

**TESTIMONY OF DEPUTY POLICE COMMISSIONER  
FRANCIS HEALY, ESQ.  
OFFICES OF PROFESSIONAL RESPONSIBILITY AND LEGAL AFFAIRS  
BEFORE THE DEMOCRATIC POLICY COMMITTEE ON  
UNIVERSAL FIREARMS BACKGROUND CHECKS  
OCTOBER 30, 2023**

---

Good morning Chairperson Muth, Senator Hughes and other members on the Democratic Police Committee. My name is Francis Healy and I am a Deputy Commissioner in the Philadelphia Police Department. I am responsible for the Offices of Legal Affairs and Professional Responsibility. First, on behalf of Commissioner John Stanford, thank you for allowing the Philadelphia Police Department the opportunity to voice its opinion on the issue of Universal Firearm Background Checks.

As we all know, anytime you purchase a firearm from a federally licensed firearm dealer, they run the purchaser's information through the Pennsylvania Instant Check System (PICS), which is run by the Pennsylvania State Police. The PICS system then links the information into the National Instant Check System (NICS), which is maintained by the FBI. This very comprehensive system between the federal government and state governments was designed and implemented for the sole purpose of ensuring that those persons prohibited by law from owning and/or possessing a firearm, whether it be due to domestic abuse, criminal conviction or mental health commitment, cannot receive a gun.

The system works and it works well. From my understanding, in 2020, that more than 1.4 million background checks were conducted on the Pennsylvania Instant Check

System (PICS) and this system halted approximately 27,000 gun sales to individuals who were prohibited under the law for possessing a firearm. This is a success without any doubt. Now, it is also important to note at this point that it is also a crime to attempt to purchase a firearm if a person is prohibited under state law. Once a person is denied during a PICS check, an investigation is initiated and these individual are routinely arrested. This fact is a lesser known benefit of the PICS/NICS system. It allows law enforcement to focus attention on individuals who may be intentionally trying to subvert the law. Very few individuals, outside of law enforcement, will recognize the additional benefit this provides to keeping our streets safer.

Nonetheless, not every person who purchases or is transferred a gun in Pennsylvania is entered into the PICS/NICS system. This contradicts the intent of the entire PICS/NICS system. The PICS/NICS systems were not designed or intended to restrict the lawful ownership of guns. Conversely, these systems were designed to ensure that only those persons legal allowed to possess firearms can purchase these guns in the most convenient and safest manner possible. On average, in Pennsylvania a PICS check takes about five (5) minutes.

As we all know here today, the Pennsylvania legislature has bifurcated the definition of guns into basically handguns, which are specifically referred to as “Firearms” under Pennsylvania law and long guns. Further, the legislature has established different rules for the sale of each classification of guns. “Firearms” are required to be transferred at licensed dealers so that PICS checks can be completed. However, the same requirement does not exist for longer barreled shotgun or rifles. Therefore, I can legally

sell any rifle or shotgun to another person in Pennsylvania and there is no record of the sale or check of the person receiving the rifle or shotgun. This is what has created the loophole.

Please let me preface my next statement. I am a sworn law enforcement officer which means that I have taken an oath to support and defend both the United States and Pennsylvania Constitutions and the laws of this county and of the Commonwealth. This includes the Second amendment and the right to bear arms. I have been fortunate to have an amazing father who exposed me to hunting and target shooting at a very early age and we continued to meet weekly to shoot skeet and target shoot up to the last 2 weeks of his life. There is nothing that compares to walking through the woods on a crisp autumn day with your hero and hearing the sound a pheasant taking flight or hitting 25 out of 25 on the skeet range. I have so many memories of the times we spent together and I will be forever grateful. So, I fully understand and embrace the culture and heritage of firearms in this Commonwealth.

The laws are on the books to ensure the future of this heritage by ensuring only those lawfully permitted to possess a gun actually have access. I understand the culture of trading and selling firearms and that requiring these transfers to be conducted at a licensed dealer will create inconveniences but, I believe, to ensure the heritage of firearms, we must vet all persons who are receiving a gun. Whether it be a “firearm,” as defined in Pennsylvania, or a long gun is not really relevant. The firearm or gun has never been the problem, but rather who possess the firearm or gun has always been the problem.

So, I believe that mandating PICS for all gun transfers is not a restriction of any rights but rather insurance that only the proper individuals are possessing firearms. This would also allow law enforcement to target a much wider number of criminals who are attempting to illegally purchase firearms. Yes, it is an inconvenience, but a reasonable one, I believe.

Please let me end on an analogy. If you sold your car and did not report the transfer to PennDot, you would be responsible for everything that happens with that car. You will need to jump through hoops to prove the car was transferred and that you are no longer responsible. My legal mind finds it hard to comprehend that any individual would sell or transfer a gun to another person privately, without some formal documentation of the transfer. It is in the best interest of the seller to transfer the gun at a licensed gun dealer. It protects the seller from future liability and ensures that the honest seller has not just inadvertently put a gun into the hands of a criminal.

So, in closing, the PPD supports Senate Bill 60, which will remove the loophole that has been identified. It is neither a restriction on ownership or transfer, but rather insurance that only persons lawfully permitted to possess guns are permitted access to such guns. Again, thank you for allowing the PPD to voice its opinion on this issue. This concludes my testimony. I would be happy to answer any questions at this time.