



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

COLONEL PAUL J. EVANKO
COMMISSIONER

October 6, 2000

The Honorable Daryl D. Metcalfe
House of Representatives
House Box 202020
Room 428, South Office Building
Harrisburg, Pennsylvania 17120-2020

Dear Representative Metcalfe:

This is in response to your most recent correspondence dated September 12, 2000, relative to the Pennsylvania State Police (PSP) retention of the application/record of sale forms completed by potential buyers or transferees of handguns.

Section 6111(b)(1) of the Uniform Firearms Act (UFA) specifically requires dealers to send the application/record of sale form to the PSP upon the sale of a handgun. This form includes information relative to the buyer and the handgun being purchased. No similar statutory requirement exists for long guns, nor does the PSP retain application/record of sale information on long guns.

The Commonwealth has received the application/record of sale form on handguns since 1933. We continue to retain a copy of the application/record of sale form. It is the position of the PSP that the record of sale file does not constitute a gun registry in violation of the UFA.

In accordance with the Administrative Code of 1929, Section 710(f), "The Pennsylvania State Police shall have the power and its duty shall be to collect and classify, and keep at all times available, complete information useful for the detection of crime, and the identification and apprehension of criminals. Such information shall be available for all police officers within the Commonwealth, under such regulations as the Commissioner of the Pennsylvania State Police may prescribe." The application/record of sale file is used daily by law enforcement officers throughout Pennsylvania to solve crimes involving the use of handguns.

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The following are examples of cases which were solved through investigative leads or incidents which were handled safely due to information provided by the application/record of sale forms:

In October 1993, in Central Pennsylvania, a man was found shot to death in a wooded area. Investigating Troopers noticed some freshly turned earth not too far from the crime scene. They dug into the soil and found the murder weapon. The gun was not listed as stolen in NCIC. An inquiry as to gun ownership started a trail that led the investigating Troopers to the State of Maine, and to a former Pennsylvania resident there. Upon interviewing the Maine resident, he informed the Troopers that he had been dating the victim's estranged wife, and that she had access to and must have stolen, the murder weapon. The estranged wife was charged with and subsequently convicted of criminal homicide.

On June 26, 1998, in Montgomery County, officers had obtained a search warrant for narcotics for a suspect. The State Police Special Emergency Response Team (SERT) was activated, and specially trained Troopers from that team made a rapid entry and secured the suspect without any shots being fired. The suspect had seventeen weapons, many high powered and semi-automatic. These loaded weapons were under the bed, lying on a dresser, and other easily accessible places in the residence. Had the officers not known of the existence of these weapons, a very violent confrontation may have resulted.

In September 1998, in Northeastern Pennsylvania, Troopers were investigating a homicide in which the victim was shot twice in the head with a small caliber weapon. In an unrelated incident, police were pursuing a vehicle which crashed, and the suspect made his escape on foot. The crashed vehicle was not registered to the suspect and thus did not help identify him. However, a small caliber handgun was found in the vehicle. This turned out to be the murder weapon, and a check of ownership linked the weapon to a deceased woman. The woman's son subsequently confessed to the murder.

The PSP participated in the development of Act 17 and Act 66. When these statutes were being formulated, it was agreed that the maintenance of handgun records of sale would not be impacted. For the PSP to destroy this sixty seven year old file containing the application/record of sale forms, would not only make crime solving in the Commonwealth more difficult, but would also jeopardize the lives and safety of citizens and police officers.

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Please be advised that Major Ronald Hackenberg, Director, Bureau of Records and Identification, and a member of the PSP Office of Chief Counsel will be available to meet with you at your convenience. You may contact Major Hackenberg at 717-783-5588.

Sincerely,



Colonel Paul J. Evanko
Commissioner