Exhibits E, F.

²⁴ See Exhibits G, H, I, J.

²⁵ See *Id.*

43. Between 2018-2021, the OAG decided one UFA appeal, less than 1% of the appeals filed in that period.²⁶
44. Respondent Shapiro's taking office in January 2017 precipitated a rapid and severe decline in the processing of PICS appeals.
45. Based on the number of pending appeals and the rates at which hearings are conducted, it will take the OAG over *200 years* just to hold hearings in the appeals that are *currently pending*, irrespective of newly filed appeals.
46. Based on the number of pending appeals and the rates at which hearings are conducted, it will take the OAG over *1,000 years* to decide the appeals that are *currently pending*, irrespective of newly filed appeals.
47. The OAG has not heard, or even scheduled a hearing, on Petitioners' pending appeals.

COUNT I – Respondent's Practice of Refusing to Hear or Decide UFA Appeals Violates 18 Pa.C.S. § 6111.1(e)

48. The foregoing paragraphs are incorporated as if set forth in full.
49. In enacting 18 Pa.C.S. § 6111.1, the General Assembly mandated that an individual whose challenge is ruled invalid "shall have the right to appeal the decision to the Attorney General."

²⁶ *See Id.*

50. Yet, in outright defiance of the General Assembly's enactment, through Respondent's Practice, Respondent Shapiro and his OAG have purposely refused to hear UFA appeals; thereby resulting in the indefinite disenfranchisement of individual's statutory and constitutional rights under the Pennsylvania and U.S. Constitutions, which has caused substantial harm to Petitioners and similarly situated individuals.

51. Thus, as Respondent's Practice is violative of the statutory requirement found in 18 Pa.C.S. § 6111.1(e)(3) that, beyond an aggrieved individual having the right to appeal, the Attorney General is required to conduct a *de novo* hearing, Respondent's Practice must be declared invalid, an injunction issued requiring Respondent Shapiro and his OAG to immediately comply with Section 6111.1(e,) and a Writ of Mandamus issued, instructing Respondent Shapiro and his OAG to hear and decide UFA appeals.

COUNT II – Respondent's Practice of Refusing to Hear or Decide UFA Appeals Violates Due Process, Article I, Section 21, and the Second Amendment

52. The foregoing paragraphs are incorporated as if set forth in full.

53. “The touchstone of due process is the protection of the individual against arbitrary action of government.” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974).

54. In terms of procedural due process, government is prohibited from depriving individuals of life, liberty, or property, unless it provides the process that is due.” *Com. v. Turner*, 622 Pa. 318, 335 (2013).

55. Article I, Section 1 of the Pennsylvania State Constitution states

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, or acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

56. Article I, Section 21 of the Pennsylvania State Constitution states

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

57. The Second Amendment to the U.S. Constitution states,

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

58. “Substantive due process is the esoteric concept interwoven within our judicial framework to guarantee fundamental fairness and substantial justice.” *Com. v. Stipetich*, 539 Pa. 428, 439 (1995).

59. As explained by the Pennsylvania Supreme Court, “[f]or substantive due process rights to attach, there must be a deprivation of a constitutionally

protected interest or property right.” *Germantown Cab Co. v.*

Philadelphia Parking Auth., 206 A.3d 1030, 1042 (Pa. 2019).

60. As Article I, Section 1 of the Pennsylvania State Constitution proclaims, all men have the inherent and inalienable right to defend life and liberty. And as further clarified by Article I, Section 21, this encompasses the right to bear arms. After all, what better way to defend one’s life or liberty?

61. As further guaranteed by the Second Amendment to the U.S. Constitution, the people right to keep and bear arms shall not be infringed, including by intentional and extensive delay.²⁷

62. Respondent’s Practice violates Petitioners’ and those similarly situated’s procedural and substantive due process rights by not hearing or deciding on appeals from PSP PICS denials under the UFA, in outright defiance of the General Assembly’s mandate.

63. Although Respondent Shapiro and his OAG can and are required to comply with Section 6111.1(e), they have purposely refused to hear or decide on appeals from PSP PICS denials; thereby denying Petition and those similarly situated their constitutional right to bear arms.

²⁷ *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111, 2138 fn. 9 (2022).

64. Thus, Respondent's Practice violates any notion of due process, Article I, Section 21 of the Pennsylvania Constitution, and the Second Amendment to the U.S. Constitution.

COUNT III – Mandamus Damages

65. The foregoing paragraphs are incorporated herein as if set forth in full

66. FOAC-ILLEA and Mr. Mangold and petition for an award of damages pursuant to 42 Pa.C.S. § 8303.

67. "A person who is adjudged in an action in the nature of mandamus to have failed or refused without lawful justification to perform a duty required by law shall be liable in damages to the person aggrieved by such failure or refusal." 42 Pa.C.S. § 8303.

68. Respondent Shapiro and his OAG have a legal duty to comply with the statutory enactments of the General Assembly and observe and uphold the protections of the Pennsylvania and U.S. Constitutions.

69. Respondent Shapiro and his OAG have failed to comply with their legal duty to hear and decide appeals from PSP PICS denials filed as required by Section 6111.1(e); thereby depriving Mr. Mangold, and those similarly situated of their constitutional rights.

70. FOAC-ILLEA and Mr. Mangold have incurred fees and costs in an amount to be determined to bring this action against Respondent Shapiro and his OAG to compel their compliance

REQUEST FOR RELIEF

WHEREFORE, Petitioners Gerard Mangold and FOAC-ILLEA respectfully request that this Court:


- a. Declare that the Respondent's Practice is unlawful and in contravention of 18 Pa.C.S. § 6111.1(e), as well as Article I, Section 21 of the Pennsylvania Constitution and the Second Amendment to the U.S. Constitution, and Article 1, Section 1 and the Fifth and Fourteenth Amendments to the U.S. Constitution;
- b. Issue an injunction enjoining the enforcement of Respondent's Practice and requiring Respondent Shapiro and his OAG and its officers, agents, servants, employees, and all persons in active concern or participation with them to immediately comply with 18 Pa.C.S. § 6111.1(e), as well as Article I, Sections 1, 21 of the Pennsylvania Constitution,

the Second Amendment to the U.S. Constitution, and the the Fifth and Fourteenth Amendments by immediately hearing and issuing decisions on appeals from PSP PICS denials;

- c. Award damages, as permitted by 42 Pa.C.S. § 8303, to Petitioners in an amount to be determined, but sufficient to compensate them for the costs, fees, and time of prosecuting this action; and,
- d. Any other relief as this Court may see fit.

Respectfully Submitted,

Date: September 21, 2022


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Attorneys for Petitioners

Verification

I, Gerard Mangold, verify that I am a Petitioner named in the foregoing and that all the information contained therein is true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Gerard Mangold

Verification

I, Kim Stolfer, President of Firearms Owners Against Crime – Institute for Legal, Legislative, and Educational Action (“FOAC-ILLEA”) verify that I am authorized to make this Verification on behalf of FOAC-ILLEA and that all the information contained in the foregoing is true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Kim Stolfer, President
FOAC-ILLEA

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

FOAC-ILLEA, *et al.*

Petitioners

v.

**JOSH SHAPIRO
ATTORNEY GENERAL OF
THE COMMONWEALTH OF
PENNSYLVANIA**

Respondent

Docket No.

DECLARATION OF GERARD MANGOLD

I, Gerard Mangold, am competent to state and declare the following based on my personal knowledge:

1. I am a Petitioner/Plaintiff in this action.
2. In or about 2011, I received a Probation Without Verdict or “Section 17” disposition in Docket No. CP-46-CR-0007178-2010.
3. On December 4, 2015, by Order of the Court of Common Pleas of Montgomery County, Docket No. CP-46-CR-0007178-2010 was expunged.
4. In or about June-July 2021, I attempted to purchase a firearm but was denied during the PSP PICS background check.
5. On July 7, 2021, I filed a PSP, SP4-197 PICS Challenge Form challenging the denial.

6. Shortly thereafter, I received PSP's response contending I was prohibited as a result of a 2011 conviction under the Controlled Substance, Drug, Device, and Cosmetic Act, specifically 35 P.S. § 780-113(a)(16).
7. As a result, I retained counsel to respond to the PSP on my behalf, providing information, including the expungement order for the case, demonstrating that I was not a prohibited person.
8. On August 25, 2021, the PSP issued a final determination upholding the denial of my challenge and advising me that I could appeal its determination to the Office of Attorney General.
9. On September 24, 2021, Attorney Dillon Harris filed an appeal with the Office of Attorney General on my behalf.
10. By letter dated September 27, 2021, the Office of Attorney General confirmed the receipt of my appeal and assigned the caption, "Gerard Joseph Mangold V. Pennsylvania State Police, Docket No. FAD 01749."
11. No hearing has been scheduled in my appeal.
12. As used herein, whenever I use the term "Respondent's Practice," as explained further in the underlying Petition for Review, I am referring to Attorney General Shapiro's and his OAG's practice, in violation of 18 Pa.C.S. § 6111.1(e)(3), of

purposely not scheduling, hearing, or deciding appeals of PICS denials and the resultant constitutional, statutory, financial, and productive violations and harms incurred as a result, as further explained in the Petition for Review, ¶¶ 1, 2, 4, 9.

13. As a result of Respondent's Practice, since approximately July 2021, I have been unable to purchase or possess any firearms or ammunition during the pendency of my appeal for fear of arrest and prosecution.
14. As a result of Respondent's Practice, consistent with having to divest myself of firearms and ammunition, I have been unable to possess a firearm inside or outside my home for purposes of self-defense of myself or my family.
15. As a result of Respondent's Practice, since approximately July 2021, I have had to relive the stress of my expunged case being held against me.
16. My understanding of the cause of the delay is that Respondent has purposely and intentionally delayed scheduling, hearing, or deciding any PSP PICS denials.

I, Gerard Mangold, verify that I am a Petitioner/Plaintiff named in the foregoing and all the information contained therein is true and correct to the

best of my information, knowledge and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: September 20, 2022


Gerard Mangold

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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v.

**JOSH SHAPIRO
ATTORNEY GENERAL OF
THE COMMONWEALTH OF
PENNSYLVANIA**

Respondent

Docket No.

DECLARATION OF KIM STOLFER

I, Kim Stolfer, am competent to state and declare the following based on my personal knowledge:

1. I am the President of Firearms Owners Against Crime – Institute for Legal, Legislative, and Educational Action (“FOAC-ILLEA”).
2. FOAC-ILLEA is a 501(c)(4) non-profit organization incorporated under the laws of Pennsylvania, with its principal place of business in Pittsburgh, Pennsylvania. The purposes of FOAC-ILLEA include defending and promoting the People’s rights – especially the fundamental, individual Second Amendment right to keep and bear arms – advancing individual liberty, and restoring freedom. FOAC-ILLEA serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal

efforts, research, education, and other programs. FOAC-ILLEA's members reside within Pennsylvania. FOAC-ILLEA represents its members and supporters – who include gun owners, prospective gun owners, licensed firearm retailers, and others – and brings this action on behalf of itself, its members, including the named Plaintiff herein, supporters who possess all the indicia of membership, and similarly situated members of the public. FOAC-ILLEA members and supporters have been adversely and directly harmed by Respondent's enforcement of the laws, regulations, policies, practices, and customs challenged in the underlying Petition for Review.

3. Consistent with 18 Pa.C.S. § 6111.1(e)(3), for every Pennsylvania Instant Check System challenge ruled invalid, the person has the right of appeal to the Attorney General, who in turn, has the responsibility to conduct a de novo hearing in accordance with the Administrative Agency Law.
4. As used herein, whenever I use the term "Respondent's Practice," as explained further in the underlying Petition for Review, I am referring to Attorney General Shapiro's and his OAG's practice, in violation of 18 Pa.C.S. § 6111.1(e)(3), of purposely not

scheduling, hearing, or deciding appeals of PICS denials and the resultant constitutional, statutory, financial, and productive violations and harms incurred as a result, as further explained in the Petition for Review, ¶¶ 1, 2, 4, 9.

5. Consistent with FOAC-ILLEA's steadfast dedication to the protection of Article 1, Section 21, it monitors, *inter alia*, the delays in scheduling, hearing, and deciding of PICS appeal hearings.
6. Based on all information possessed by FOAC-ILLEA, Respondent Shapiro and his Office of Attorney General by implementing Respondent's Practice, are purposely and intentionally refusing to schedule, hear, or decide appeals of PSP PICS denials.
7. Consistent with ¶ 6, *supra*, based on all information possessed by FOAC-ILLEA, since enactment and enforcement of Respondent's Practice, the Respondent and his OAG have only heard six PSP PICS appeals as documented by PSP's Annual Firearms Reports.
8. Consistent with ¶ 6, *supra*, based on all information possessed by FOAC-ILLEA, since enactment and enforcement of Respondent's Practice the Respondent and his OAG have only decided one PSP PICS appeal as documented by PSP's Annual Firearms Reports.

9. FOAC-ILLEA's understanding of the cause of the delay is that Respondent is purposely and intentionally refusing to conduct this statutory duty as a result of his hostility towards the rights that the Petitioners and similarly situated individuals seek to exercise.
10. FOAC-ILLEA has multiple non-prohibited members, including Petitioner Mangold, whose statutory and constitutional rights are being disenfranchised by Respondent's Practice, resulting in their indefinite inability to purchase or possess firearms or ammunition.
11. Beyond Petitioner Mangold, FOAC-ILLEA is aware of at least one other member, who is not prohibited and has been waiting almost a year for an OAG PICS hearing.
12. As FOAC-ILLEA members, and others similarly situated to them, are having their statutory and constitutional rights disenfranchised as a result of Respondent's Policy, FOAC-ILLEA brings the underlying action to vindicate their rights.

I, Kim Stolfer, President of Firearm Owners Against Crime – Institute for Legal, Legislative, and Educational Action, verify that FOAC-ILLEA is a Petitioner/Plaintiff named in the foregoing and all the information contained therein is true and correct to the best of my information, knowledge and belief. I understand that false statements herein are made

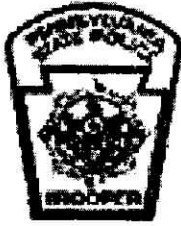
subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn
falsification to authorities.

Dated: September 20, 2022



Kim Stolfer

EXHIBIT A



PENNSYLVANIA STATE POLICE

DEPARTMENT HEADQUARTERS

1800 ELMERTON AVENUE

HARRISBURG, PENNSYLVANIA 17110

July 08, 2021

File Number: 21C0042757

GERARD JOSEPH MANGOLD
1624 MCNELIS DR
SOUTHAMPTON, PA 18966

Dear: GERARD JOSEPH MANGOLD

This letter is in response to your Pennsylvania Instant Check System (PICS) Challenge, Form SP 4-197, which was received by this office on 07/07/2021.

Please be advised that at this time your denial for a purchase/transfer of a firearm is confirmed. Attached is information that identifies the reason(s) for this denial. This information is confidential and will be used only with regard to this challenge.

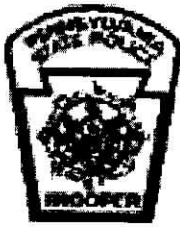
Please be advised that you are prohibited under both state and federal law. Your conviction is an enumerated offense in 18 Pa C.S. § 6105. It is also prohibited under federal law, 18 USC § 922 (g) (1). Your 2011 conviction for Violation of the Controlled Substance, Drug, Device and Cosmetic Act is prohibiting. Please be advised that regardless of any penalty you may have received, this decision under federal law is based on the maximum penalty you could have received for this offense.

The Pennsylvania State Police will consider any information you may have regarding the incident(s) on the attached sheet. Please mail your response along with any supporting documentation within 30 days of the date of this letter. Information that may be helpful would include police reports, medical records, court documents, military records, or correspondence containing your signature along with an explanation pertaining to the circumstances and/or outcome of the incident(s). Include your file number, name and date of birth. Upon receipt of your documentation, the Pennsylvania State Police will review that information and will notify you in writing of our decision within 60 days of the receipt of your challenge.

Mail all responses to the Pennsylvania State Police at the address listed above, Attn: Firearms Division – PICS Challenge Section. Should the attached information NOT pertain to you, please call the number listed below.

Questions about the PICS Challenge Process may be directed to the following PICS Legal Assistant: BRITNI HORNE at (717)705-4543 or (717) 705-4541/(717) 214-8289 or by writing to the above address ATTN: BRITNI HORNE PICS Challenge Section.

Sincerely,



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Lt. Shandra Keeler

Lieutenant Shandra Keeler
Director, Firearms Division

July 08, 2021

File Number: 21C0042757

Possible Reasons for Denial/Undetermined

Name: MANGOLD, GERARD J

Date of Arrest: 10/07/2010

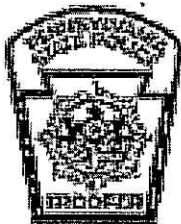
Arresting Agency: ATTORNEY GENERAL

Location: PENNSYLVANIA

Docket/ OTN/ Tracking #: CR-7178-2010

Charges: CS13A16 VIO CS/DRUG/DEV AND COSMETIC ACT

EXHIBIT B



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1000 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

August 25, 2021

File Number: 21C0042757

GERARD JOSEPH MANGOLD
1624 MCNELIS DR
SOUTHAMPTON, PA 18966

Dear: GERARD JOSEPH MANGOLD

This letter is in response to your Pennsylvania Instant Check System (PICS) Challenge, Form SP 4-197, which was received by this office on 07/07/2021.

Please be advised that we have reviewed all records and documentation regarding your PICS denial and challenge for the purchase/transfer of a firearm, and the decision to deny your challenge has been upheld. This information is confidential and to be used only if you decide to continue with the challenge process.

Please be advised that you are prohibited under both state and federal law. Your conviction is an enumerated offense in 18 Pa C.S. § 6105. It is also prohibited under federal law, 18 USC § 922 (g) (1). Your 2011 conviction for Violation of the Controlled Substance, Drug, Device and Cosmetic Act is prohibiting. Please be advised that regardless of any penalty you may have received, this decision under federal law is based on the maximum penalty you could have received for this offense.

Questions about the PICS Challenge Process may be directed to the following PICS Legal Assistant: BRITNI HORNE at (717)705-4543 or (717) 705-4541/(717) 214-8289 or by writing to the above address ATTN: BRITNI HORNE PICS Challenge Section.

You may appeal this decision to the Office of Attorney General, Regulatory Compliance & Intelligence Section, at 610-631-6592 in accordance with the provisions of the Uniform Firearms Act within 30 days of the date of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Shandra Keeler".

Lieutenant Shandra Keeler
Director, Firearms Division

EXHIBIT C

FIREARMS INDUSTRY CONSULTING GROUP

A Division of Civil Rights Defense Firm, P.C.

Joshua Prince
Eric Winter
Dillon Harris
Adam Kraut of counsel

Phone: 888-202-9297
Fax: 610-400-8439



September 24, 2021

Commonwealth of Pennsylvania - Office of Attorney General
Attention PICS
Appeals and Legal Services Section
16th Floor
Strawberry Square
Harrisburg, PA 17120

RE: Gerard Joseph Mangold
File Number: 21C0042757

Appeal of PSP's Determination pursuant to PA Uniform Firearms Act, CHRIA, 18 U.S.C. § 925a, Article 1, Sections 1 and 21 of the Pennsylvania Constitution, and the Second Amendment to the U.S. Constitution

Dear Gentlemen/Mesdames:

Please be advised that I have been retained to represent Mr. Gerard Joseph Mangold, in this appeal of the Pennsylvania State Police's (PSP) Pennsylvania Instant Check System (PICS) denial and the refusal of his attempted purchase/transfer of a firearm, which was upheld by the PSP on August 25, 2021, PSP File Number #21C0042757. Please accept this letter as my entry of appearance on his behalf and his timely appeal in this matter. Mr. Mangold's previous counsel may have previously filed an appeal in this matter, and if so, please accept this letter as my superseding entry of appearance on his behalf and his amended appeal.

As way of background, on October 2010, Mr. Mangold was arrested and charged with violations of The Controlled Substance, Drug, Device and Cosmetic Act ("CSDDCA") among other offenses. On January 11, 2011, Mr. Mangold entered a plea of guilty to two charges under the CSDDCA and was placed onto probation without verdict pursuant to 35 P.S. § 780-117, commonly known as a "Section 17" disposition. The remaining charges against Mr. Mangold were simultaneously *nolle prosequi* on motion by the District Attorney. The docket number of these proceedings was CP-46-CR-0007178-2010. Mr. Mangold successfully completed his probation term and the charges to which he pled guilty were dismissed in accordance with 35 P.S. § 780-117(3). In 2015, Mr. Mangold sought and obtained an expungement of the records for the Court of

The Pennsylvania State Police, by letter dated July 8, 2021, erroneously confirmed the denial of Mr. Mangold's purchase/transfer of a firearm and claimed that he is prohibited under both state and federal law pursuant to 18 U.S.C. § 922(g)(1) and 18 Pa.C.S. § 6105 on the basis of his "2011 conviction for Violation of the Controlled Substance, Drug, Device and Cosmetic Act." Among other details, the PSP's July 8 letter supplied the Docket Number "CR-7178-2010" as the basis for the denial. The PSP's August 25, 2021, letter then upheld Mr. Mangold's PICS denial and challenge for the purchase/transfer of a firearm on the same basis.

Pursuant to 18 U.S.C §§ 922(g)(1) and 921(a)(20), it is unlawful for any person who has been convicted of a crime punishable by imprisonment for a term exceeding one year, or in the case of a state law misdemeanor, exceeding two years, to ship, possess, or receive firearms or ammunition. Similarly, 18 Pa.C.S. § 6105(c)(2) would prohibit any person who has been convicted under the CSDDCA, or equivalent federal or statute of another state, if it could have been punishable by a term of imprisonment exceeding two years. 18 U.S.C. § 921(a)(20) further provides:

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Similarly, under Pennsylvania law, a "conviction" is defined as:

A conviction, a finding of guilty or the entering of a plea of guilty or nolo contendere, whether or not judgment of sentence has been imposed, as determined by the law of the jurisdiction in which the prosecution was held. The term does not include a conviction which has been expunged or overturned or for which an individual has been pardoned unless the pardon expressly provides that the individual may not possess or transport firearms.

18 Pa.C.S. § 6102. Additionally, 35 P.S. § 780-117(3), governing Probation without Verdict dispositions, states in relevant part that:

Upon fulfillment of the terms and conditions of probation, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal shall be without adjudication of guilt and shall not constitute a conviction for any purpose whatever, including the penalties imposed for second or subsequent convictions...

Finally, 18 Pa.C.S. § 6105(c)(2) would prohibit any person who has been convicted under the CSDDCA, or equivalent federal or statute of another state, if it could have been punishable by a term of imprisonment exceeding two years.

In this case, the PSP allege that Mr. Mangold was convicted of "CS13A16 VIO CS/DRUG/DEV AND COSMETIC ACT" that the corresponding arrest was on October 7, 2010, and that the corresponding docket number is CR-7178-2010. First and foremost, even if these allegations were accurate, *arguendo*, pursuant to the version of 35 P.S. § 780-113 in effect at the time, subsection (a)(16) was a misdemeanor offense and absent a previous conviction, was only punishable by a

term of imprisonment *not to exceed one year*. 35 P.S. § 780-113(b). As such, a first conviction could not possibly prohibit Mr. Mangold from purchasing or transferring firearms by operation of §§ 922(g)(1) or 6105(c)(2).

Further, as explained *supra*, although Mr. Mangold was arrested on October 7, 2010, all of the charges against him were either *nolle prosequi* or dismissed following the successful completion of his probation, pursuant to the Section 17 disposition. As explicitly provided by § 780-117(3), and recognized by §§ 921(a)(20) and 6102, Mr. Mangold was not convicted “for any purpose whatever.”

Finally, even if, *arguendo*, Mr. Mangold had been convicted of an offense in 2011, and that offense could have triggered the prohibitions of §§ 922 and/or 6105, the Montgomery County Court of Common Pleas Ordered the Expungement of such conviction on December 4, 2015. Pursuant to both federal and state law as discussed extensively *supra*, a conviction that has been expunged is no conviction at all.

Accordingly, as Mr. Mangold is not prohibited from purchasing or possessing firearms under state or federal law, he brings this challenge for declaratory and injunctive relief pursuant to the Pennsylvania Uniform Firearms Act and the Criminal History Record Information Act, 18 U.S.C. § 925a, Article 1, Sections 1 and 21 of the Pennsylvania Constitution, and the Second Amendment to the U.S. Constitution. Mr. Mangold respectfully requests that this Tribunal Order the PSP to expunge any records they may have relative to Montgomery County Court of Common Pleas Docket Number CP-46-CR-0007178-2010 in compliance with that Court’s Order, and update the PICS and NICS databases accordingly. He additionally requests an award of statutory and punitive damages and attorney fees and costs, pursuant to 18 Pa.C.S. § 9183 and 18 U.S.C. § 925a.

By way of this letter appeal, I am serving a copy on Attorney Jared Hinsey of the Pennsylvania State Police.

Thanking you for your time and assistance in this matter, I am

Yours truly,
Firearms Industry Consulting Group



Dillon L. Harris
dharris@civilrightsdefensefirm.com

dlh/web
Matter no. 11862

cc: Jared L. Hinsey, Esquire by mail

EXHIBIT D



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

September 27, 2021

Pennsylvania Office of Attorney General
Criminal Law Division
Firearm & CHRIA Appeals
16th Floor, Strawberry Square
Harrisburg, PA 17120

Dan Auerbach, Esquire
Gamburg & Benedetto, LLC
1500 John F. Kennedy Blvd.
Suite 1203
Philadelphia PA 19102

RE: FIREARM DENIAL CHALLENGE -
Gerard Joseph Mangold V. Pennsylvania State Police
Docket No. FAD01749

Dear Petitioner:

This letter serves as confirmation that we have received your request for an appeal hearing in the above referenced matter due to your firearm application being denied by the Pennsylvania State Police (PSP). This appeal is available to you based upon section 18 Pa. C.S.A. § 6111.1(e) of the Uniform Firearms Act (UFA) 18 Pa. C.S.A. §6101 *et seq.*

The Office of Attorney General (OAG), pursuant to the UFA and the Criminal History Record Information Act (CHRIA) 18 Pa. C.S.A. §9101 *et seq.*, specifically at section 9152, is authorized to conduct an appeal hearing of any individual complying with the CHRIA that disputes the accuracy of the criminal history record currently maintained by the PSP.

Appeals based upon the UFA and CHRIA are heard by an Administrative Agency Law Judge (AALJ) appointed by the Attorney General, in this case William Stoycos, Esquire, Senior Deputy Attorney General in the Criminal Law Division of the OAG. Decisions of the AALJ are appealable to the Commonwealth Court pursuant to 18 Pa. C.S.A §9152 (e)(3).

As we are the administrative agency holding the hearing in this appeal, we are not able to provide any discovery. You will need to contact the Respondent, Pennsylvania State Police, with your discovery request.

In order to more effectively prepare for your hearing, the OAG, office of AALJ asks for your

assistance in completing the enclosed questionnaire so as to focus on the nature of your appeal.

Please complete the enclosed questionnaire and return it to our office in the self-addressed envelope.

Feel free to contact me at 610-631-6592 or Firearm-Appeals@attorneygeneral.gov. All future communications may be addressed to my attention, Appeals & Legal Services, 16th Floor, Strawberry Square, ATTN: PICS, Harrisburg, PA 17120.

Thank you in advance for your anticipated cooperation.

Sincerely,

ROBIN TROUTMAN

Robin Troutman

Assistant to the Administrative Law Judge

Enclosures



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

JOSH SHAPIRO
ATTORNEY GENERAL

Gerard Joseph Mangold
1624 McNelis Drive
Southampton PA 18966

EXHIBIT E

Pennsylvania State Police

Firearms Annual Report

2016



I am pleased to once again present the Pennsylvania State Police (PSP) Firearms Annual Report. In 2016, the Pennsylvania Instant Check System (PICS), which conducts background checks for potential firearm purchasers and license to carry applicants, logged 1,137,975 background check requests. This is the highest volume year in PICS' nearly twenty-year history, surpassing the previous high year, 2013, by over 12,000.

The PSP Firearms Division continues to make strides in enhancing public safety by embarking on a project to transmit prohibitive Pennsylvania criminal history data to the federal firearm index. Inclusion of older conviction data and juvenile adjudications not previously available for out-of-state background checks, helps ensure that a prohibited person cannot simply cross state lines to illegally obtain a firearm. To this end, the PICS Unit continues to submit prohibitive mental health and drug user data to the federal index as well. To date, over 700,000 mental health records, including involuntary commitments and court ordered adjudications, have been submitted.

To more fully comply with federal reporting standards and to help support valid PICS denials on appeal in the state courts, the PSP endeavors to dialogue with other state agencies in an effort to enhance county agencies' record retention. Since the Uniform Firearms Act places the burden of proof to substantiate a PICS background check denial on the Commonwealth, it is imperative that both criminal conviction and mental health records remain available and accessible. These critical records are also frequently requested as the PSP Firearms Division responds to court petitions for relief from PA Uniform Firearms Act-imposed firearm disabilities.

As the following report illustrates, the PSP Firearms Division continues to effectively administer its responsibilities pursuant to the Uniform Firearms Act to promote above all else, public safety. Pennsylvania's instantaneous firearm background check system remains a standard bearer in its approach to determining firearms eligibility with respect to state and federal statutes. I thank you again for your interest and for reviewing the 2016 Firearms Annual Report.

Sincerely,

A handwritten signature in black ink, reading "Col. Tyree C. Blocker". The signature is written in a cursive style with a prominent initial "C" and a long, sweeping underline.

Colonel Tyree C. Blocker
Commissioner

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SPORTSMAN'S FIREARM PERMITS ISSUED IN 2016**

APPENDIX E - PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2016

EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2016, in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application designed to handle 1.2 million queries per year. It allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2016, the PICS handled 1,137,975 IVR and web-based background checks for licensed firearm dealers, sheriffs and law enforcement throughout the Commonwealth. Of these requests, 61 percent were approved within minutes by the system, while an additional 36 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or timeouts, alien requests, and calls made from a rotary phone. In addition, 12,139 files that were placed in a research status were subsequently approved. Therefore, the overall approval rate of background checks that were initiated in 2016 is 98 percent.

There were 16,964 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 5,619 challenges to these denials. After further review of information provided by the individual or through official court documentation, 1,860 or 33 percent of the challenges were reversed.

Last year the instantaneous background check process yielded warrant information that led to the arrest of 152 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, the coordinated efforts of the PICS staff and law enforcement agencies who respond to these notifications have resulted in the arrest of 2,123 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2016, 6,468 files were referred to PSP Troops; municipal police departments; and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation; a 39 percent increase over 2015. Investigation referrals resulted in 733 arrests, 356 reported convictions, and 1,244 cases in which prosecution was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated and stolen firearms and Protection from Abuse related third-party safekeeping checks. In 2016, there were 6,910 background checks conducted for these transactions, a seven percent increase over 2015.

A total of 846,197 firearms were reported purchased or privately transferred in Pennsylvania in 2016. This represents a 12 percent increase over 2015. Licensed firearm dealers reported 478,844 handgun transactions and 367,353 long gun transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2016 reported 10,632 violent crimes committed involving the use of a firearm.

BACKGROUND

On June 13, 1995, Act 17 was signed into law which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2 fee from firearm dealers for each background check processed, and to collect a \$3 fee for the sale or transfer of each taxable firearm. These fees augment the general State Police budget, covering approximately 50 percent of the cost to operate and maintain the PICS.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In February 2014, a website was established which offers an additional means by which to initiate a PICS check.

The system is designed for use by county sheriffs, chiefs of police of cities of the first class, and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, local law enforcement agencies may utilize the secure website to request background checks before returning confiscated firearms to the rightful owner, and to conduct Protection from Abuse related third-party safekeeping checks.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a Point-of-Contact State, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to checks for firearms, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry a firearm. A license to carry is for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network dependent system, which was designed to handle over one million calls per year. It relies on access to a number of

databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate or outages occur. Federal level database issues or problems are outside the control of the PSP.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or license to carry a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records (contained within the criminal history record file).
- Mental Health File (containing involuntary commitment information and adjudication of incompetence).
- Pennsylvania Protection From Abuse (PFA) File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a Point-of-Contact state, the PICS conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Index, which includes the following:
 - Illegal/Unlawful Alien Records.
 - Renounced Citizenship.
 - Mental Defectives/Involuntary Commitments.
 - Dishonorable Discharges from the U.S. Armed Services.
 - Unlawful Users of Controlled Substances.

- State Prohibition Index.
- Federally disqualifying information that is not otherwise in III or NCIC.

COMPREHENSIVE STATISTICS

Each PICS background check involves the comprehensive search of many databases, including the following: 2,843,673 Pennsylvania criminal history and juvenile records; 794,925 mental health records; 113,186 wanted persons; and federal files containing 73,856,583 criminal history records and 21,972,210 records on other prohibited persons. The vast majority of applicants instantly clears this initial database search and is approved within minutes. When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research as needed to determine prohibited status.

PICS STATISTICS

There were 1,137,975 PICS transactions initiated in 2016.

- 692,406 checks were automatically approved through the IVR or website.
- 445,569 checks were forwarded to a PICS operator for assistance.
- Of the checks forwarded to PICS operators, 410,051 were subsequently approved during the initial review.
- A total of 1,102,457 incoming checks were approved on the initial review by PICS. The remaining checks were denied or placed into research, and determinations were provided within 15 days. Please see Appendix A for additional information.

AVERAGE PICS BACKGROUND CHECK TIME

The PICS Flexcheck System statistical reporting tool was used to determine the average length of time taken to complete a background check in 2016. The figures below do not include checks that were placed into research status for more than one day.

- Calls approved by the automated IVR phone system averaged 0.78 minutes.
- Operator assisted IVR calls averaged 9.88 minutes.
- Automated approvals issued by the website averaged 1.07 minutes.

- Operator assisted website checks averaged 6.80 minutes.

CHALLENGES TO DENIALS

Upon receipt of a challenge to a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial, or provides the challenger with specific information explaining the reason for denial.

- 16,964 denials were issued by PICS operators in 2016.
- 5,619 challenges to these denials were received.
- 3,312 final denials were issued.
- 1,860 denials were reversed.

The remaining 447 challenges primarily include those which were returned to the challenger unprocessed for a variety of reasons, such as untimely filing, incompleteness, or because the file being appealed was not a PICS denial.

APPEAL STATUS

A total of 88 appeals were filed with the Office of Attorney General in 2016. Additional documentation was received that enabled the PSP to approve one of these cases prior to the scheduled hearing date. The following chart reflects the outcome of the remaining cases:

OFFICE OF ATTORNEY GENERAL (2016)	
PSP DENIALS UPHELD	20
PSP DENIALS OVERTURNED	0
APPEALS WITHDRAWN/CANCELLED	37
APPEALS PENDING	30

The first appeals to reach the Commonwealth Court were in the year 2000. Statistics listed below reflect cumulative totals. There were three appeals filed in Commonwealth Court in 2016.

COMMONWEALTH COURT (2000-2016)	
PSP DENIALS UPHELD	22
PSP DENIALS OVERTURNED*	16

APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	7
APPEALS PENDING	5

*Seven of these cases resulted from a single court decision stemming from the same issue.

The first appeals to reach the Supreme Court were in the year 2001. Statistics listed below reflect cumulative totals. There were no appeals filed with the Supreme Court in 2016.

PA SUPREME COURT (2001-2016)	
PSP DENIALS UPHELD*	5
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	12
APPEALS PENDING	0

*All five cases resulted from a single court decision stemming from the same issue.

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, sections 6105(d) through (f), provide for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of incompetency or incapacity. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2016, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 84 such petitions for relief, a 24 percent increase over 2015. There were 61 petitions for relief or expungement of mental health commitments, and 23 petitions for criminal offenses. It is important to note that even if the petitioner is granted firearm relief from a state court, he may also need to obtain federal relief for a firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g). For example, the current relief process for mental health commitments and adjudications provided for in 18 Pa.C.S. §6105(f), does not meet the standard to qualify as relief from federal firearm disabilities, even if the subject obtains a court order of relief from the county Court of Common Pleas.

FIREARM SALES AND TRANSFERS FOR 2016

There were 2,763 active Pennsylvania licensed firearm dealers in 2016. Please refer to Appendix B for a breakdown by county. Pursuant to the PUFA, licensed firearm dealers are required to conduct a PICS background check on individuals attempting to acquire either a handgun or a long gun.

For sales and transfers of handguns, dealers are also required to complete and submit the *Application/Record of Sale* form promulgated by the PSP. Although the form is not

required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two private individuals who are both Pennsylvania residents. The *Application/Record of Sale* forms are submitted by the dealers with the *Surcharge Remittance* form to the PSP within 14 days of the transaction, as mandated by the PUFA.

A total of 846,197 firearms were reported purchased/transferred in Pennsylvania in 2016.

- 478,844 handguns were reported purchased/transferred.
- 367,353 long guns were reported purchased/transferred.

Please refer to Appendix C for more information on reported sales by county.

CRIMES COMMITTED WITH FIREARMS IN 2016

The *Pennsylvania Uniform Crime Report* is prepared each year by the PSP. Excerpts of current summary data from the 2016 report, regarding crimes involving firearms, are provided in the table below.

(Reported as of 3/15/2017)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	884	580	65.6%
Robbery	12,088	5,182	42.9%
Aggravated Assault	22,504	4,870	21.6%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

There were a total of 300,565 licenses to carry firearms issued as reported by county sheriffs' offices and chiefs of police of cities of the first class in 2016. This is a 27 percent increase over the number of permits issued in 2015. Background checks are conducted through the PICS to determine an individual's eligibility to obtain a license to carry firearms.

License to carry checks initiated through the web-based system accounted for 87 percent of the total license to carry check requests for the year.

Section 6109(k) of the PUFA gives the Attorney General the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a license or permit to carry a firearm issued by both states. As of this writing, the following states have entered into formal written reciprocity agreements with Pennsylvania: Alaska, Arizona, Arkansas, Florida, Georgia, Kentucky, Michigan, Mississippi, Missouri, New Hampshire, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

The following states have been granted statutory reciprocity without a formal written agreement under 6106(b)(15), based on the determination of the Attorney General that the other state has granted reciprocity to Pennsylvania license holders, and that the other state's laws governing firearms are similar: Colorado, Indiana, Iowa, Kansas, Louisiana, Montana, North Dakota*, Ohio, and Wisconsin.

*Effective August 1, 2013, only North Dakota Class I permits are recognized in this category.

This information changes frequently due to new legislation that is passed in other states, or updates made to the original agreements. A current list of states' firearm reciprocity standings can be found on the Pennsylvania Office of Attorney General's website at www.attorneygeneral.gov under Media and Resources; Firearm Reciprocity Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2016, there were a total of 2,408 permits issued.

Please see Appendix D for individual county totals regarding license to carry firearms and Sportsman's Firearm Permits.

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, *"Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of firearm under this chapter, he knowingly and intentionally: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer."*

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of research that could not be completed or additional information that is required to distinguish between individuals with similar names and numeric identifiers.
- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2016, the following investigations were initiated by the PSP Firearms Division and referred to PSP Troops, municipal police departments, and the ATF.

TOTAL INVESTIGATIONS INITIATED IN 2016	6,468
Total Referred to PSP Troops	4,160
Total Referred to Municipal PDs	2,303
Total Referred to ATF	5

Listed below are the investigation results that were reported in 2016. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2016	
Arrests Reported	733
Convictions Reported	356
Prosecutions Declined	1,244

The table below lists the 1999-2016 cumulative totals for investigation referrals and the various outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2016)	
Total Referred	20,736
Arrests Reported	6,647
Convictions Reported	3,441
Prosecutions Declined	4,037
Pending Investigations	8,268
Miscellaneous Disposed Cases	1,784

WANTED PERSONS ARRESTS

In 2016, a total of 152 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since its inception on July 1, 1998, the PICS is responsible for the apprehension of 2,123 individuals.

SYSTEM OUTAGES

In 2016, the PICS was operational 366 days, from 8:00 a.m. until 10:00 p.m., for a total of 5,124 hours. Due to technical problems, the PICS experienced service outages for a combined total of 77.66 hours (1.52 percent). This includes periods for which the PICS was partially out of service, but still accepting background check calls, and those for which it was completely out of service. Please see Appendix E for additional information.

- Fifty-eight percent of outages were caused by technical difficulties with federal databases.

- Twenty-seven percent of outages were caused by PSP system problems.
- Fifteen percent of outages were caused by non-system related issues such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the PUFA to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2016 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2016	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	429,319	365,374	794,693
License to Carry Checks	42,323	294,049	336,372
Firearm Evidence Returns	*4,173 (Fax, not IVR)	2,737	6,910
Automatic Approvals	269,321	423,085	692,406
Transfer to Operator	206,494	239,075	445,569
Average %-System Approvals	57%	64%	61%

Total PICS checks in 2016: 1,137,975
 Total System-Immediate Approvals: 692,406
 Average %-System Approvals: 61%

(Reported as of 2/1/2017)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2016			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	40	LACKAWANNA	43
ALLEGHENY	133	LANCASTER	61
ARMSTRONG	31	LAWRENCE	27
BEAVER	48	LEBANON	30
BEDFORD	28	LEHIGH	46
BERKS	84	LUZERNE	70
BLAIR	57	LYCOMING	53
BRADFORD	47	MCKEAN	23
BUCKS	113	MERCER	38
BUTLER	66	MIFFLIN	15
CAMBRIA	39	MONROE	46
CAMERON	6	MONTGOMERY	86
CARBON	16	MONTOUR	12
CENTRE	42	NORTHAMPTON	54
CHESTER	85	NORTHUMBERLAND	30
CLARION	21	PERRY	40
CLEARFIELD	27	PHILADELPHIA	13
CLINTON	15	PIKE	38
COLUMBIA	38	POTTER	18
CRAWFORD	35	SCHUYLKILL	44
CUMBERLAND	54	SNYDER	19
DAUPHIN	47	SOMERSET	33
DELAWARE	44	SULLIVAN	8
ELK	13	SUSQUEHANNA	36
ERIE	54	TIOGA	34
FAYETTE	42	UNION	10
FOREST	4	VENANGO	22
FRANKLIN	61	WARREN	29
FULTON	11	WASHINGTON	67
GREENE	16	WAYNE	36
HUNTINGDON	29	WESTMORELAND	128
INDIANA	40	WYOMING	13
JEFFERSON	27	YORK	113
JUNIATA	15		
TOTAL LICENSED FIREARM DEALERS FOR 2016:			2,763

(Reported as of 3/20/2017)

2016 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HANDGUN	LONG GUN	COUNTY	HANDGUN	LONG GUN
ADAMS	6,257	6,204	LACKAWANNA	7,971	4,837
ALLEGHENY	35,157	18,150	LANCASTER	25,267	18,219
ARMSTRONG	3,064	2,348	LAWRENCE	4,776	3,098
BEAVER	5,602	3,508	LEBANON	7,706	6,217
BEDFORD	4,053	4,860	LEHIGH	11,418	8,416
BERKS	22,799	18,602	LUZERNE	15,788	10,905
BLAIR	8,166	6,175	LYCOMING	8,033	7,879
BRADFORD	3,635	4,575	MCKEAN	1,551	1,494
BUCKS	26,010	17,227	MERCER	7,284	5,193
BUTLER	15,364	11,203	MIFFLIN	2,307	1,968
CAMBRIA	7,930	5,780	MONROE	10,481	7,549
CAMERON	64	33	MONTGOMERY	14,975	10,532
CARBON	1,216	1,467	MONTOUR	132	127
CENTRE	5,292	4,683	NORTHAMPTON	8,785	6,783
CHESTER	10,236	7,244	NORTHUMBERLAND	2,480	2,345
CLARION	2,746	3,086	PERRY	1,962	2,080
CLEARFIELD	13,076	11,766	PHILADELPHIA	11,736	3,491
CLINTON	1,401	1,852	PIKE	1,400	1,390
COLUMBIA	4,450	4,059	POTTER	648	808
CRAWFORD	2,245	2,267	SCHUYLKILL	8,125	6,949
CUMBERLAND	12,859	9,769	SNYDER	3,777	3,824
DAUPHIN	5,925	5,154	SOMERSET	2,925	3,137
DELAWARE	12,510	5,228	SULLIVAN	277	307
ELK	2,145	2,317	SUSQUEHANNA	1,902	2,236
ERIE	12,332	11,297	TIOGA	2,816	4,310
FAYETTE	8,620	5,521	UNION	641	873
FOREST	297	168	VENANGO	2,337	2,176
FRANKLIN	7,864	8,260	WARREN	2,029	2,781
FULTON	582	608	WASHINGTON	15,900	9,962
GREENE	1,343	1,421	WAYNE	5,998	5,478
HUNTINGDON	956	1,411	WESTMORELAND	17,745	12,586
INDIANA	2,638	2,625	WYOMING	1,997	2,872
JEFFERSON	3,070	3,379	YORK	17,195	13,417
JUNIATA	576	867			
GRAND TOTAL FOR HANDGUNS FOR 2016				478,844	
GRAND TOTAL FOR LONG GUNS FOR 2016				367,353	
GRAND TOTAL FIREARM SALES/TRANSFERS REPORTED				846,197	

Totals include taxed and non-taxed sales/transfers reported for the year 2016.

(Reported as of 3/10/2017)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2016

COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	3,313	26	LACKAWANNA	5,154	20
ALLEGHENY	23,131	97	LANCASTER	12,768	75
ARMSTRONG	3,672	27	LAWRENCE	2,888	54
BEAVER	5,291	28	LEBANON	3,585	19
BEDFORD	2,324	35	LEHIGH	6,419	0
BERKS	11,477	17	LUZERNE	7,594	44
BLAIR	4,178	11	LYCOMING	4,350	23
BRADFORD	2,316	20	MCKEAN	2,796	10
BUCKS	11,598	85	MERCER	3,448	60
BUTLER	6,919	24	MIFFLIN	1,572	19
CAMBRIA	5,647	47	MONROE	3,209	83
CAMERON	266	12	MONTGOMERY	11,514	45
CARBON	2,375	28	MONTOUR	580	6
CENTRE	4,008	26	NORTHAMPTON	5,940	86
CHESTER	8,061	16	NORTHUMBERLAND	2,959	8
CLARION	1,690	42	PERRY	2,124	19
CLEARFIELD	3,587	41	PHILADELPHIA	8,881	0
CLINTON	1,558	12	PIKE	1,858	62
COLUMBIA	2,119	29	POTTER	1,246	21
CRAWFORD	2,581	99	SCHUYLKILL	4,644	9
CUMBERLAND	6,249	16	SNYDER	1,474	14
DAUPHIN	5,659	14	SOMERSET	2,992	40
DELAWARE	8,667	44	SULLIVAN	288	11
ELK	1,566	34	SUSQUEHANNA	1,998	36
ERIE	7,799	153	TIOGA	1,438	41
FAYETTE	5,479	29	UNION	1,127	8
FOREST	311	29	VENANGO	2,061	40
FRANKLIN	4,359	28	WARREN	2,493	25
FULTON	767	8	WASHINGTON	6,761	72
GREENE	1,339	52	WAYNE	2,920	82
HUNTINGDON	1,503	54	WESTMORELAND	13,556	76
INDIANA	3,222	49	WYOMING	1,098	7
JEFFERSON	2,042	22	YORK	12,934	23
JUNIATA	823	16			
GRAND TOTAL LTC FOR 2016				300,565	
GRAND TOTAL SFP FOR 2016				2,408	

LTC – License To Carry
SFP – Sportsman's Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2016

Month	Total Hours Down		NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Minimum Minutes Down in a Day	Maximum Minutes Down in a Day	Partial System Out of Service	System Out of Service
	Partial	Full	Partial	Full	Partial	Full	Partial	Full	Partial	Full					
January	0	0	0	0	0	1.17	0	0	0	0	1	70	70	0	0.27%
February	0	0.33	1.00**	1.60	0	0	0	0	0	0	4	20	66	0.25%	0.48%
March	0	0.58	0	3.45	0	0	0	0	0	0	2	35	207	0	0.93%
April	0	3.17	0	1.38	0	0	0	0	0	0	3	83	105	0	1.08%
May	0	1.38	0	0	0	0	0	0	0	0	1	83	83	0	0.32%
June	0	0	0	0	0	0	0	0	0	0.50	1	30	30	0	0.12%
July	0	0.23	0	0	0	0	0	0	0	0	1	14	14	0	0.05%
August	0	2.12	0	1.88	0	0	0	0	0	2.45	5	39	147	0	1.49%
September	0	14.07	0	1.03	0	0	0	0	8.05**	0	6	62	501	1.92%	3.60%
October	0	5.47	0	1.00	0	0	0	0	0	0	6	20	105	0	1.49%
November	0	7.32	0	0.83	0	0	0	0	0	0	6	20	156	0	1.94%
December	0.80**	9.60	0	7.93	0	0	0	0	0	0.32	6	19	476	0.18%	4.11%
TOTALS	0.80	44.27	1.00	20.27	0	0	0	0	8.05	3.27	42	495	1,960	0.19%	1.32%

Other: Problems with phone lines, power outages, or any non-system related issue.

** Although the IVR phone system was offline, the PICS web interface was still processing background checks.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 1.52%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

EXHIBIT F

Pennsylvania State Police

Firearms Annual Report

2017



I am pleased to present the 2017 Pennsylvania State Police (PSP) Firearms Annual Report. The PSP Firearms Division continues to work through a steadily high volume of Pennsylvania Instant Check System (PICS) background check requests and related processes, even as the overall firearm sales and transfer rate fell 6.5 percent from 2016. The PICS processed over one million background check requests in 2017; making it the third highest volume year, behind years 2013 and 2016.

The PSP Firearms Division and the Public Safety IT Delivery Center, coordinated with a contracted developer to upgrade the Pennsylvania License to Carry (LTC) permit issuing system. The new system provides the same functionality and access to end users in a secure, web-based environment. It replaced the seven-year-old desktop application. Since 2011, the LTC system has provided a central access point for issuing authorities to issue and revoke Pennsylvania concealed carry permits.

Increased record reporting from the Pennsylvania Criminal History System into the federal firearm index (called the NICS Indices) stopped 112 firearm transfers for people attempting to acquire a firearm out of state in 2017. The PSP continues to strive to put additional prohibiting data into the Indices. Records placed in the Indices result in immediate denial determinations and do not require further research.

The PSP understands the critical nature and impact of an effective background check system. The Department continues to push forward with technical enhancements and seeks to foster positive communications with all end users of the system and partners, both internal and external. I thank you for your interest in the PSP 2017 Firearms Annual Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Evanchick". The signature is fluid and cursive, with the first name "Robert" and last name "Evanchick" clearly distinguishable.

Lieutenant Colonel Robert Evanchick
Acting Commissioner

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EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2017, in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application designed to handle 1.2 million queries per year. It allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2017, the PICS handled 1,055,451 IVR and web-based background checks for licensed firearm dealers, sheriffs, and law enforcement throughout the Commonwealth. Of these requests, 56 percent were approved within minutes by the system, while an additional 41 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or time-outs, alien requests, and calls made from a rotary phone. In addition, 13,245 files that were placed in a research status were subsequently approved. Therefore, the overall approval rate of background checks that were initiated in 2017 is 98 percent.

There were 15,031 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 4,567 challenges to these denials. After further review of information provided by the individual or through official court documentation, 1,481 or 32 percent of the challenges were reversed.

Last year the instantaneous background check process yielded warrant information that led to the arrest of 146 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, the coordinated efforts of the PICS staff and law enforcement agencies, who respond to these notifications, have resulted in the arrest of 2,269 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2017, 5,465 files were referred to PSP Troops, municipal police departments, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation; a 16 percent decrease from 2016. Investigation referrals resulted in 842 arrests, 472 reported convictions, and 1,435 cases in which prosecution

was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated and stolen firearms and Protection from Abuse-related third-party safekeeping checks. In 2017, there were 7,556 background checks conducted for these transactions; a nine percent increase over 2016.

A total of 791,220 firearms were reported purchased or privately transferred in Pennsylvania in 2017. This represents a 6.5 percent decrease from 2016. Licensed firearm dealers reported 442,465 handgun transactions; 338,377 long gun transactions; and 10,378 frame/receiver transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2017 reported 10,227 violent crimes committed involving the use of a firearm.

BACKGROUND

On June 13, 1995, Act 17 was signed into law, which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2 fee from firearm dealers for each background check processed, and to collect a \$3 fee for the sale or transfer of each taxable firearm. These fees augment the general State Police budget, covering approximately 50 percent of the cost to operate and maintain the PICS.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In 2014, a website was established which offers an additional means by which to initiate a PICS background check.

The system is designed for use by county sheriffs, chiefs of police of cities of the first class, and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, local law enforcement agencies may utilize the secure website to request background checks before returning confiscated firearms to the rightful owner, and to conduct Protection from Abuse related third-party safekeeping checks.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a Point-of-Contact state, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to checks for firearms, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry (LTC) a firearm. An LTC is for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network-dependent system, which was designed to handle over one million calls per year. It relies on access to a number of databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate or outages occur. Database issues or problems at the federal level are outside the control of the PSP.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or LTC a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records, contained within the criminal history record file.
- Mental Health File, containing involuntary commitment information and adjudication of incompetence.
- Pennsylvania Protection from Abuse File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a Point-of-Contact state, the PICS, as an organization segment within an agency of a Point-of-Contact state, conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Indices, which include the following:

- Illegal/Unlawful Alien Records.
- Renounced Citizenship.
- Mental Defectives/Involuntary Commitments.
- Dishonorable Discharges from the U.S. Armed Services.
- Unlawful Users of Controlled Substances.
- State Prohibition Index.
- Federally disqualifying information that is not otherwise in III or NCIC.

COMPREHENSIVE STATISTICS

Each PICS background check involves the comprehensive search of many databases, including the following: 3,490,552 Pennsylvania criminal history and juvenile records; 831,905 mental health records; 117,506 wanted persons; and federal files containing 75,950,530 criminal history records and 23,829,841 records on other prohibited persons. The majority of applicants instantly clears this initial database search and are approved within minutes.

When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research, as needed, to determine prohibited status. In 2017, on average, background checks that were put into research and subsequently approved took approximately 3.83 days to complete. Researched denials took an average of 9.97 days to complete.

PICS STATISTICS

There were 1,055,451 PICS transactions initiated in 2017.

- 590,964 checks were automatically approved through the IVR or website.
- 464,487 checks were forwarded to a PICS operator for assistance.
- Of the checks forwarded to PICS operators, 431,853 were subsequently approved during the initial review.
- A total of 1,022,817 incoming checks were approved on the initial review by PICS. The remaining checks were denied or placed into research, and determinations were provided within 15 days. Please see Appendix A for additional information.

AVERAGE PICS BACKGROUND CHECK TIME

The PICS Flexcheck System statistical reporting was used to determine the average length of time taken to complete a background check in 2017.

- Calls approved by the automated IVR phone system averaged 0.78 minutes.
- Operator assisted IVR approvals averaged 10.72 minutes.
- Automated approvals issued by the website averaged 1.13 minutes.
- Operator assisted website approvals averaged 11.43 minutes.

CHALLENGES TO DENIALS

Upon receipt of a challenge to a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial, or provides the challenger with specific information explaining the reason for denial.

- 15,031 denials were issued by PICS operators in 2017.
- 4,567 challenges to these denials were received.
- 2,677 final denials were issued.
- 1,481 denials were reversed.

The remaining 409 challenges primarily include those which were returned to the challenger unprocessed for a variety of reasons, such as untimely filing, incompleteness, or because the file being appealed was not a PICS denial.

DENIAL APPEAL STATUS

A total of 55 appeals were filed with the Office of Attorney General in 2017. The following chart reflects the outcome of these cases:

OFFICE OF ATTORNEY GENERAL (2017)	
PSP DENIALS UPHELD	14
PSP DENIALS OVERTURNED	1
APPEALS WITHDRAWN/CANCELLED	28

APPEALS PENDING	12
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The first appeals to reach the Commonwealth Court were in the year 2000. Statistics listed below reflect cumulative totals. There were two appeals filed in the Commonwealth Court in 2017.

COMMONWEALTH COURT (2000-2017)	
PSP DENIALS UPHELD	25
PSP DENIALS OVERTURNED*	16
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	9
APPEALS PENDING	1

*Seven of these cases resulted from a single court decision stemming from the same issue. The Pennsylvania Supreme Court did not hear any appeals related to PICS firearm denials in 2017.

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, Sections 6105(d) through (f), provides for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of incompetency or incapacity. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2017, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 54 such petitions for relief; a 36 percent decrease from 2016. There were 40 petitions for relief or expungement of mental health commitments, and 14 petitions for criminal offenses. It is important to note that even if the petitioner is granted firearm relief from a state court, they may also need to obtain relief for a federal firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g). For example, even if a petitioner obtains a court order of relief provided for in 18 Pa. C.S. § 6105(f), for an involuntary mental health commitment or adjudication, the person is still federally prohibited from having firearms, since the relief process outlined in the PUFA does not meet the federal standard to qualify as relief from federal firearm disabilities.

FIREARM SALES AND TRANSFERS FOR 2017

There were 2,750 active Pennsylvania licensed firearm dealers in 2017. Please refer to Appendix B for a breakdown by county. Pursuant to the PUFA, licensed firearm dealers

are required to conduct a PICS background check on individuals attempting to acquire a handgun, long gun, or frame/receiver.

For sales and transfers of handguns, dealers are also required to complete and submit the Application/Record of Sale form promulgated by the PSP. Although the form is not required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two individuals who are both Pennsylvania residents. As mandated by the PUFA, the Application/Record of Sale forms are submitted by the dealers with the Surcharge Remittance form to the PSP within 14 days of the transaction.

A total of 791,220 firearms were reported purchased/transferred in Pennsylvania in 2017.

- 442,465 handguns were reported purchased/transferred.
- 338,377 long guns were reported purchased/transferred.
- 10,378 frames/receivers were reported purchased/transferred.

Please refer to Appendix C for more information on reported sales by county.

CRIMES COMMITTED WITH FIREARMS IN 2017

The PUFA is prepared each year by the PSP. Excerpts of current summary data from the 2017 report, regarding crimes involving firearms, are provided in the table below.

(Reported as of 3/15/2018)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	921	637	69.2%
Robbery	11,754	4,844	41.2%
Aggravated Assault	23,231	4,746	20.4%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

There were a total of 290,958 LTC firearms issued as reported by county sheriffs' offices and chiefs of police of cities of the first class in 2017. This is a three percent decrease from the number of permits issued in 2016. Background checks are conducted through the PICS to determine an individual's eligibility to obtain an LTC.

These LTC checks, initiated through the web-based system, accounted for 89 percent of the total LTC check requests for the year.

Section 6109(k) of the PUFA gives the Attorney General the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a license or permit to carry a firearm issued by both states.

This information can change frequently because of new legislation that is passed in other states, or updates that are made to the original agreements. A current list of states' firearm reciprocity standings can be found on the Pennsylvania Office of Attorney General's website at www.attorneygeneral.gov, under Resources; Concealed Carry Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2017, there were a total of 1,895 permits issued.

Please see Appendix D for individual county totals regarding LTC firearms and Sportsman's Firearm Permits.

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, *“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: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.”*

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of individuals and records with similar names and numeric identifiers.
- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2017, the following investigations were initiated by the PSP Firearms Division and referred to PSP Troops, municipal police departments, and the ATF.

TOTAL INVESTIGATIONS INITIATED IN 2017	5,465
Total Referred to PSP Troops	2,059
Total Referred to Municipal PDs	3,405
Total Referred to ATF	1

Listed below are the investigation results that were reported in 2017. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2017	
Arrests Reported	842
Convictions Reported	472
Prosecutions Declined	1,435

The table below lists the cumulative totals for investigation referrals and the various outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2017)	
Total Referred	26,201
Arrests Reported	7,489
Convictions Reported	3,913
Prosecutions Declined	5,472
Pending Investigations	11,007
Miscellaneous Disposed Cases	2,233

WANTED PERSONS ARRESTS

In 2017, a total of 146 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since its inception on July 1, 1998, the PICS is responsible for the apprehension of 2,269 individuals.

SYSTEM OUTAGES

In 2017, the PICS was operational 365 days, from 8:00 a.m. until 10:00 p.m., for a total of 5,110 hours. The PICS experienced 54.37 hours, or 1.06 percent, of the total operational hours out of service due to technical problems. This includes periods for which the PICS was partially out of service, but still accepting background check calls, and those for which it was completely out of service. Please see Appendix E for additional information.

- 38 percent of outages were caused by technical difficulties with federal databases.
- 56 percent of outages were caused by PSP system problems.
- 6 percent of outages were caused by non-system related issues, such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the PUFA to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2017 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2017	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	334,759	395,260	730,019
License to Carry Checks	35,457	282,419	317,876
Firearm Evidence Returns	*2,416 (Fax, not IVR)	5,140	7,556
Automatic Approvals	195,519	395,445	590,964
Transfer to Operator	177,113	287,374	464,487
Average %-System Approvals	52%	58%	56%

Total PICS checks in 2017: 1,055,451
 Total System-Immediate Approvals: 590,964
 Average %-System Approvals: 56%

(Reported as of 3/15/2018)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2017			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	43	LACKAWANNA	40
ALLEGHENY	131	LANCASTER	61
ARMSTRONG	32	LAWRENCE	29
BEAVER	47	LEBANON	27
BEDFORD	28	LEHIGH	47
BERKS	90	LUZERNE	65
BLAIR	53	LYCOMING	53
BRADFORD	43	MCKEAN	23
BUCKS	110	MERCER	36
BUTLER	67	MIFFLIN	18
CAMBRIA	33	MONROE	48
CAMERON	5	MONTGOMERY	95
CARBON	11	MONTOUR	11
CENTRE	44	NORTHAMPTON	55
CHESTER	86	NORTHUMBERLAND	31
CLARION	16	PERRY	40
CLEARFIELD	27	PHILADELPHIA	12
CLINTON	14	PIKE	39
COLUMBIA	36	POTTER	17
CRAWFORD	33	SCHUYLKILL	44
CUMBERLAND	48	SNYDER	18
DAUPHIN	47	SOMERSET	34
DELAWARE	47	SULLIVAN	7
ELK	12	SUSQUEHANNA	37
ERIE	52	TIOGA	32
FAYETTE	41	UNION	10
FOREST	4	VENANGO	23
FRANKLIN	61	WARREN	28
FULTON	12	WASHINGTON	65
GREENE	16	WAYNE	33
HUNTINGDON	32	WESTMORELAND	126
INDIANA	45	WYOMING	12
JEFFERSON	27	YORK	128
JUNIATA	13		
TOTAL LICENSED FIREARM DEALERS FOR 2017:			2,750

(Reported as of 4/18/2018)

2017 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX	COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX
ADAMS	4550	1166	5940	556	LACKAWANNA	7548	1564	4913	695
ALLEGHENY	21939	10011	11611	4540	LANCASTER	17855	4730	13873	2685
ARMSTRONG	1879	711	1475	276	LAWRENCE	2917	1094	1939	649
BEAVER	3609	1502	2480	633	LEBANON	6107	1034	4635	727
BEDFORD	2559	874	3846	861	LEHIGH	7468	3024	5540	1508
BERKS	18442	2883	14784	1479	LUZERNE	11597	3087	7892	1447
BLAIR	5432	1436	4960	755	LYCOMING	5672	1204	6713	1146
BRADFORD	2634	439	4080	473	MCKEAN	1191	272	1446	134
BUCKS	23530	5274	14514	3033	MERCER	5813	1320	4693	534
BUTLER	11414	1884	8824	1482	MIFFLIN	1565	393	1772	213
CAMBRIA	5835	1356	5105	430	MONROE	6352	1549	4742	567
CAMERON	8	44	19	13	MONTGOMERY	8343	4601	6110	2322
CARBON	725	421	919	219	MONTOUR	32	74	39	79
CENTRE	3465	1167	3305	904	NORTHAMPTON	6591	2605	5114	1547
CHESTER	7829	2441	4916	1507	NORTHUMBERLAND	1575	565	1783	331
CLARION	2247	298	3083	156	PERRY	920	530	1146	477
CLEARFIELD	12359	651	12814	456	PHILADELPHIA	8431	2682	1935	736
CLINTON	943	259	1370	252	PIKE	1269	693	985	602
COLUMBIA	3663	817	3370	242	POTTER	347	173	547	166
CRAWFORD	1430	650	1654	450	SCHUYLKILL	5821	1456	5352	723
CUMBERLAND	8929	2803	6827	1799	SNYDER	2472	1061	2767	892
DAUPHIN	4851	1360	3914	845	SOMERSET	1976	639	2884	327
DELAWARE	8191	3766	2787	1645	SULLIVAN	217	30	261	32
ELK	1490	202	1979	61	SUSQUEHANNA	1117	436	1555	376
ERIE	8093	2618	8803	1765	TIOGA	1928	442	3804	531
FAYETTE	7008	907	4624	366	UNION	265	130	718	69
FOREST	185	35	209	39	VENANGO	1528	487	1530	383
FRANKLIN	4779	1656	6033	1355	WARREN	1552	451	2491	402
FULTON	304	290	365	363	WASHINGTON	11608	2467	7700	1307
GREENE	860	342	1132	257	WAYNE	4096	1142	4018	868
HUNTINGDON	333	362	789	269	WESTMORELAND	10409	5236	9158	2609
INDIANA	1743	3289	1969	656	WYOMING	1539	384	2126	632
JEFFERSON	2216	502	2379	607	YORK	10118	4382	9248	2798
JUNIATA	225	174	587	224		339,938	102,527	280,895	57,482
TOTAL HANDGUN SALES/TRANSFERS:						442,465			
TOTAL LONG GUN SALES/TRANSFERS:						338,377			
TOTAL FRAMES/RECEIVERS:						10,378			
GRAND TOTAL SALES/TRANSFERS REPORTED:						791,220			

Totals include taxed and non-taxed sales/transfers of handguns, long guns and frames/receivers, reported for year 2017. Long gun totals may also include frames/receivers.

(Reported as of 1/31/2018)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2017					
COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	3289	13	LACKAWANNA	4792	15
ALLEGHENY	22175	59	LANCASTER	10909	56
ARMSTRONG	3874	12	LAWRENCE	3128	35
BEAVER	5647	22	LEBANON	3361	20
BEDFORD	2114	26	LEHIGH	6322	0
BERKS	10736	13	LUZERNE	7270	33
BLAIR	3820	11	LYCOMING	4394	14
BRADFORD	2230	24	MCKEAN	2892	7
BUCKS	9839	66	MERCER	3824	68
BUTLER	7839	27	MIFFLIN	1543	15
CAMBRIA	5817	32	MONROE	2782	77
CAMERON	277	5	MONTGOMERY	10477	42
CARBON	2364	7	MONTOUR	564	7
CENTRE	4026	26	NORTHAMPTON	5311	54
CHESTER	7760	16	NORTHUMBERLAND	3273	4
CLARION	1895	22	PERRY	2000	21
CLEARFIELD	3520	42	PHILADELPHIA	10393	0
CLINTON	1462	8	PIKE	1771	54
COLUMBIA	2326	19	POTTER	1203	19
CRAWFORD	2432	91	SCHUYLKILL	4490	14
CUMBERLAND	5358	17	SNYDER	1314	11
DAUPHIN	6269	23	SOMERSET	2758	31
DELAWARE	7810	8	SULLIVAN	310	8
ELK	1687	26	SUSQUEHANNA	1876	51
ERIE	6712	136	TIOGA	1554	24
FAYETTE	5059	20	UNION	1265	6
FOREST	340	14	VENANGO	1907	26
FRANKLIN	3535	31	WARREN	2296	13
FULTON	597	5	WASHINGTON	6716	64
GREENE	1200	40	WAYNE	2350	52
HUNTINGDON	1315	27	WESTMORELAND	13564	78
INDIANA	3816	30	WYOMING	1236	5
JEFFERSON	2365	18	YORK	12733	31
JUNIATA	875	4			
GRAND TOTAL LTC FOR 2017				290,958	
GRAND TOTAL SFP FOR 2017				1,895	

LTC – License To Carry
SFP – Sportsman's Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2017

Month	Total Hours Down	NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Minimum Minutes Down in a Day	Maximum Minutes Down in a Day	Partial System Out of Service	System Out of Service
		Partial	Full	Partial	Full	Partial	Full	Partial	Full					
January	3.19	0	1.37	0	1.82	0	0	0	0	2	82	109	0	0.74%
February	10.05	0	0	0.68	9.37	0	0	0	0	5	36	355	0.17%	2.39%
March	3.54	2.00	1.22	0	0.32	0	0	0	0	3	19	120	0.46%	0.35%
April	2.60	0	0	0	0.67	0	0	0.70	1.23	3	40	74	0.17%	0.45%
May	11.22	0	4.92	0	6.30	0	0	0	0	4	40	295	0	2.59%
June	0.55	0	0	0	0.55	0	0	0	0	2	5	28	0	0.13%
July	2.11	0	1.03	0	1.08	0	0	0	0	3	26	62	0	0.49%
August	2.38	0	1.25	0	0	0	0	0	1.13	3	34	68	0	0.55%
September	5.94	0	4.98	0.58	0.38	0	0	0	0	4	23	172	0.14%	1.28%
October	1.05	0	1.05	0	0	0	0	0	0	1	63	63	0	0.24%
November	0.99	0	0	0	0.52	0	0	0	0.47	2	28	31	0	0.24%
December	10.75	0	2.63	2.25	5.87	0	0	0	0	3	155	332	0.52%	2.00%
TOTALS	54.37	2.00	18.45	3.51	26.88	0	0	0.70	2.83	33	551	1709	0.12%	0.94%

Other: Problems with phone lines, power outages, or any non-system related issue.

** Although the IVR phone system was offline, the PICS web interface was still processing background checks.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 1.06%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

EXHIBIT G

Pennsylvania State Police

Firearms Annual Report
2018




I am pleased to present the 2018 Pennsylvania State Police (PSP) Firearms Annual Report. The Pennsylvania Instant Check System (PICS) processed over one million firearms and License to Carry background check requests, making 2018 the fifth highest volume year for the PSP Firearms Division.

Recently a touch signature enhancement was added to the web-based PICS system to allow touch signing on wireless devices. This fosters more efficient and timely submission of statutorily mandated information by allowing Pennsylvania's Federal Firearms License (FFL) dealers to file Record of Sale (ROS) documents electronically. Additionally, FFL dealers now have the option to query if a firearm they are considering taking into inventory has been reported stolen.

PSP has contributed over 450,000 criminal history records into the federal firearms index known as the NICS Indices. In 2018 alone, these submissions have resulted in 144 denials of persons trying to obtain a firearm in other states. The PSP Firearms Division, in conjunction with the Pennsylvania Chiefs of Police Association and the Philadelphia Police Department, is currently in the midst of a project that will allow for more complete reporting of misdemeanor crimes of domestic violence. Once in place, the enhancement will capture the Relationship to Victim data for applicable violent offenses. As conviction data for misdemeanor crimes of domestic violence is updated to the Pennsylvania criminal history record, that data would be reported to the NICS Indices via an automated process.

As these efforts indicate, PSP continues to make strides in providing a comprehensive background check program with a strong focus on public safety. I thank you for taking the time to read the 2018 PSP Firearms Annual Report.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Evanchick", written in a cursive style.

Lieutenant Colonel Robert Evanchick
Acting Commissioner

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- APPENDIX A - *PICS 2018 IVR AND WEB-BASED CHECKS STATISTICS*
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EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2018, in compliance with 18 Pa.C.S. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application designed to handle 1.2 million queries per year. It allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2018, the PICS handled 1,016,286 IVR and web-based background checks for licensed firearm dealers, sheriffs, and law enforcement throughout the Commonwealth. Of these requests, 62 percent were approved within minutes by the system, while an additional 35 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or time outs, alien requests, and calls made from a rotary phone. In addition, 11,971 files that were placed in a research status were subsequently approved. Therefore, the overall approval rate of background checks that were initiated in 2018 is 98 percent.

There were 13,981 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 4,038 challenges to these denials. After further review of information provided by the individual or through official court documentation, 1,239 or 31 percent of the challenges were reversed.

Last year the instantaneous background check process yielded warrant information that led to the arrest of 168 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, the coordinated efforts of the PICS staff and law enforcement agencies who respond to these notifications have resulted in the arrest of 2,437 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2018, 5,363 files were referred to PSP Troops, municipal police departments, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation; a one percent decrease from 2017. Investigation referrals resulted in 557 arrests, 257 reported convictions, and 1,555 cases in which prosecution was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated and stolen firearms and Protection from Abuse-related third-party safekeeping checks. In 2018, there were 8,089 background checks conducted for these transactions; a seven percent increase over 2017.

A total of 756,550 firearms were reported purchased or privately transferred in Pennsylvania in 2018. This represents a four percent decrease from 2017. Licensed firearm dealers reported 413,756 handgun transactions; 323,585 long gun transactions; and 19,209 frame/receiver transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2018 reported 9,357 violent crimes committed involving the use of a firearm.

BACKGROUND

On June 13, 1995, Act 17 was signed into law, which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2 fee from firearm dealers for each background check processed, and to collect a \$3 fee for the sale or transfer of each taxable firearm. These fees augment the general State Police budget, covering approximately 50 percent of the cost to operate and maintain the PICS.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In 2014, a website was established which offers an additional means by which to initiate a PICS background check.

The system is designed for use by county sheriffs, chiefs of police of cities of the first class, and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, local law enforcement agencies may utilize the secure website to request background checks before returning confiscated firearms to the lawful owner, or before returning relinquished weapons when a Protection from Abuse Order is vacated or expires.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a Point-of-Contact State, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to checks for firearms, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry (LTC) a firearm. An LTC is for the purpose of carrying a firearm concealed on or about one's person or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network-dependent system, which was designed to handle over one million calls per year. It relies on access to a number of databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate or outages occur. Federal level database issues or problems are outside the control of the PSP.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or LTC a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records, contained within the criminal history record file.

- Mental Health File, containing involuntary commitment information and adjudications of incompetence.
- Pennsylvania Protection from Abuse File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a Point-of-Contact state, the PICS conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Indices, which include the following:
 - Illegal/Unlawful Alien Records.
 - Renounced Citizenship.
 - Mental Defectives/Involuntary Commitments.
 - Dishonorable Discharges from the U.S. Armed Services.
 - Unlawful Users of Controlled Substances.
 - State Prohibition Index.
 - Federally disqualifying information that is not otherwise in III or NCIC.

COMPREHENSIVE STATISTICS

Each PICS background check involves the comprehensive search of many databases, including the following: 2,955,629 Pennsylvania criminal history and juvenile records; 868,423 mental health records; 120,693 wanted persons; and federal files containing 78,104,822 criminal history records and 25,931,761 records on other prohibited persons. The majority of applicants instantly clears this initial database search and is approved within minutes.

When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research as needed to determine prohibited status. In 2018, on average, background checks that were put into research, as needed, and subsequently approved took approximately 3.99 days to complete. Researched denials took an average of 9.44 days to complete.

PICS STATISTICS

There were 1,016,286 PICS transactions initiated in 2018.

- 631,524 checks were automatically approved through the IVR or website.
- 384,762 checks were forwarded to a PICS operator for assistance.
- Of the checks forwarded to PICS operators, 355,922 were subsequently approved during the initial review.
- A total of 987,446 incoming checks were approved on the initial review by PICS. The remaining checks were denied or placed into research, and determinations were provided within 15 days. Please see Appendix A for additional information.

AVERAGE PICS BACKGROUND CHECK TIME

The PICS Flexcheck System statistical reporting was used to determine the average length of time taken to complete a background check in 2018.

- Calls approved by the automated IVR phone system averaged 0.80 minutes.
- Operator assisted IVR approvals averaged 11.38 minutes.
- Automated approvals issued by the website averaged 0.83 minutes.
- Operator assisted website approvals averaged 12.63 minutes.

CHALLENGES TO DENIALS

Upon receipt of a challenge to a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial, or provides the challenger with specific information explaining the reason for denial.

- 13,981 denials were issued by PICS operators in 2018.
- 4,038 challenges to these denials were received.
- 2,437 final denials were issued.
- 1,239 denials were reversed.

The remaining 362 challenges primarily include those which were returned to the challenger unprocessed for a variety of reasons, such as untimely filing, incompleteness, or because the file being appealed was not a PICS denial.

DENIAL APPEAL STATUS

A total of 61 appeals were filed with the Office of Attorney General in 2018. The following chart reflects the status of the cases:

OFFICE OF ATTORNEY GENERAL (2018)	
PSP DENIALS UPHELD	1
PSP DENIALS OVERTURNED	0
APPEALS WITHDRAWN/CANCELLED	10
APPEALS PENDING	45
APPEALS HEARD	5

The first appeals to reach the Commonwealth Court were in the year 2000. Statistics listed below reflect cumulative totals. There was one appeal filed in the Commonwealth Court in 2018.

COMMONWEALTH COURT (2000-2018)	
PSP DENIALS UPHELD	25
PSP DENIALS OVERTURNED*	17
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	9
APPEALS PENDING	1

*Seven of these cases resulted from a single court decision stemming from the same issue.

The first appeals to reach the Supreme Court were in the year 2001. Statistics listed below reflect cumulative totals. There was one appeal filed with the Supreme Court in 2018.

PA SUPREME COURT (2001-2018)	
PSP DENIALS UPHELD*	5
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	12
APPEALS PENDING	1

*All five cases resulted from a single court decision stemming from the same issue.

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, Sections 6105(d) through (f), provides for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of

incompetency. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2018, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 58 such petitions for relief; a 7% increase from 2017. There were 40 petitions for relief or expungement of mental health commitments, and 18 petitions for criminal offenses.

It is important to note that even if the petitioner is granted firearm relief from a state court, they may also need to obtain relief for a federal firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g). For example, even if a petitioner obtains a court order of relief provided for in 18 Pa.C.S. §6105(f), for an involuntary mental health commitment or adjudication, the person is still federally prohibited from having firearms since the relief process outlined in the PUFA does not meet the federal standard to qualify as relief from federal firearm disabilities.

FIREARM SALES AND TRANSFERS FOR 2018

There were 2,670 active Pennsylvania licensed firearm dealers in 2018. Please refer to Appendix B for a breakdown by county. Pursuant to the PUFA, licensed firearm dealers are required to conduct a PICS background check on individuals attempting to acquire a handgun, long gun or frame/receiver.

For sales and transfers of handguns, dealers are also required to complete and submit the Application/Record of Sale form promulgated by the PSP. Although the form is not required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two individuals who are both Pennsylvania residents. The Application/Record of Sale forms are submitted by the dealers with the Surcharge Remittance form to the PSP within 14 days of the transaction, as mandated by the PUFA.

A total of 756,550 firearms were reported purchased/transferred in Pennsylvania in 2018.

- 413,756 handguns were reported purchased/transferred.
- 323,585 long guns were reported purchased/transferred.
- 19,209 frames/receivers were reported purchased/transferred.

Please refer to Appendix C for more information on reported sales by county.

CRIMES COMMITTED WITH FIREARMS IN 2018

The *Pennsylvania Uniform Crime Report* is prepared each year by the PSP. Excerpts of current summary data from the 2018 report, regarding crimes involving firearms, are provided in the table below.

(Reported as of 3/18/2019)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	884	595	67.3%
Robbery	9,994	3,930	39.3%
Aggravated Assault	24,290	4,832	19.9%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

There were a total of 280,407 LTC issued, as reported by county sheriffs' offices and the city of Philadelphia, in 2018. This is a 3.6 percent decrease from the number of permits issued in 2017. Background checks are conducted through the PICS to determine an individual's eligibility to carry an LTC.

LTC checks, initiated through the web-based system accounted for 92 percent of the total license to carry check requests for the year.

Section 6109(k) of the PUFA gives the Attorney General the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a LTC issued by both states.

This information can change frequently because of new legislation that is passed in other states, or updates that are made to the original agreements. A current list of states' firearm reciprocity standings can be found on the Pennsylvania Office of Attorney General's website at www.attorneygeneral.gov, under Resources; Concealed Carry Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2018, there were a total of 1,725 permits issued.

Please see Appendix D for individual county totals regarding LTC and Sportsman's Firearm Permits.

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa.C.S. § 6111(g)(4) of the PUFA, *"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: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer."*

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of individuals and records with similar names and numeric identifiers.

- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2018, the following investigations were initiated by the PSP Firearms Division and referred to PSP Troops, municipal police departments, and the ATF.

TOTAL INVESTIGATIONS INITIATED IN 2018	
Total Referred to PSP Troops	5,363
Total Referred to Municipal PDs	1,920
Total Referred to ATF	3,371
	72

Listed below are the investigation results that were reported in 2018. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2018	
Arrests Reported	557
Convictions Reported	257
Prosecutions Declined	1,555

The table below lists the cumulative totals for investigation referrals and the various outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2018)	
Total Referred	31,564
Arrests Reported	8,046
Convictions Reported	4,170
Prosecutions Declined	7,027
Pending Investigations	14,042
Miscellaneous Disposed Cases	2,449

WANTED PERSONS ARRESTS

In 2018, a total of 168 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since its inception on July 1, 1998, the PICS is responsible for the apprehension of 2,437 individuals.

SYSTEM OUTAGES

In 2018, the PICS was operational 365 days, from 8:00 a.m. until 10:00 p.m., for a total of 5,110 hours. The PICS experienced 49.46 hours, or 0.97 percent, of the total operational hours out of service due to technical problems. This includes periods for which the PICS was partially out of service, but still accepting background check calls, and those for which it was completely out of service.

Additionally, there are times when the IVR phone system is offline, but the PICS web interface is still processing background checks, or vice versa depending on the nature of the problem. Please see Appendix E for additional information on outages.

- 20 percent of outages were caused by technical difficulties with federal databases.
- 42 percent of outages were caused by PSP system problems.
- 38 percent of outages were caused by non-system related issues such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the PUFA to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2018 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2018	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	290,196	411,569	701,765
License to Carry Checks	22,642	283,790	306,432
Firearm Evidence Returns	*1,981 (Fax, not IVR)	6,108	8,089
Automatic Approvals	184,086	447,438	631,524
Transfer to Operator	130,733	254,029	384,762
Average %-System Approvals	59%	64%	62%

Total PICS checks in 2018: 1,016,286
Total System-Immediate Approvals: 631,524
Average %-System Approvals: 62%

(Reported as of 3/27/2019)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2018			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	45	LACKAWANNA	48
ALLEGHENY	128	LANCASTER	60
ARMSTRONG	27	LAWRENCE	23
BEAVER	44	LEBANON	26
BEDFORD	27	LEHIGH	49
BERKS	89	LUZERNE	66
BLAIR	49	LYCOMING	52
BRADFORD	38	MCKEAN	21
BUCKS	111	MERCER	40
BUTLER	65	MIFFLIN	18
CAMBRIA	38	MONROE	42
CAMERON	3	MONTGOMERY	87
CARBON	12	MONTOUR	9
CENTRE	39	NORTHAMPTON	53
CHESTER	89	NORTHUMBERLAND	28
CLARION	19	PERRY	35
CLEARFIELD	22	PHILADELPHIA	11
CLINTON	12	PIKE	35
COLUMBIA	31	POTTER	14
CRAWFORD	32	SCHUYLKILL	43
CUMBERLAND	50	SNYDER	16
DAUPHIN	56	SOMERSET	34
DELAWARE	49	SULLIVAN	7
ELK	13	SUSQUEHANNA	35
ERIE	47	TIOGA	35
FAYETTE	38	UNION	11
FOREST	4	VENANGO	22
FRANKLIN	61	WARREN	24
FULTON	9	WASHINGTON	64
GREENE	19	WAYNE	29
HUNTINGDON	28	WESTMORELAND	120
INDIANA	43	WYOMING	14
JEFFERSON	24	YORK	125
JUNIATA	13		
TOTAL LICENSED FIREARM DEALERS FOR 2018:			2,670

(Reported as of 3/27/2019)

2018 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX	COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX
ADAMS	4929	1236	6360	683	LACKAWANNA	7234	1533	4517	627
ALLEGHENY	21405	9826	10608	4619	LANCASTER	18176	4467	14966	2956
ARMSTRONG	1618	687	1429	390	LAWRENCE	2685	1177	1912	666
BEAVER	4463	1475	3013	695	LEBANON	4946	1023	4332	701
BEDFORD	2195	753	3601	878	LEHIGH	7679	3067	4846	1606
BERKS	14071	2628	12631	1333	LUZERNE	11018	3010	8125	1772
BLAIR	4278	1485	4239	849	LYCOMING	6040	1193	5928	860
BRADFORD	2387	457	3731	415	MCKEAN	1118	243	1423	134
BUCKS	20721	5477	10944	3014	MERCER	5988	1340	5369	640
BUTLER	9637	1910	7592	1355	MIFFLIN	1607	405	1811	241
CAMBRIA	5293	1322	4664	623	MONROE	5621	1782	4187	754
CAMERON	11	45	20	20	MONTGOMERY	7078	4342	4497	2411
CARBON	519	360	799	211	MONTOUR	35	104	30	60
CENTRE	3402	1211	3366	1026	NORTHAMPTON	5950	2432	3901	1319
CHESTER	6886	2513	4350	1567	NORTHUMBERLAND	1487	561	1763	371
CLARION	2329	347	3102	161	PERRY	823	516	1192	586
CLEARFIELD	11330	690	12484	476	PHILADELPHIA	7772	2614	1752	627
CLINTON	1006	283	1357	302	PIKE	1336	687	1162	690
COLUMBIA	4052	803	3670	289	POTTER	315	193	532	223
CRAWFORD	1703	669	1777	450	SCHUYLKILL	5230	1488	5455	737
CUMBERLAND	8029	2697	6667	2051	SNYDER	2383	1091	2458	874
DAUPHIN	5434	1457	4153	1051	SOMERSET	1938	484	3104	306
DELAWARE	7002	3679	2806	1571	SULLIVAN	70	3	111	5
ELK	1737	181	2417	67	SUSQUEHANNA	1076	472	1487	484
ERIE	6419	2434	7110	1954	TIOGA	1591	410	3534	536
FAYETTE	6928	1052	4732	493	UNION	193	127	579	76
FOREST	165	54	181	33	VENANGO	1530	591	1656	459
FRANKLIN	3386	1847	4445	1351	WARREN	1508	386	2652	448
FULTON	341	276	466	407	WASHINGTON	10869	2435	7360	1226
GREENE	739	387	1234	251	WAYNE	3865	1263	4124	1042
HUNTINGDON	547	412	1145	292	WESTMORELAND	9926	4944	8581	2805
INDIANA	1870	919	2092	716	WYOMING	1374	485	2082	749
JEFFERSON	2199	474	2524	657	YORK	8631	4366	7362	3042
JUNIATA	231	122	547	256		314,354	99,402	263,046	60,539
TOTAL HANDGUN SALES/TRANSFERS:						413,756			
TOTAL LONG GUN SALES/TRANSFERS:						323,585			
TOTAL FRAMES/RECEIVERS:						19,209			
GRAND TOTAL SALES/TRANSFERS REPORTED:						756,550			

Totals include taxed and non-taxed sales/transfers of handguns, long guns and frames/receivers, reported for year 2018. Long gun totals may also include frames/receivers.

(Reported as of 2/27/2019)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2018

COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	3165	14	LACKAWANNA	5159	11
ALLEGHENY	23837	48	LANCASTER	10819	58
ARMSTRONG	3396	10	LAWRENCE	2937	45
BEAVER	5184	27	LEBANON	3695	14
BEDFORD	2058	42	LEHIGH	5839	1
BERKS	9693	3	LUZERNE	6971	21
BLAIR	3927	9	LYCOMING	3781	9
BRADFORD	1971	35	MCKEAN	2831	9
BUCKS	10473	55	MERCER	3125	65
BUTLER	7073	17	MIFFLIN	1506	17
CAMBRIA	4657	31	MONROE	3824	61
CAMERON	270	5	MONTGOMERY	8899	30
CARBON	2067	16	MONTOUR	546	6
CENTRE	3511	10	NORTHAMPTON	5787	28
CHESTER	6515	3	NORTHUMBERLAND	2897	6
CLARION	1742	33	PERRY	1887	12
CLEARFIELD	3305	19	PHILADELPHIA	9154	0
CLINTON	1421	11	PIKE	1971	58
COLUMBIA	2400	25	POTTER	1318	19
CRAWFORD	2733	73	SCHUYLKILL	4469	14
CUMBERLAND	5766	18	SNYDER	1230	7
DAUPHIN	5394	14	SOMERSET	2822	27
DELAWARE	7803	29	SULLIVAN	274	9
ELK	1343	18	SUSQUEHANNA	1917	32
ERIE	6929	110	TIOGA	1590	20
FAYETTE	5428	34	UNION	1150	3
FOREST	289	23	VENANGO	2044	21
FRANKLIN	3673	25	WARREN	2464	19
FULTON	708	9	WASHINGTON	6688	49
GREENE	1377	55	WAYNE	1912	50
HUNTINGDON	1527	36	WESTMORELAND	12993	65
INDIANA	2982	42	WYOMING	1168	6
JEFFERSON	2189	22	YORK	11183	12
JUNIATA	751	0			
GRAND TOTAL LTC FOR 2018				280,407	
GRAND TOTAL SFP FOR 2018				1,725	

LTC – License To Carry
SFP – Sportsman's Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2018

Month	Total Hours Down	NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Partial System Out of Service	System Out of Service
		Partial	Full	Partial	Full	Partial	Full	Partial	Full			
January	2.45	0	0	0	1.75	0	0	0	0.70	3	0	0.56%
February	1.36	0	0	0	0.78	0	0	0	0.58	3	0	0.35%
March	7.12	0	0.90	1.45	4.40	0	0	0.37	0	8	0.42%	1.22%
April	11.10	0.33	5.45	2.20	0	0	0	0	3.12	5	0.60%	2.04%
May	6.78	0	0	0	0	0	0	0	6.78	1	0	1.56%
June	6.77	0	0	0	0.17	0	0	0	6.60	3	0	1.61%
July	5.01	0	0	4.78	0	0	0	0.23	0	2	1.15%	0
August	1.33	0	1.33	0	0	0	0	0	0	1	0	0.31%
September	0	0	0	0	0	0	0	0	0	0	0	0
October	2.81	0	1.88	0	0.38	0	0	0.55	0	3	0.13%	0.52%
November	0.43	0	0	0	0.43	0	0	0	0	1	0	0.10%
December	4.30	0	0	3.75	0.55	0	0	0	0	3	0.86%	0.13%
TOTALS	49.46	0.33	9.56	12.18	8.46	0	0	1.15	17.78	33	0.27%	0.70%

Other: Problems with phone lines, power outages, or any non-system related issue.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 0.97%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

EXHIBIT H

Pennsylvania State Police



Firearms Annual Report 2019



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA 17110

COLONEL ROBERT EVANCHICK
COMMISSIONER

I am pleased to present the 2019 Pennsylvania State Police (PSP) Firearms Annual Report. The Pennsylvania Instant Check System (PICS) processed 982,036 background check requests, making it the seventh highest volume year since its inception in 1998. This number represents a mere 3.4 percent decrease from 2018 and demonstrates the continued robustness and activity within this area.

In 2019, technological developments included the addition of a 'touch signature' option for firearm dealers, which enables the submission of critical firearms transfer data into the secure web-based PICS Flexcheck System.

Additionally, a multi-agency initiative to report and submit federally disqualifying domestic violence data for inclusion into the federal firearms background process, was completed. This will expedite Misdemeanor Crime of Domestic Violence (MCDV) determinations for firearms checks performed by the National Instant Criminal Background Check System (NICS) and other states, preventing prohibited individuals from obtaining firearms.

There were 107 firearms and explosives applications denied in other states based on Pennsylvania criminal history entries into the NICS Indices. These records include felony convictions, current unlawful drug user criteria, and in addition to other prohibiting data which is not available in Interstate Identification Index. As of December 31, 2019, there were over 460,000 such records submitted by Pennsylvania to the NICS Indices.

The PSP Firearms Division continues to make strides in administering an effective and efficient, instantaneous background check system, with the ultimate goal of public safety. I thank you for taking the time to read the 2019 PSP Firearms Annual Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Evanchick".

Colonel Robert Evanchick
Commissioner

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APPENDIX A - PICS 2019 IVR AND WEB-BASED CHECKS STATISTICS

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APPENDIX E - PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2019

EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2019, in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application designed to handle over one million queries per year. It allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact (POC) State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2019, the PICS processed 982,036 IVR and web-based background checks for licensed firearm dealers, sheriffs, and law enforcement throughout the Commonwealth. Of these requests, 66 percent were approved within minutes by the system, while an additional 31 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or time outs, alien requests, and calls made from a telephone. In addition, 11,921 files placed in a research status were subsequently approved. Therefore, the overall approval rate of all background checks that were initiated in 2019 was 98 percent.

There were 15,373 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 4,641 challenges to these denials. After further review of information provided by the individual or through official court documentation, 1,633 or 35 percent of the challenges were reversed.

Last year, the instantaneous background check process yielded warrant information that led to the arrest of 154 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, coordinated efforts of PICS staff and law enforcement agencies, have resulted in the arrest of 2,591 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2019, 4,368 files were referred to PSP Troops, municipal police departments, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation, equating to an 18.5 percent decrease from 2018. Investigation referrals resulted in 1,017 arrests, 737 reported convictions, and 1,493 cases in which prosecution was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated and stolen firearms and Protection from Abuse (PFA)-related third-party safekeeping checks. In 2019, there were 8,402 background checks conducted for these transactions, a four (4) percent increase over 2018.

In 2019, a total of 766,204 firearms were reported purchased or privately transferred in Pennsylvania, equating to a 1.3 percent increase from 2018. Licensed firearm dealers reported 421,543 handgun transactions; 320,708 long gun transactions; and 23,953 frame/receiver transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2019 reported 8,302 violent crimes committed involving the use of a firearm.

BACKGROUND

On June 13, 1995, Act 17 was signed into law, which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2.00 fee from firearm dealers for each background check processed, and to collect a \$3.00 fee for the sale or transfer of each taxable firearm. These fees augment the general PICS budget, covering approximately 31 percent of the cost.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In 2014, a website was established, offering alternative means by which to initiate a PICS background check.

The system is designed for use by law enforcement, and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, local law enforcement agencies may utilize the secure website to request background checks before returning confiscated firearms to the lawful owner, or before returning relinquished weapons when a PFA is vacated or expires.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a POC State, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to firearms checks, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry a firearm. A license to carry is for the purpose of carrying a firearm concealed on, or about one's person, or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network dependent system, which was designed to handle over one million calls per year. The system relies on access to a number of databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate, or outages occur. Federal level database issues or problems are outside of PSP control.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or license to carry a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records contained within the criminal history record file.

- Mental Health File, containing involuntary commitment information and adjudications of incompetence.
- Pennsylvania Protection from Abuse File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a POC state, the PICS conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Indices, which include the following:
 - Illegal/Unlawful Alien Records.
 - Renounced Citizenship.
 - Mental Defectives/Involuntary Commitments.
 - Dishonorable Discharges from the U.S. Armed Services.
 - Unlawful Users of Controlled Substances.
 - State Prohibition Index.
 - Federally disqualifying information that is not otherwise in III or NCIC.

2019 COMPREHENSIVE STATISTICS

PICS background checks involved the comprehensive search of many databases, including the following: 2,993,698 Pennsylvania criminal history and juvenile records; 907,145 mental health records; 107,484 wanted persons; and federal files containing 80,212,432 criminal history records and 27,876,516 records on other prohibited persons. The majority of applicants instantly clear this initial database search and are approved within minutes.

When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research as needed to determine prohibited status. In 2019, on average, background checks that were put into research and subsequently approved, took approximately 3.84 days to complete. Researched denials took an average of 9.51 days to complete.

PICS STATISTICS

In 2019, there were 982,036 PICS transactions initiated.

- 645,839 checks were automatically approved through the IVR or website.
- 336,197 checks were forwarded to a PICS operator for assistance.
- Of the checks forwarded, 306,193 were subsequently approved during the initial review.
- In total, 952,032 transactions were approved on the initial review by PICS. The remaining checks were denied or placed into research; wherein, determinations were provided within 15 days (Reference Appendix A).

AVERAGE PICS BACKGROUND CHECK TIME

In 2019, the PICS Flexcheck System reporting was used to determine the average length of time taken to complete a background check.

- Calls approved by the automated IVR phone system averaged 0.75 minutes.
- Operator assisted IVR approvals averaged 13.95 minutes.
- Automated approvals issued by the website averaged 1.57 minutes.
- Operator assisted website approvals averaged 16.50 minutes.

On average, background checks that were put into research and subsequently approved, took approximately 3.84 days to complete. Researched denials took an average of 9.51 days to complete.

CHALLENGES TO DENIALS

Upon receipt of a challenge for a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial or provides the challenger with specific information explaining the reason for denial.

- 15,373 denials were issued by PICS operators in 2019.
- 4,641 challenges were received for these denials.
- 2,565 final denials were issued.
- 1,633 denials were reversed.

The remaining 443 challenges primarily include those which were returned to the challenger unprocessed for a variety of reasons, (i.e. untimely filing, incompleteness, and/or because the file being appealed was not a PICS denial).

DENIAL APPEAL STATUS

A total of 55 appeals were filed with the Office of AG in 2019. The following chart reflects the status of the cases:

OFFICE OF ATTORNEY GENERAL (2019)	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS WITHDRAWN/CANCELLED	3
APPEALS PENDING	51
APPEALS HEARD	1

In 2000, the first appeals reached the Commonwealth Court. Statistics listed below reflect cumulative totals. In 2019, no appeals were filed in Commonwealth Court.

COMMONWEALTH COURT (2000-2019)	
PSP DENIALS UPHELD	25
PSP DENIALS OVERTURNED*	18
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	9
APPEALS PENDING	0

*Seven (7) of these case appeals resulted from a single court decision, stemming from the same issue.

In 2001, the first appeals reached the Supreme Court. Statistics listed below reflect cumulative totals. In 2019, there were no appeals filed with the Supreme Court.

PA SUPREME COURT (2001-2019)	
PSP DENIALS UPHELD*	5
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	13
APPEALS PENDING	0

*All five cases resulted from a single court decision stemming from the same issue.

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, sections 6105(d) through (f), provides for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of

incompetency. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2019, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 46 such petitions for relief, a 21 percent decrease from 2018. There were 38 petitions for relief or expungement of mental health commitments, and eight (8) petitions for criminal offenses.

Please note: Even if the petitioner is granted firearm relief from a state court, they may also need to obtain relief for a federal firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g).

2019 FIREARM SALES AND TRANSFERS

In 2019, there were 2,740 active Pennsylvania licensed firearm dealers (Reference Appendix B). Pursuant to the PUFA, licensed firearm dealers are required to conduct a PICS background check on individuals attempting to acquire a handgun, long gun, or frame/receiver.

For sales and transfers of handguns, dealers are also required to complete and submit the Application/Record of Sale form promulgated by the PSP. Although the form is not required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two individuals who are both Pennsylvania residents. The firearms dealers submit Application/Record of Sale forms and Surcharge Remittance form to the PSP within 14 days of the transaction, as mandated by the PUFA.

In 2019, a total of 766,204 firearms were reported in Pennsylvania as purchased/transferred.

- 421,543 handguns were reported purchased/transferred.
- 320,708 long guns were reported purchased/transferred.
- 23,953 frames/receivers were reported purchased/transferred.

(Reference Appendix C for additional information.)

CRIMES COMMITTED WITH FIREARMS IN 2019

The *Pennsylvania Uniform Crime Report* is prepared each year by the PSP. Excerpts of current summary data from the 2019 report, regarding crimes involving firearms, are provided in the table below.

(Reported as of 3/3/2020)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	612	471	77.0%
Robbery	8,677	3,237	37.3%
Aggravated Assault	22,241	4,594	20.7%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

In 2019, there were a total of 248,487 licenses to carry firearms issued as reported by county sheriffs' offices and the city of Philadelphia, equating to an 11.4 decrease from 2018. Background checks are conducted through the PICS to determine an individual's eligibility to obtain a license to carry firearms.

License to carry checks initiated through the web-based system accounted for 93 percent of the total license to carry check requests for the year.

Section 6109(k) of the PUFA gives the Pennsylvania Attorney General (AG) the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a license or permit to carry a firearm issued by both states.

This information can change frequently because of new legislation that is passed in other states, or updates that are made to the original agreements. A current list of states' firearm reciprocity standings can be found on the AG's website at www.attorneygeneral.gov under Resources; Concealed Carry Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2019, there were a total of 1,678 permits issued.

(Reference Appendix D for additional information.)

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, *“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: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.”*

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of individuals and records with similar names and numeric identifiers.
- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2019, the following investigations were initiated by the PSP Firearms Division and referred to the below entities:

TOTAL INVESTIGATIONS INITIATED IN 2019	4,368
Total Referred to PSP Troops	1,251
Total Referred to Municipal PDs	3,058
Total Referred to ATF	59

Below are the investigation results reported in 2018. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2019	
Arrests Reported	1,017
Convictions Reported	737
Prosecutions Declined	1,493

Below lists the cumulative totals for investigation referrals and outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2019)	
Total Referred	35,932
Arrests Reported	9,063
Convictions Reported	4,907
Prosecutions Declined	8,520
Pending Investigations	15,436
Miscellaneous Disposed Cases	2,913

WANTED PERSONS ARRESTS

In 2019, a total of 154 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since inception, the PICS is responsible for the apprehension of 2,591 individuals.

SYSTEM OUTAGES

In 2019, the PICS was operational 365 days, with working hours from 8:00 a.m. until 10:00 p.m., totaling 5,110 hours of operation. Of those hours, PICS experienced technical issues 43.63 hours, equating to 0.85 percent of total operational hours. These statistics also allow for periods for which PICS was only partially out of service, but still allowing background check calls.

In addition, instances occur when the IVR phone system is offline; however, the PICS web interface is still processing background checks, or vice versa, depending on the nature of the problem (Refer to Appendix E).

- 29 percent of outages were caused by technical difficulties with federal databases.

- 54 percent of outages were caused by PSP system problems.
- 17 percent of outages were caused by non-system related issues such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the PUFA to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2019 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2019	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	272,766	427,171	699,937
License to Carry Checks	18,665	255,032	273,697
Firearm Evidence Returns	*1,593 (Fax, not IVR)	6,809	8,402
Automatic Approvals	182,040	463,799	645,839
Transfer to Operator	110,984	225,213	336,197
Average %-System Approvals	62%	67%	66%

Total PICS checks in 2019: 982,036
Total System-Immediate Approvals: 645,839
Average %-System Approvals: 66%

(Reported as of 2/11/2020)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2019			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	42	LACKAWANNA	50
ALLEGHENY	140	LANCASTER	60
ARMSTRONG	29	LAWRENCE	28
BEAVER	43	LEBANON	30
BEDFORD	29	LEHIGH	49
BERKS	90	LUZERNE	66
BLAIR	45	LYCOMING	57
BRADFORD	39	MCKEAN	21
BUCKS	116	MERCER	38
BUTLER	64	MIFFLIN	17
CAMBRIA	40	MONROE	44
CAMERON	4	MONTGOMERY	90
CARBON	13	MONTOUR	9
CENTRE	42	NORTHAMPTON	57
CHESTER	92	NORTHUMBERLAND	31
CLARION	19	PERRY	34
CLEARFIELD	26	PHILADELPHIA	12
CLINTON	14	PIKE	39
COLUMBIA	34	POTTER	14
CRAWFORD	36	SCHUYLKILL	40
CUMBERLAND	52	SNYDER	17
DAUPHIN	54	SOMERSET	38
DELAWARE	47	SULLIVAN	5
ELK	11	SUSQUEHANNA	28
ERIE	54	TIOGA	36
FAYETTE	40	UNION	13
FOREST	4	VENANGO	23
FRANKLIN	58	WARREN	24
FULTON	10	WASHINGTON	68
GREENE	22	WAYNE	33
HUNTINGDON	22	WESTMORELAND	121
INDIANA	41	WYOMING	13
JEFFERSON	22	YORK	128
JUNIATA	13		
TOTAL LICENSED FIREARM DEALERS FOR 2018:		2,740	

(Reported as of 3/26/2020)

2019 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX	COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX
ADAMS	4474	1272	6091	702	LACKAWANNA	7499	1733	5128	640
ALLEGHENY	22802	9977	10328	4476	LANCASTER	17099	4564	13713	2441
ARMSTRONG	1605	638	1526	388	LAWRENCE	2580	1077	1812	659
BEAVER	5044	1423	2904	694	LEBANON	4253	942	4255	727
BEDFORD	1857	676	3710	942	LEHIGH	7444	3309	4640	1632
BERKS	13950	2952	12228	1626	LUZERNE	10595	3071	7667	1368
BLAIR	4542	1492	4209	664	LYCOMING	6835	1310	6111	940
BRADFORD	2587	511	4265	608	MCKEAN	1174	244	1547	150
BUCKS	22350	5992	11315	3125	MERCER	5953	1678	5265	896
BUTLER	9695	2227	7060	1505	MIFFLIN	1640	530	1714	299
CAMBRIA	6331	1490	5477	645	MONROE	5610	2046	3733	734
CAMERON	24	34	30	28	MONTGOMERY	7547	4492	4190	2452
CARBON	479	382	612	175	MONTOUR	34	101	43	82
CENTRE	3352	1360	3438	1133	NORTHAMPTON	5838	2505	3718	1282
CHESTER	6307	2878	3921	1801	NORTHUMBERLAND	1477	556	1816	460
CLARION	2079	344	3095	131	PERRY	951	634	1492	746
CLEARFIELD	10476	519	12224	463	PHILADELPHIA	8691	2796	1622	641
CLINTON	978	308	1501	332	PIKE	1450	823	1155	671
COLUMBIA	3639	825	3099	341	POTTER	308	144	544	173
CRAWFORD	1796	684	1858	518	SCHUYLKILL	5434	1522	5382	815
CUMBERLAND	7625	2584	6014	1782	SNYDER	2517	1241	2536	817
DAUPHIN	5930	1731	4425	1113	SOMERSET	1755	497	2817	320
DELAWARE	7109	4035	2419	1596	SULLIVAN	82	29	133	21
ELK	1650	176	3248	65	SUSQUEHANNA	926	513	1351	503
ERIE	5506	2648	5885	2158	TIOGA	1455	460	3332	494
FAYETTE	7068	1080	4837	617	UNION	153	115	530	106
FOREST	111	51	159	49	VENANGO	1423	513	1564	441
FRANKLIN	4034	1731	4811	1552	WARREN	1473	434	2320	577
FULTON	291	228	487	371	WASHINGTON	10571	2139	6650	1086
GREENE	758	428	1457	272	WAYNE	3591	1417	3814	1244
HUNTINGDON	264	349	804	274	WESTMORELAND	10639	5079	8981	3060
INDIANA	1988	1089	2068	877	WYOMING	1669	498	2518	676
JEFFERSON	1940	445	2343	717	YORK	9817	4481	8255	2864
JUNIATA	224	143	654	101		317,348	104,195	258,850	61,858
TOTAL HANDGUN SALES/TRANSFERS:						421,543			
TOTAL LONG GUN SALES/TRANSFERS:						320,708			
TOTAL FRAMES/RECEIVERS:						23,953			
GRAND TOTAL SALES/TRANSFERS REPORTED:						766,204			

Totals include taxed and non-taxed sales/transfers of handguns, long guns and frames/receivers, reported for year 2019. Long gun totals may also include frames/receivers.

(Reported as of 01/02/2020)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2019					
COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	2693	24	LACKAWANNA	4522	12
ALLEGHENY	20782	43	LANCASTER	9679	48
ARMSTRONG	2692	11	LAWRENCE	2464	31
BEAVER	4536	25	LEBANON	3096	17
BEDFORD	1754	17	LEHIGH	5704	0
BERKS	8845	22	LUZERNE	6023	23
BLAIR	3293	14	LYCOMING	3402	14
BRADFORD	1892	21	MCKEAN	2623	9
BUCKS	9280	74	MERCER	2876	70
BUTLER	5716	16	MIFFLIN	1244	9
CAMBRIA	4061	30	MONROE	3422	60
CAMERON	181	2	MONTGOMERY	8361	35
CARBON	1829	20	MONTOUR	399	9
CENTRE	3261	12	NORTHAMPTON	4419	41
CHESTER	5659	0	NORTHUMBERLAND	2574	17
CLARION	1458	23	PERRY	1697	17
CLEARFIELD	2938	23	PHILADELPHIA	9239	0
CLINTON	1218	8	PIKE	1623	44
COLUMBIA	1761	33	POTTER	1227	28
CRAWFORD	2486	56	SCHUYLKILL	3937	8
CUMBERLAND	4919	16	SNYDER	1061	9
DAUPHIN	5255	20	SOMERSET	2281	26
DELAWARE	7320	50	SULLIVAN	330	9
ELK	1163	12	SUSQUEHANNA	1452	47
ERIE	6335	81	TIOGA	1208	25
FAYETTE	5456	16	UNION	944	2
FOREST	252	20	VENANGO	1829	27
FRANKLIN	3072	28	WARREN	2227	23
FULTON	625	10	WASHINGTON	5926	46
GREENE	1173	50	WAYNE	2144	46
HUNTINGDON	1277	39	WESTMORELAND	11612	43
INDIANA	2621	28	WYOMING	1039	9
JEFFERSON	1722	7	YORK	9686	21
JUNIATA	692	2			
GRAND TOTAL LTC FOR 2019				248,487	
GRAND TOTAL SFP FOR 2019				1,678	

LTC – License To Carry
SFP – Sportsman's Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2019

Month	Total Hours Down	NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Partial System Out of Service	System Out of Service
		Partial	Full	Partial	Full	Partial	Full	Partial	Full			
January	3.05	0	0	0	3.05	0	0	0	0	2	0	0.70%
February	0.87	0	0.87	0	0	0	0	0	0	1	0	0.22%
March	0.52	0	0.52	0	0	0	0	0	0	1	0	0.12%
April	0	0	0	0	0	0	0	0	0	0	0	0
May	7.13	0	0	0	7.13	0	0	0	0	1	0	1.64%
June	0.23	0	0.23	0	0	0	0	0	0	1	0	0.55%
July	1.89	0	1.89	0	0	0	0	0	0	2	0	0.44%
August	1.67	0	1.67	0	0	0	0	0	0	1	0	0.39%
September	8.07	0	3.55	0	1.87	0	0	0.42	2.23	5	0.1%	1.82%
October	0.22	0	0.22	0	0	0	0	0	0	1	0	0.05%
November	9.67	0	3.75	1.00	0	0	0	0	4.92	4	0.24%	2.06%
December	10.31	0	0	0	10.31	0	0	0	0	2	0	2.38%
TOTALS	43.63	0	12.70	1.00	22.36	0	0	0.42	7.15	21	0.34%	10.37%

Other: Problems with phone lines, power outages, or any non-system related issue.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 0.85%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

EXHIBIT I

Pennsylvania State Police



Firearms Annual Report 2020



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA 17110

COLONEL ROBERT EVANCHICK
COMMISSIONER

I am pleased to present the 2020 Pennsylvania State Police (PSP) Firearms Annual Report. The Pennsylvania Instant Check System (PICS) processed 1,445,910 background check requests, making it the highest volume year since its inception in 1998. This number represents a 47.2 percent increase from 2019, and surpasses the previous high year, 2016, by nearly 308,000 checks.

In 2020, technological developments included the streamlining of the approval process; wherein, users are now able to launch a re-check via the website, replacing the previous procedure that required a telephone call to PICS.

Additionally, PSP continues its efforts to increase usage of electronic offerings for both background checks and Record of Sale (ROS) forms, partnering with other agencies when possible. Use of these services allows for more immediate access to records used during law enforcement investigations. In 2020, 78.4 percent of all background checks were initiated using the website. This represents an increase of 8.2 percent from 2019.

There were 769 firearms and explosives applications denied in other states based on Pennsylvania criminal history entries into the National Instant Criminal Background Check System (NICS) Indices. These records include felony convictions, current unlawful drug user criteria, and in addition to other prohibiting data which is not available in Interstate Identification Index. As of December 31, 2020, there were 1,411,685 such records submitted by Pennsylvania to the NICS Indices.

The PSP Firearms Division continues to make strides in administering an effective and efficient, instantaneous background check system, with the ultimate goal of public safety. I thank you for taking the time to read the 2020 PSP Firearms Annual Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Evanchick".

Colonel Robert Evanchick
Commissioner

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APPENDICES

APPENDIX A - PICS 2020 IVR AND WEB-BASED CHECKS STATISTICS

APPENDIX B - NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2020

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SPORTSMAN'S FIREARM PERMITS ISSUED IN 2020**

APPENDIX E - PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2020

EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2020, in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application designed to handle over one (1) million queries per year. It allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact (POC) State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2020, the PICS handled 1,445,910 IVR and web-based background checks for licensed firearm dealers, sheriffs, and law enforcement throughout the Commonwealth. Of these requests, 65 percent were approved within minutes by the system, while an additional 32 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or time outs, alien requests, and calls made from a rotary phone. In addition, 17,587 files placed in a research status were subsequently approved. Therefore, the overall approval rate of all background checks that were initiated in 2020 is 97.5 percent.

There were 31,490 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 9,933 challenges to these denials. After further review of information provided by the individual or through official court documentation, 3,559 or 36 percent of the challenges were reversed.

Last year, the instantaneous background check process yielded warrant information that led to the arrest of 289 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, coordinated efforts of PICS staff and law enforcement agencies, have resulted in the arrest of 2,880 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2020, 5,291 files were referred to PSP Troops, municipal police departments, and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation, equating to a 21 percent increase from 2019. Investigation referrals resulted in 479 arrests, 186 reported convictions, and 1,365 cases in which prosecution was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated and stolen firearms and Protection from Abuse (PFA)-related third-party safekeeping checks. In 2020, there were 8,694 background checks conducted for these transactions, a 3.5 percent increase over 2019.

In 2020, a total of 1,141,413 firearms were reported purchased or privately transferred in Pennsylvania, equating to a 49 percent increase from 2019. Licensed firearm dealers reported 679,896 handgun transactions; 427,990 long gun transactions; and 33,527 frame/receiver transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2020 reported 9,923 violent crimes committed involving the use of a firearm.

BACKGROUND

On June 13, 1995, Act 17 was signed into law which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2.00 fee from firearm dealers for each background check processed, and to collect a \$3.00 fee for the sale or transfer of each taxable firearm. These fees augment the general PICS budget, covering approximately 39 percent of the cost.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In 2014, a website was established, offering alternative means by which to initiate a PICS background check.

The system is designed for use by law enforcement and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, law enforcement agencies may utilize the secure website to request background checks before returning confiscated firearms to the lawful owner or before returning relinquished weapons when a PFA is vacated or expires.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a POC State, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to firearms checks, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry a firearm. A license to carry is for the purpose of carrying a firearm concealed on, or about one's person, or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network dependent system, which was designed to handle over one (1) million calls per year. The system relies on access to a number of databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate, or outages occur. Federal level database issues or problems are outside of PSP control.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or license to carry a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records contained within the criminal history record file.
- Mental Health File, containing involuntary commitment information and adjudications of incompetence.

- Pennsylvania Protection from Abuse File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a POC state, the PICS conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Indices, which include the following:
 - Illegal/Unlawful Alien Records.
 - Renounced Citizenship.
 - Mental Defectives/Involuntary Commitments.
 - Dishonorable Discharges from the U.S. Armed Services.
 - Unlawful Users of Controlled Substances.
 - State Prohibition Index.
 - Federally disqualifying information that is not otherwise in III or NCIC.

COMPREHENSIVE STATISTICS

PICS background checks involved the comprehensive search of many databases, including the following: 3,032,369 Pennsylvania criminal history and juvenile records; 945,275 mental health records; 114,308 wanted persons; and federal files containing 81,366,218 criminal history records and 30,661,468 records on other prohibited persons. The majority of applicants instantly clear this initial database search and are approved within minutes.

When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research as needed to determine prohibited status. In 2020, on average, background checks that were put into research and subsequently approved, took approximately 5.34 days to complete. Researched denials took an average of 12.03 days to complete.

PICS STATISTICS

In 2020, there were 1,445,910 PICS transactions initiated.

- 934,772 checks were automatically approved through the IVR or website.
- 511,138 checks were forwarded to a PICS operator for assistance.

- Of the checks forwarded to a PICS operator, 457,624 were subsequently approved during the initial review.
- A total of 1,392,396 incoming checks were approved on the initial review by the PICS. The remaining checks were denied or placed into research; wherein, determinations were provided within 15 days (Reference Appendix A).

AVERAGE PICS BACKGROUND CHECK TIME

In 2020, the PICS Flexcheck System reporting was used to determine the average length of time taken to complete a background check.

- Calls approved by the automated IVR phone system averaged 0.83 minutes.
- Operator assisted IVR approvals averaged 39.47 minutes.
- Automated approvals issued by the website averaged 1.83 minutes.
- Operator assisted website approvals averaged 48.80 minutes.

On average, background checks that were put into research and subsequently approved, took approximately 5.34 days to complete. Researched denials took an average of 12.03 days to complete.

CHALLENGES TO DENIALS

Upon receipt of a challenge for a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five (5) business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial or provides the challenger with specific information explaining the reason for denial.

- 31,490 denials were issued by PICS operators in 2020.
- 9,933 challenges to these denials were received.
- 5,420 final denials were issued.
- 3,559 denials were reversed.

The remaining 954 challenges primarily include those which were returned to the challenger unprocessed for a variety of reasons, (i.e. untimely filing, incompleteness, and/or because the file being appealed was not a PICS denial).

DENIAL APPEAL STATUS

A total of 60 appeals were filed with the Office of Attorney General in 2020. The following chart reflects the status of the cases:

OFFICE OF ATTORNEY GENERAL (2020)	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS WITHDRAWN/CANCELLED	2
APPEALS PENDING	58
APPEALS HEARD	0

In 2000, the first appeals reached the Commonwealth Court. Statistics listed below reflect cumulative totals. In 2020, there were two (2) appeals filed in Commonwealth Court.

COMMONWEALTH COURT (2000-2020)	
PSP DENIALS UPHELD	25
PSP DENIALS OVERTURNED*	18
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	9
APPEALS PENDING	2

*Seven (7) of these cases resulted from a single court decision stemming from the same issue.

In 2001, the first appeals reached the PA Supreme Court. Statistics listed below reflect cumulative totals. In 2020, there were no appeals filed with the Supreme Court.

PA SUPREME COURT (2001-2020)	
PSP DENIALS UPHELD*	5
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	13
APPEALS PENDING	0

*All five (5) cases resulted from a single court decision stemming from the same issue.

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, Sections 6105(d) through (f), provides for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of incompetency. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2020, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 79 such petitions for relief, a 71 percent increase from 2019. There were 70 petitions for relief or expungement of mental health commitments, and nine (9) petitions for criminal offenses.

Please note: Even if the petitioner is granted firearm relief from a state court, they may also need to obtain relief for a federal firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g).

2020 FIREARM SALES AND TRANSFERS

In 2020, there were 2,795 active Pennsylvania licensed firearm dealers (Reference Appendix B). Pursuant to the PUFA, licensed firearm dealers are required to conduct a PICS background check on individuals attempting to acquire a handgun, long gun, or frame/receiver.

For sales and transfers of handguns, dealers are also required to complete and submit the Application/Record of Sale form promulgated by the PSP. Although the form is not required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two (2) individuals who are both Pennsylvania residents. The firearms dealers submit Application/Record of Sale forms and Surcharge Remittance forms to the PSP within 14 days of the transaction, as mandated by the PUFA.

In 2020, a total of 1,141,413 firearms were reported in Pennsylvania as purchased/transferred.

- 679,896 handguns were reported purchased/transferred.
- 427,990 long guns were reported purchased/transferred.
- 33,527 frames/receivers were reported purchased/transferred.

(Reference Appendix C for additional information.)

CRIMES COMMITTED WITH FIREARMS IN 2020

The *Pennsylvania Uniform Crime Report* is prepared each year by the PSP. Excerpts of current summary data from the 2020 report, regarding crimes involving firearms, are provided in the table below.

(Reported as of 3/15/2021)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	891	698	78.3%
Robbery	7,642	2,830	37.0%
Aggravated Assault	23,501	6,395	27.2%

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

In 2020, there were a total of 311,224 licenses to carry firearms issued as reported by County Sheriffs' Offices and the City of Philadelphia, equating to a 25.3 percent increase from 2019. Background checks are conducted through the PICS to determine an individual's eligibility to obtain a license to carry firearms.

License to carry checks initiated through the web-based system accounted for 98 percent of the total license to carry check requests for the year.

Section 6109(k) of the PUFA gives the Pennsylvania Attorney General (AG) the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a license or permit to carry a firearm issued by both states.

This information can change frequently because of new legislation that is passed in other states, or updates that are made to the original agreements. A current list of states' firearm reciprocity standings can be found on the AG's website at www.attorneygeneral.gov under Resources; Concealed Carry Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2020, there were a total of 1,312 permits issued.

(Reference Appendix D for additional information.)

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, “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: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.”

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of individuals and records with similar names and numeric identifiers.
- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2020, the following investigations were initiated by the PSP Firearms Division and referred to the below entities:

TOTAL INVESTIGATIONS INITIATED IN 2020	5,291
Total Referred to PSP Troops	1,499
Total Referred to Municipal Police Departments	3,703
Total Referred to ATF	89

Below are the investigation results that were reported in 2020. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2020	
Arrests Reported	479
Convictions Reported	186
Prosecutions Declined	1,365

Below lists the cumulative totals for investigation referrals and outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2020)	
Total Referred	41,223
Arrests Reported	9,542
Convictions Reported	5,093
Prosecutions Declined	9,885
Pending Investigations	18,705
Miscellaneous Disposed Cases	3,091

WANTED PERSONS ARRESTS

In 2020, a total of 289 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since inception, the PICS is responsible for the apprehension of 2,880 individuals.

SYSTEM OUTAGES

In 2020, the PICS was operational 366 days, with working hours from 8:00 a.m. until 10:00 p.m., totaling 5,124 hours of operation. Of those hours, PICS experienced technical issues 57.91 hours, equating to 1.13 percent of total operational hours. These statistics also allow for periods for which PICS was only partially out of service, but still allowing background check calls.

In addition, instances occur when the IVR phone system is offline; however, the PICS web interface is still processing background checks, or vice versa, depending on the nature of the problem (Refer to Appendix E).

- 40.9 percent of outages were caused by technical difficulties with federal databases.
- 57.3 percent of outages were caused by PSP system problems.
- 1.8 percent of outages were caused by non-system related issues such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the PUFA to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2020 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2020	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	304,208	773,915	1,078,123
License to Carry Checks	6,850	352,243	359,093
Firearm Evidence Returns	*1,285 (Fax, not IVR)	7,409	8,694
Automatic Approvals	192,263	742,509	934,772
Transfer to Operator	120,080	391,058	511,138
Average %-System Approvals	62%	66%	65%

Total PICS checks in 2020: 1,445,910
Total System-Immediate Approvals: 934,772
Average %-System Approvals: 65%

(Reported as of 1/27/2021)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2020			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	42	LACKAWANNA	51
ALLEGHENY	139	LANCASTER	64
ARMSTRONG	28	LAWRENCE	30
BEAVER	45	LEBANON	29
BEDFORD	28	LEHIGH	45
BERKS	91	LUZERNE	64
BLAIR	46	LYCOMING	60
BRADFORD	37	MCKEAN	23
BUCKS	112	MERCER	40
BUTLER	68	MIFFLIN	18
CAMBRIA	41	MONROE	49
CAMERON	4	MONTGOMERY	93
CARBON	15	MONTOUR	8
CENTRE	41	NORTHAMPTON	61
CHESTER	89	NORTHUMBERLAND	32
CLARION	17	PERRY	34
CLEARFIELD	27	PHILADELPHIA	12
CLINTON	13	PIKE	38
COLUMBIA	33	POTTER	15
CRAWFORD	36	SCHUYLKILL	41
CUMBERLAND	58	SNYDER	17
DAUPHIN	49	SOMERSET	39
DELAWARE	52	SULLIVAN	6
ELK	12	SUSQUEHANNA	31
ERIE	55	TIOGA	38
FAYETTE	40	UNION	12
FOREST	3	VENANGO	23
FRANKLIN	53	WARREN	25
FULTON	13	WASHINGTON	71
GREENE	23	WAYNE	36
HUNTINGDON	28	WESTMORELAND	129
INDIANA	46	WYOMING	14
JEFFERSON	25	YORK	125
JUNIATA	13		
TOTAL LICENSED FIREARM DEALERS FOR 2020:			2,795

(Reported as of 3/16/2021)

2020 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX	COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX
ADAMS	8,334	1,938	7,446	1,093	LACKAWANNA	8,889	2,220	5,168	892
ALLEGHENY	38,111	13,135	16,342	5,750	LANCASTER	31,484	7,036	18,245	3,743
ARMSTRONG	2,254	917	1,686	382	LAWRENCE	5,149	1,305	3,274	611
BEAVER	6,864	1,980	4,140	787	LEBANON	8,709	1,510	6,307	971
BEDFORD	4,418	896	5,072	756	LEHIGH	17,412	4,814	7,482	2,430
BERKS	19,999	5,264	14,193	2,568	LUZERNE	17,275	3,259	10,398	1,381
BLAIR	8,451	1,772	6,436	641	LYCOMING	8,791	1,524	6,944	974
BRADFORD	4,591	458	5,899	492	MCKEAN	1,872	371	2,089	614
BUCKS	40,595	12,347	15,002	6,000	MERCER	11,386	1,772	8,343	895
BUTLER	12,192	2,415	8,751	1,686	MIFFLIN	2,939	662	2,226	539
CAMBRIA	7,760	1,678	5,861	704	MONROE	10,231	3,121	5,862	1,424
CAMERON	22	80	16	42	MONTGOMERY	16,372	8,370	7,146	4,316
CARBON	1,423	419	1,258	247	MONTOUR	36	125	48	122
CENTRE	6,397	1,744	4,875	1,112	NORTHAMPTON	9,394	4,240	5,394	1,940
CHESTER	10,020	5,723	5,319	2,900	NORTHUMBERLAND	3,844	925	2,769	542
CLARION	3,053	346	3,768	98	PERRY	2,544	735	2,807	737
CLEARFIELD	12,793	672	13,423	455	PHILADELPHIA	20,248	5,593	3,988	1,539
CLINTON	1,740	350	2,028	335	PIKE	2,830	1,224	2,630	948
COLUMBIA	5,303	1,048	3,791	634	POTTER	355	105	599	74
CRAWFORD	2,802	723	2,503	477	SCHUYLKILL	8,469	2,047	6,618	1,204
CUMBERLAND	13,674	3,504	10,396	2,141	SNYDER	3,339	1,390	2,831	842
DAUPHIN	10,219	2,889	6,043	1,742	SOMERSET	3,053	598	3,367	374
DELAWARE	11,855	8,214	3,661	3,259	SULLIVAN	121	20	156	23
ELK	2,649	175	3,576	36	SUSQUEHANNA	1,151	565	1,461	408
ERIE	10,940	3,718	8,537	2,142	TIOGA	3,554	507	4,936	493
FAYETTE	9,669	1,378	6,435	597	UNION	463	214	845	150
FOREST	180	39	181	12	VENANGO	2,989	473	2,638	302
FRANKLIN	5,339	2,697	5,984	1,451	WARREN	1,903	486	2,556	456
FULTON	1,065	309	957	310	WASHINGTON	16,301	2,301	10,353	1,158
GREENE	1,340	491	1,689	238	WAYNE	5,970	1,545	5,842	1,255
HUNTINGDON	722	506	956	305	WESTMORELAND	13,108	5,539	9,602	2,664
INDIANA	3,079	1,391	2,769	838	WYOMING	3,374	563	3,679	685
JEFFERSON	2,692	472	2,657	503	YORK	13,893	6,529	9,768	3,665
JUNIATA	369	158	707	158		528,362	151,534	348,728	79,262
TOTAL HANDGUN SALES/TRANSFERS:						679,896			
TOTAL LONG GUN SALES/TRANSFERS:						427,990			
TOTAL FRAMES/RECEIVERS:						33,527			
GRAND TOTAL SALES/TRANSFERS REPORTED:						1,141,413			

Totals include taxed and non-taxed sales/transfers of handguns, long guns and frames/receivers, reported for year 2020. Long gun totals may also include frames/receivers.

(Reported as of 01/04/2021)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2020					
COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	3583	9	LACKAWANNA	2947	14
ALLEGHENY	21050	46	LANCASTER	10978	41
ARMSTRONG	3300	18	LAWRENCE	3024	19
BEAVER	5956	10	LEBANON	4141	17
BEDFORD	3008	25	LEHIGH	9141	1
BERKS	11985	13	LUZERNE	6803	10
BLAIR	4741	8	LYCOMING	4488	10
BRADFORD	2722	25	MCKEAN	3162	4
BUCKS	15324	38	MERCER	3394	41
BUTLER	8618	22	MIFFLIN	1941	5
CAMBRIA	4915	17	MONROE	5379	52
CAMERON	255	3	MONTGOMERY	10388	18
CARBON	2471	17	MONTOUR	695	6
CENTRE	4141	17	NORTHAMPTON	7199	36
CHESTER	6040	0	NORTHUMBERLAND	3857	7
CLARION	1773	14	PERRY	2303	11
CLEARFIELD	3345	12	PHILADELPHIA	7444	0
CLINTON	1381	12	PIKE	2568	44
COLUMBIA	2111	16	POTTER	885	14
CRAWFORD	3203	68	SCHUYLKILL	5395	8
CUMBERLAND	7034	12	SNYDER	1761	3
DAUPHIN	6679	8	SOMERSET	3266	29
DELAWARE	5642	29	SULLIVAN	415	8
ELK	1560	8	SUSQUEHANNA	2121	29
ERIE	7540	63	TIOGA	1813	8
FAYETTE	6048	20	UNION	1457	3
FOREST	250	14	VENANGO	2302	18
FRANKLIN	4959	20	WARREN	2212	23
FULTON	774	10	WASHINGTON	7805	34
GREENE	1601	43	WAYNE	2617	52
HUNTINGDON	1960	20	WESTMORELAND	11837	33
INDIANA	2576	28	WYOMING	1088	6
JEFFERSON	2324	14	YORK	16518	25
JUNIATA	1011	4			
GRAND TOTAL LTC FOR 2020				311,224	
GRAND TOTAL SFP FOR 2020				1,312	

LTC – License To Carry
SFP – Sportsman’s Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2020

Month	Total Hours Down	NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Partial System Out of Service	System Out of Service
		Partial	Full	Partial	Full	Partial	Full	Partial	Full			
January	5.85	0	0	5.85	0	0	0	0	0	2	1.35%	0%
February	4.05	0	0.97	0	3.08	0	0	0	0	3	0%	1.00%
March	11.71	0.76	5.8	0.17	4.98	0	0	0	0	3	0.21%	2.48%
April	1.60	0	0	0	1.6	0	0	0	0	1	0%	0.38%
May	1.32	0	0	0	1.32	0	0	0	0	1	0%	0.30%
June	3.67	0	0	1.05	2.62	0	0	0	0	2	0.25%	0.62%
July	16.82	0	12.53	0	3.27	0	0	0	1.02	5	0%	3.88%
August	5.82	0	2.9	2.92	0	0	0	0	0	2	0.67%	0.67%
September	0.00	0	0	0	0	0	0	0	0	0	0%	0%
October	3.47	0	0	0	3.47	0	0	0	0	2	0%	0.80%
November	0.75	0	0.75	0	0	0	0	0	0	1	0%	0.18%
December	2.85	0	0	2.85	0	0	0	0	0	1	0.66%	0%
TOTALS	57.91	0.76	22.95	12.84	20.34	0	0	0	1.02	23	0.27%	0.86%

Other: Problems with phone lines, power outages, or any non-system related issue.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 1.13%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

EXHIBIT J

Pennsylvania State Police



Firearms Annual Report 2021



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA STATE POLICE
1800 ELMERTON AVENUE
HARRISBURG, PA 17110

COLONEL ROBERT EVANCHICK
COMMISSIONER

I am pleased to present the 2021 Pennsylvania State Police (PSP) Firearms Annual Report. The PSP Firearms Division continues to work through a steadily high volume of Pennsylvania Instant Check System (PICS) background check requests and related processes. The PICS processed 1,402,610 background check requests, making it the second highest volume year since its inception in 1998. This number represents a mere 2.8 percent decrease from 2020.

In 2021, technological developments included the addition of a batch upload option for county mental health agencies and courts. This enhancement allows submission of mental health records, as required by 18 Pa C.S. 6111.1(f)(1)(i), in a prepared file, rather than entering records individually.

Additionally, PSP continues its efforts to increase usage of electronic offerings for both background checks and Record of Sale (ROS) forms, partnering with other agencies when possible. Use of these services allows for more immediate access to records used during law enforcement investigations. In 2021, 88.8 percent of all background checks were initiated using the website, compared to 78.4 percent in 2020.

There has been 3,505 firearms and explosives applications denied in other states based on Pennsylvania criminal history entries into the National Instant Criminal Background Check System (NICS) Indices. These records include felony convictions, current unlawful drug user criteria, and other prohibiting data which is not available in Interstate Identification Index. As of December 31, 2021, there were 1,454,013 such records submitted by Pennsylvania to the NICS Indices.

As the following report illustrates, the PSP Firearms Division continues to make strides in administering an effective and efficient instantaneous background check system, with the ultimate goal of public safety. I thank you for taking the time to read the 2021 PSP Firearms Annual Report.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Evanchick".

Colonel Robert Evanchick
Commissioner

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APPENDIX E - *PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2021*

EXECUTIVE SUMMARY

This report provides statistics and information on the activities of the Pennsylvania State Police (PSP) Firearms Division for calendar year 2021, in compliance with 18 Pa. C.S.A. § 6111.1(i) of the Pennsylvania Uniform Firearms Act (PUFA).

The PSP conducts the instantaneous records check, known as the Pennsylvania Instant Check System (PICS), promulgated by the PUFA. The PICS utilizes an Interactive Voice Response (IVR) component and a web-based application that allows users to initiate firearm and license to carry background check requests and, when applicable, issues approvals without operator intervention.

Since July 1, 1998, Pennsylvania has served as a Point-of-Contact (POC) State for the National Instant Criminal Background Check System (NICS) operated by the Federal Bureau of Investigation (FBI). The PSP is required to comply with both state and federal laws in determining an individual's eligibility to acquire, transfer, and/or carry firearms.

In 2021, the PICS handled 1,402,610 IVR and web-based background checks for licensed firearm dealers, sheriffs and law enforcement throughout the Commonwealth. Of these requests, 65 percent were approved within minutes by the system, while an additional 31 percent were approved during the initial check with operator assistance. Background checks transferred for operator assistance generally include those for out-of-state residents, database hits or time outs, alien requests, and calls made from a rotary phone. In addition, 16,841 files that were placed in a research status were subsequently approved. Therefore, the overall approval rate of background checks that were initiated in 2021 is 97.4 percent.

There were 31,918 background checks initially denied through prohibitions indicated on the individual's record. The PSP received 7,399 challenges to these denials. After further review of information provided by the individual or through official court documentation, 2,856 or 38.6 percent of the challenges were reversed.

Last year the instantaneous background check process yielded warrant information that led to the arrest of 138 individuals while they were attempting to purchase a firearm. Since the PICS was established in July 1998, the coordinated efforts of the PICS staff and law enforcement agencies who respond to these notifications have resulted in the arrest of 3,018 fugitives.

The PSP continues its efforts to investigate and prosecute individuals who attempt to illegally obtain a firearm. In 2021, 5,456 files were referred to PSP Troops, municipal police departments and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for investigation, a one percent increase from 2020. Investigation referrals resulted in 484 arrests, 186 reported convictions, and 1,060 cases in which prosecution was declined. The PSP networks with local law enforcement agencies and the ATF in these investigative efforts.

The PICS Operations Section continues to receive requests from law enforcement agencies for the return of confiscated, relinquished, recovered, found, or stolen firearms in the custody of law enforcement. In 2021, there were 9,332 background checks conducted for these transactions, a 7.3 percent increase over 2020.

In 2021, a total of 1,045,890 firearms were reported purchased or privately transferred in Pennsylvania, equating to a 7.4 percent decrease from 2020. Licensed firearm dealers reported 599,813 handgun transactions, 412,135 long gun transactions, and 33,942 frame/receiver transactions for the year.

The *Pennsylvania Uniform Crime Report* for 2021 reported 5,005* violent crimes committed involving the use of a firearm.

*Pennsylvania Uniform Crime reporting data is incomplete, as of time of publication, due to the states transition from the Summary Uniform Crime Reporting (UCR) to the National Incident Based Reporting System (NIBRS).

BACKGROUND

On June 13, 1995, Act 17 was signed into law which amended the PUFA. The law included provisions for the PSP to conduct firearm background checks, to collect a \$2.00 fee from firearm dealers for each background check processed, and to collect a \$3.00 fee for the sale or transfer of each taxable firearm. These fees augment the general PICS budget, covering approximately 38 percent of the cost to operate the Pennsylvania State Police Firearms Division.

The PUFA, and its subsequent amendments, afford the PSP the opportunity and ability to take an aggressive and technologically advanced approach to the firearm background check responsibility through the creation of the PICS. Since its inception, the PICS has provided instantaneous records access through a toll-free telephone number and an IVR System. In 2014, a website was established, offering alternative means by which to initiate a PICS background check.

The system is designed for use by law enforcement, and licensed firearm dealers to ascertain an individual's eligibility to acquire a license to carry firearms or obtain a firearm through a purchase or transfer. Additionally, law enforcement agencies may utilize the secure website to request background checks on the return of confiscated, relinquished, recovered, found, or stolen firearms in the custody of law enforcement.

The development of the PICS required coordination with the FBI through its NICS. Pennsylvania was established as a POC state, giving the PICS Operations Section the responsibility to conduct background checks for all federal firearm licensees within the Commonwealth.

In addition to checks for firearms, the PUFA mandates that sheriffs or chiefs of police of cities of the first class conduct a PICS check before issuing a license to carry a firearm. A license to carry is for the purpose of carrying a firearm concealed on, or about one's person, or in a vehicle throughout the Commonwealth.

The PICS is a database and communications network dependent system, which was designed to handle over one (1) million calls per year. The system relies on access to a number of databases at both the state and federal levels to complete background checks. Problems completing the background check may be encountered when databases fail to communicate, or outages occur. Federal level database issues or problems are outside of PSP's control.

BACKGROUND CHECK DATABASES

The PICS background check process involves accessing both state and federal databases to determine an individual's eligibility to acquire a firearm or license to carry a firearm.

State databases searched:

- Pennsylvania Criminal History Records.
- Juvenile Records, contained within the criminal history record file.

- Mental Health File, containing involuntary commitment information and adjudications of incompetence.
- Pennsylvania Protection from Abuse File.
- Pennsylvania Wanted/Missing Persons File.

As an agency organizational segment within a POC state, the PICS conducts the check of the federal databases through the NICS.

Federal databases searched:

- Interstate Identification Index (III), which contains criminal history records submitted by states throughout the country, federal, and military records.
- National Crime Information Center (NCIC), which includes information on persons subject to civil protection orders, arrest warrants, and immigration violations.
- NICS Indices, which include the following:
 - Illegal/Unlawful Alien Records.
 - Renounced Citizenship.
 - Mental Defectives/Involuntary Commitments.
 - Dishonorable Discharges from the U.S. Armed Services.
 - Unlawful Users of Controlled Substances.
 - State Prohibition Index.
 - Federally disqualifying information that is not otherwise in III or NCIC.

COMPREHENSIVE STATISTICS

The PICS background check involves the comprehensive search of many databases, including the following: 3,071,840 Pennsylvania criminal history and juvenile records; 984,847 mental health records; 113,312 wanted persons; and federal files containing 82,998,682 criminal history records and 32,763,889 records on other prohibited persons. Most applicants instantly clear the initial database search and are approved within minutes.

When a matching record is identified during the initial background check process, the PICS is allowed up to 15 days to conduct further research as needed to determine prohibited status. In 2021, on average, background checks that were put into research and subsequently approved, took approximately 4.69 days to complete. Researched denials took an average of 11.73 days to complete.

PICS STATISTICS

In 2021, there were 1,402,610 PICS transactions initiated.

- 908,287 checks were automatically approved through the IVR or website.
- 494,323 checks were forwarded to a PICS operator for assistance.
- Of the checks forwarded to a PICS operator, 440,639 were subsequently approved during the initial review.
- A total of 1,348,926 incoming checks were approved on the initial review by the PICS. The remaining checks were denied or placed into research, and determinations were provided within 15 days. (Reference Appendix A).

AVERAGE PICS BACKGROUND CHECK TIME

In 2021, The PICS Flexcheck System statistical reporting was used to determine the average length of time taken to complete a background check.

- Calls approved by the automated IVR phone system averaged 0.75 minutes.
- Operator assisted IVR approvals averaged 45.60 minutes.
- Automated approvals issued by the website averaged 1.07 minutes.
- Operator assisted website approvals averaged 87.12 minutes.

On average, background checks that were put into research and subsequently approved, took approximately 4.69 days to complete. Researched denials took an average of 11.73 days to complete.

CHALLENGES TO DENIALS

Upon receipt of a challenge to a denial, the transaction file is reviewed by the PICS Challenge Section. The initial response to a challenge is mailed within five (5) business days to the individual and includes the name and phone number of the legal assistant assigned to the case. The assigned legal assistant works to obtain information that may lead to a final decision to reverse the denial or provides the challenger with specific information explaining the reason for denial.

- 31,918 denials were issued by PICS operators in 2021.
- 7,399 challenges to these denials were received.
- 3,897 final denials were issued.
- 2,856 denials were reversed.

The remaining 646 challenges primarily include those which were returned to the challenger unprocessed for a variety of reason, (i.e. untimely filing, incompleteness, and/or because the file being appealed was not a PICS denial).

DENIAL APPEAL STATUS

A total of 112 appeals were filed with the Office of Attorney General in 2021. The following chart reflects the status of the cases:

OFFICE OF ATTORNEY GENERAL 2021	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS WITHDRAWN/CANCELLED	4
APPEALS PENDING	107
APPEALS HEARD	1

In 2021, there was one (1) appeal filed in Commonwealth Court.

COMMONWEALTH COURT 2021	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	0
APPEALS PENDING	1

In 2021, there were three (3) appeals filed with the Superior Court.

PA SUPERIOR COURT 2021	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	0
APPEALS PENDING	3

In 2021, There were no appeals filed with the Supreme Court.

PA SUPREME COURT 2021	
PSP DENIALS UPHELD	0
PSP DENIALS OVERTURNED	0
APPEALS REFUSED/WITHDRAWN/CANCELLED/REMANDED	0
APPEALS PENDING	0

COURT RELIEF FROM FIREARM DISABILITY

The PUFA, sections 6105(d) through (f), provides for court ordered relief from the state firearm disability for qualified offenses, involuntary civil commitments, and court adjudications of incompetency. The PSP has standing to appear at these hearings on behalf of the Commonwealth.

In 2021, the PSP Firearms Division staff, in conjunction with the PSP Office of Chief Counsel, responded to 133 such petitions for relief, a 59 percent increase from 2020. There were 112

petitions for relief or expungement of mental health commitments, and 21 petitions for criminal offenses.

It is important to note that even if the petitioner is granted firearm relief from a state court, they may also need to obtain relief for a federal firearm disability, if the offense or criteria is also prohibited under the Gun Control Act, Title 18, Chapter 44, Section 922(g).

FIREARM SALES AND TRANSFERS

In 2021, there were 2,891 active Pennsylvania licensed firearm dealers (Reference Appendix B). Pursuant to the PUFA, licensed firearm dealers are required to conduct a PICS background check on individuals attempting to acquire a handgun, long gun, or frame/receiver.

For sales and transfers of handguns, dealers are also required to complete and submit the Application/Record of Sale form promulgated by the PSP. Although the form is not required for the sale of long guns, a background check is still necessary, unless the long gun transfer is between two (2) individuals who are both Pennsylvania residents. The Application/Record of Sale forms are submitted by the dealers with the Surcharge Remittance forms to the PSP within 14 days of the transaction, as mandated by the PUFA.

In 2021, a total of 1,045,890 firearms were reported purchased/transferred in Pennsylvania.

- 599,752 handguns were reported purchased/transferred.
- 412,004 long guns were reported purchased/transferred.
- 33,942 frames/receivers were reported purchased/transferred.

(Reference Appendix C for additional information.)

CRIMES COMMITTED WITH FIREARMS

The Pennsylvania Uniform Crime Report is prepared each year by the PSP and excerpts of the firearms related data contained in the current report are provided in the table below.

(Reported as of 3/1/2022*)

TYPE OF CRIME	TOTAL	FIREARMS	PERCENT
Homicide	458	357	77.9%
Robbery	3,523	1,474	41.8%
Aggravated Assault	12,739	3,174	24.9%

*Pennsylvania Uniform Crime reporting data is incomplete, as of time of publication, due to the states transition from the Summary Uniform Crime Reporting (UCR) to the National Incident Based Reporting System (NIBRS).

LICENSE TO CARRY FIREARMS/SPORTSMAN'S FIREARM PERMITS

In 2021, there were a total of 384,522 license to carry firearms permits issued as reported by County Sheriffs' offices and the City of Philadelphia, equating to a 23.5 percent increase from 2020. Background checks are conducted through the PICS to determine an individual's eligibility to obtain a license to carry firearms.

License to carry checks initiated through the web-based system accounted for 99.7 percent of the total license to carry check requests for the year.

Section 6109(k) of the PUFA gives the Pennsylvania Attorney General (AG) the authority to enter into reciprocity agreements with other states. These agreements provide for mutual recognition of a license or permit to carry a firearm issued by both states.

This information can change frequently because of new legislation that is passed in other states, or updates that are made to the original agreements. A current list of states' firearm reciprocity standings can be found on the AG's website at www.attorneygeneral.gov under Resources; Concealed Carry Agreements.

Sportsman's Firearm Permits are issued by the County Treasurer's Office and do not require a background check. In 2021, there were a total of 1,337 permits issued.

(Reference Appendix D for additional information).

PENNSYLVANIA UNIFORM FIREARMS ACT - ENFORCEMENT

As provided in 18 Pa. C.S. § 6111(g)(4) of the Pennsylvania Uniform Firearms Act, *"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: (i) makes any materially false oral statement; (ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or (iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer."*

Before initiating investigations under this section, the following information is taken into consideration:

- Initial PICS denial determinations are not always final denials, and the denial determination, exclusively, is not the determining factor for criminal intent.
- Initial denials may be a result of individuals and records with similar names and numeric identifiers.
- Individuals denied through the PICS may challenge a denial response if they believe they have been denied in error.

In 2021, the following investigations were initiated by the PSP Firearms Division and referred to the below entities:

TOTAL INVESTIGATIONS INITIATED IN 2021	5,456
Total Referred to the Pennsylvania State Police	1,273
Total Referred to Municipal Police Departments	4,045
Total Referred to ATF	138

Below are the investigation results that were reported in 2021. They include referrals that were initiated in previous years.

TOTAL INVESTIGATION OUTCOMES IN 2021	
Arrests Reported	484
Convictions Reported	186
Prosecutions Declined	1,060

The table below lists the cumulative totals from 1999 to 2021, for investigation referrals, and the various outcomes. The miscellaneous disposed cases mainly include investigations which were closed without an arrest.

INVESTIGATION GRAND TOTALS (1999-2021)	
Total Referred	46,679
Arrests Reported	10,026
Convictions Reported	5,279
Prosecutions Declined	10,945
Pending Investigations	22,499
Miscellaneous Disposed Cases	3,209

WANTED PERSONS ARRESTS

In 2021, a total of 138 individuals with active warrants were identified by the PICS and apprehended while attempting to acquire a firearm. Since its inception on July 1, 1998, the PICS is responsible for the apprehension of 3,018 individuals.

SYSTEM OUTAGES

In 2021, the PICS was operational 365 days, from 8:00 a.m. until 10:00 p.m., for a total of 5,110 hours. The PICS experienced 28 hours, or 0.55 percent, of the total operational hours out of service due to technical problems. This includes periods for which the PICS was partially out of service, but still accepting background check calls, and those for which it was completely out of service.

In addition, instances occur when the IVR phone system is offline; however, the PICS web interface is still processing background checks, or vice versa, depending on the nature of the problem. (Reference Appendage E).

- 44.0 percent of outages were caused by technical difficulties with federal databases.
- 35.5 percent of outages were caused by PSP system problems.
- 20.5 percent of outages were caused by non-system related issues such as problems with phone lines, power outages, etc.

CONCLUSION

The PICS was developed in accordance with the provisions of the Pennsylvania Uniform Firearms Act to provide a means by which law-abiding citizens may acquire firearms without undue or unnecessary restrictions. The PICS identifies individuals who are precluded by state or federal law from purchasing a firearm; and thus, will not authorize the transfer of a firearm by a licensed dealer to a known prohibited person. The data presented in this report indicates that the PICS is functioning as intended.

PICS 2021 IVR AND WEB-BASED CHECKS STATISTICS

YEAR 2021	IVR*	WEB-BASED	TOTALS
Purchase/Transfer Checks	155,254	805,044	960,298
License to Carry Checks	1,194	431,786	432,980
Firearm Evidence Returns	*1,140 (Fax, not IVR)	8,192	9,332
Automatic Approvals	99,785	808,502	908,287
Transfer to Operator	57,803	436,520	494,323
Average %-System Approvals	63%	65%	65%

Total PICS checks in 2021: 1,402,610
Total System-Immediate Approvals: 908,287
Average %-System Approvals: 65%

(Reported as of 01/02/2022)

NUMBER OF LICENSED FIREARM DEALERS BY COUNTY FOR 2021			
COUNTY	NO. DEALERS	COUNTY	NO. DEALERS
ADAMS	46	LACKAWANNA	47
ALLEGHENY	152	LANCASTER	69
ARMSTRONG	30	LAWRENCE	30
BEAVER	47	LEBANON	30
BEDFORD	27	LEHIGH	47
BERKS	100	LUZERNE	61
BLAIR	48	LYCOMING	62
BRADFORD	38	MCKEAN	22
BUCKS	116	MERCER	43
BUTLER	69	MIFFLIN	17
CAMBRIA	40	MONROE	50
CAMERON	5	MONTGOMERY	91
CARBON	19	MONTOUR	8
CENTRE	42	NORTHAMPTON	64
CHESTER	86	NORTHUMBERLAND	33
CLARION	20	PERRY	36
CLEARFIELD	29	PHILADELPHIA	12
CLINTON	17	PIKE	39
COLUMBIA	36	POTTER	16
CRAWFORD	37	SCHUYLKILL	44
CUMBERLAND	58	SNYDER	19
DAUPHIN	53	SOMERSET	39
DELAWARE	52	SULLIVAN	6
ELK	13	SUSQUEHANNA	29
ERIE	56	TIOGA	43
FAYETTE	43	UNION	11
FOREST	4	VENANGO	24
FRANKLIN	60	WARREN	22
FULTON	13	WASHINGTON	73
GREENE	23	WAYNE	35
HUNTINGDON	31	WESTMORELAND	125
INDIANA	44	WYOMING	14
JEFFERSON	25	YORK	140
JUNIATA	11		
TOTAL LICENSED FIREARM DEALERS FOR 2021:			2,891

(Reported as of 3/2/2022)

2021 FIREARM SALES/TRANSFERS REPORTED BY COUNTY

COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX	COUNTY	HAND GUN TAXED	HAND GUN NO TAX	LONG GUN TAXED	LONG GUN NO TAX
ADAMS	6,362	1,646	6,273	1,109	LACKAWANNA	8,737	2,252	4,920	1,167
ALLEGHENY	31,313	11,371	15,176	5,636	LANCASTER	24,638	6,398	16,061	3,891
ARMSTRONG	1,899	861	1,397	431	LAWRENCE	4,143	1,265	2,853	679
BEAVER	4,429	1,648	3,463	1,001	LEBANON	7,798	1,663	6,439	1,170
BEDFORD	3,073	884	5,066	757	LEHIGH	12,392	4,878	6,602	2,686
BERKS	17,639	5,626	14,362	3,187	LUZERNE	15,672	3,015	10,144	1,484
BLAIR	7,936	1,866	6,560	858	LYCOMING	8,232	1,661	7,035	1,298
BRADFORD	3,815	448	5,810	400	MCKEAN	1,431	323	1,678	681
BUCKS	37,919	11,132	16,109	5,902	MERCER	9,508	1,644	7,784	1,031
BUTLER	8,236	2,594	6,495	1,960	MIFFLIN	2,225	559	2,425	402
CAMBRIA	6,452	1,789	5,304	753	MONROE	8,190	2,782	5,446	1,607
CAMERON	7	56	14	35	MONTGOMERY	12,650	8,209	5,119	3,902
CARBON	972	383	961	285	MONTOUR	47	119	43	116
CENTRE	6,057	2,068	4,846	1,328	NORTHAMPTON	7,788	3,150	5,067	1,673
CHESTER	9,060	5,187	4,410	3,836	NORTHUMBERLAND	3,474	882	2,782	521
CLARION	2,647	347	3,677	127	PERRY	2,811	906	3,681	868
CLEARFIELD	10,173	702	11,412	431	PHILADELPHIA	16,722	6,768	2,399	2,871
CLINTON	1,548	362	1,984	427	PIKE	2,378	1,379	1,943	1,104
COLUMBIA	5,615	923	4,196	511	POTTER	391	122	673	122
CRAWFORD	2,295	746	2,502	555	SCHUYLKILL	7,053	1,923	5,703	1,030
CUMBERLAND	12,233	3,521	9,581	2,107	SNYDER	2,207	1,188	2,367	973
DAUPHIN	7,331	2,497	5,248	1,638	SOMERSET	3,175	768	3,306	454
DELAWARE	8,748	6,426	2,926	2,814	SULLIVAN	98	25	160	43
ELK	2,755	230	3,662	58	SUSQUEHANNA	1,034	475	1,281	481
ERIE	9,602	3,687	9,023	2,189	TIOGA	2,740	560	4,456	532
FAYETTE	7,172	1,340	5,425	727	UNION	382	187	692	228
FOREST	109	16	114	7	VENANGO	3,041	435	3,025	359
FRANKLIN	6,689	2,813	7,459	1,866	WARREN	1,696	561	2,113	505
FULTON	957	331	1,132	341	WASHINGTON	12,429	2,267	9,147	1,387
GREENE	1,017	572	1,366	363	WAYNE	5,689	1,506	5,183	1,440
HUNTINGDON	533	409	847	272	WESTMORELAND	10,932	5,252	8,348	2,912
INDIANA	2,543	1,423	2,391	869	WYOMING	2,275	9,006	3,213	879
JEFFERSON	2,651	547	3,037	594	YORK	14,304	6,583	10,673	4,340
JUNIATA	441	141	785	151		446,510	153,303	325,774	86,361
TOTAL HANDGUN SALES/TRANSFERS:					599,813				
TOTAL LONG GUN SALES/TRANSFERS:					412,135				
TOTAL FRAMES/RECEIVERS:					33,942				
GRAND TOTAL SALES/TRANSFERS REPORTED:					1,045,890				

Totals include taxed and non-taxed sales/transfers of handguns, long guns and frames/receivers, reported for year 2021. Long gun totals may also include frames/receivers.

(Reported as of 01/02/2022)

COUNTY STATISTICS FOR LICENSE TO CARRY FIREARMS AND SPORTSMAN'S FIREARM PERMITS ISSUED IN 2021					
COUNTY	LTC	SFP	COUNTY	LTC	SFP
ADAMS	3,938	10	LACKAWANNA	4,389	14
ALLEGHENY	28,686	39	LANCASTER	14,444	38
ARMSTRONG	3,679	10	LAWRENCE	2,847	32
BEAVER	5,293	1	LEBANON	4,028	11
BEDFORD	2,525	21	LEHIGH	8,423	0
BERKS	13,803	6	LUZERNE	7,331	27
BLAIR	3,770	9	LYCOMING	3,947	10
BRADFORD	2,625	32	MCKEAN	3,956	7
BUCKS	12,987	46	MERCER	3,026	41
BUTLER	7,341	18	MIFFLIN	1,675	7
CAMBRIA	5,364	20	MONROE	4,591	44
CAMERON	232	7	MONTGOMERY	16,849	26
CARBON	2,447	15	MONTOUR	556	3
CENTRE	4,304	17	NORTHAMPTON	6,896	43
CHESTER	11,236	0	NORTHUMBERLAND	3,236	3
CLARION	1,867	22	PERRY	2,332	14
CLEARFIELD	2,722	21	PHILADELPHIA	52,230	0
CLINTON	1,350	4	PIKE	2,397	53
COLUMBIA	2,340	13	POTTER	758	23
CRAWFORD	2,860	40	SCHUYLKILL	4,517	9
CUMBERLAND	6,842	17	SNYDER	1,530	12
DAUPHIN	6,003	18	SOMERSET	3,311	16
DELAWARE	13,429	37	SULLIVAN	376	9
ELK	1,652	9	SUSQUEHANNA	2,407	28
ERIE	9,632	56	TIOGA	2,380	21
FAYETTE	5,545	22	UNION	1,169	2
FOREST	321	4	VENANGO	2,376	21
FRANKLIN	4,544	28	WARREN	2,336	15
FULTON	719	5	WASHINGTON	6,550	32
GREENE	1,334	47	WAYNE	4,233	45
HUNTINGDON	1,736	21	WESTMORELAND	11,097	42
INDIANA	3,695	33	WYOMING	1,420	5
JEFFERSON	1,990	12	YORK	19,173	19
JUNIATA	925	5			
GRAND TOTAL LTC FOR 2021				384,522	
GRAND TOTAL SFP FOR 2021				1,337	

LTC – License To Carry
SFP – Sportsman's Firearm Permit

PENNSYLVANIA INSTANT CHECK SYSTEM OUTAGES - 2021

Month	Total Hours Down	NICS Hours		PSP Hours		Both Hours		Other Hours		No. Days Affected	Partial System Out of Service	System Out of Service
		Partial	Full	Partial	Full	Partial	Full	Partial	Full			
January	2.61	0	0.78	0	1.83	0	0	0	0	2	0%	0.05%
February	8.50	0	3.75	0	0	0	0	4.75	0	2	0.09%	0.07%
March	2.25	0	0	0	2.25	0	0	0	0	2	0%	0.04%
April	0.00	0	0	0	0	0	0	0	0	0	0%	0%
May	3.67	0	0	0	3.10	0	0	0	0.57	4	0%	0.07%
June	7.38	0	4.20	0	2.75	0	0	0	0.43	4	0%	0.14%
July	0.00	0	0	0	0	0	0	0	0	0	0%	0%
August	0.00	0	0	0	0	0	0	0	0	0	0%	0%
September	1.77	0	1.77	0	0	0	0	0	0	1	0%	0.04%
October	0.52	0	0.52	0	0	0	0	0	0	1	0%	0.01%
November	1.30	0	1.30	0	0	0	0	0	0	1	0%	0.03%
December	0.00	0	0	0	0	0	0	0	0	0	0%	0%
TOTALS	28.00	0.00	12.32	0.00	9.93	0	0	4.75	1.00	17	0.09%	0.45%

Other: Problems with phone lines, power outages, or any non-system related issue.

OUTAGE TIME AS PERCENT OF OPERATIONAL HOURS: 0.54%

Partial – Indicates the PICS was not taken out of service, but the background check could not be completed due to unavailable database information.

Full – Indicates the PICS was taken out of service and not accepting background check calls.

CERTIFICATION

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Date: September 21, 2022



Dillon Harris, Esq.

CERTIFICATE OF SERVICE

I, Dillon Harris, hereby certify that on September 21, 2022, I caused a true and correct copy of the foregoing Petition for Review together with all supporting materials thereto to be served on the entities in the manner specified below:

(via Email and Overnight Mail)

Karen Romano, Chief Deputy Attorney General
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Pennsylvania Office of the Attorney General
Strawberry Square, 16th Floor
Harrisburg, PA 17120

Date: September 21, 2022



Dillon Harris, Esq.