

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1614 Session of 2019

INTRODUCED BY KAUFFMAN AND BRIGGS, JUNE 11, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 18, 2019

AN ACT

1 Amending ~~Title~~ TITLES 18 (CRIMES AND OFFENSES) AND 42 (Judiciary <--
2 and Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, IN FIREARMS AND OTHER DANGEROUS ARTICLES, FURTHER <--
4 PROVIDING FOR PERSONS NOT TO POSSESS, USE, MANUFACTURE,
5 CONTROL, SELL OR TRANSFER FIREARMS AND FOR SALE OR TRANSFER
6 OF FIREARMS; AND, in commencement of proceedings, further
7 providing for Statewide municipal police jurisdiction, for
8 nonmunicipal police extraterritorial jurisdiction and for
9 agents of the Office of Attorney General and providing for
10 interpretation.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. Section 8953(a)(3) of Title 42 of the <--
14 Pennsylvania Consolidated Statutes is amended to read:~~

15 SECTION 1. SECTIONS 6105 AND 6111 OF TITLE 18 OF THE <--
16 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED BY ADDING
17 SUBSECTIONS TO READ:

18 § 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL
19 OR TRANSFER FIREARMS.

20 \* \* \*

21 (D.1) CONCURRENT JURISDICTION TO PROSECUTE.--THE FOLLOWING
22 APPLY IN A CITY OF THE FIRST CLASS WHERE THE ATTORNEY GENERAL

1 HAS OPERATED A JOINT LOCAL-STATE FIREARM TASK FORCE:

2 (1) IN ADDITION TO THE AUTHORITY CONFERRED UPON THE  
3 ATTORNEY GENERAL BY THE ACT OF OCTOBER 15, 1980 (P.L.950,  
4 NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, THE  
5 ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE AND  
6 INSTITUTE CRIMINAL PROCEEDINGS FOR A VIOLATION OF THIS  
7 SECTION.

8 (2) NO PERSON CHARGED WITH A VIOLATION OF THIS SECTION  
9 BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE THE  
10 AUTHORITY OF THE ATTORNEY GENERAL TO PROSECUTE THE CASE, AND,  
11 IF ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE  
12 DISMISSED AND NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF  
13 THIS COMMONWEALTH TO THE PERSON MAKING THE CHALLENGE.

14 (3) THIS SUBSECTION SHALL NOT APPLY TO ANY CASE  
15 INSTITUTED TWO YEARS AFTER THE EFFECTIVE DATE OF THIS  
16 SUBSECTION.

17 \* \* \*

18 § 6111. SALE OR TRANSFER OF FIREARMS.

19 \* \* \*

20 (D.1) CONCURRENT JURISDICTION TO PROSECUTE.--THE FOLLOWING  
21 APPLY IN A CITY OF THE FIRST CLASS WHERE THE ATTORNEY GENERAL  
22 HAS OPERATED A JOINT LOCAL-STATE FIREARM TASK FORCE:

23 (1) IN ADDITION TO THE AUTHORITY CONFERRED UPON THE  
24 ATTORNEY GENERAL BY THE ACT OF OCTOBER 15, 1980 (P.L.950,  
25 NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, THE  
26 ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE AND  
27 INSTITUTE CRIMINAL PROCEEDINGS FOR A VIOLATION OF THIS  
28 SECTION.

29 (2) NO PERSON CHARGED WITH A VIOLATION OF THIS SECTION  
30 BY THE ATTORNEY GENERAL SHALL HAVE STANDING TO CHALLENGE THE

1 AUTHORITY OF THE ATTORNEY GENERAL TO PROSECUTE THE CASE, AND,  
2 IF ANY SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE  
3 DISMISSED AND NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF  
4 THIS COMMONWEALTH TO THE PERSON MAKING THE CHALLENGE.

5 (3) THIS SUBSECTION SHALL NOT APPLY TO ANY CASE  
6 INSTITUTED TWO YEARS AFTER THE EFFECTIVE DATE OF THIS  
7 SUBSECTION.

8 \* \* \*

9 SECTION 1.1. SECTION 8953(A) (3) OF TITLE 42 IS AMENDED TO  
10 READ:

11 § 8953. Statewide municipal police jurisdiction.

12 (a) General rule.--Any duly employed municipal police  
13 officer who is within this Commonwealth, but beyond the  
14 territorial limits of his primary jurisdiction, shall have the  
15 power and authority to enforce the laws of this Commonwealth or  
16 otherwise perform the functions of that office as if enforcing  
17 those laws or performing those functions within the territorial  
18 limits of his primary jurisdiction in the following cases:

19 \* \* \*

20 (3) Where the officer [has been requested to aid or  
21 assist any local, State or Federal law enforcement officer or  
22 park police officer or otherwise has probable cause to  
23 believe that the other officer is in need of aid or  
24 assistance.]:

25 (i) has been requested to aid or assist a Federal,  
26 State or local law enforcement officer or park police  
27 officer;

28 (ii) has probable cause to believe that a Federal,  
29 State or local law enforcement officer or park police  
30 officer is in need of aid or assistance; or

1           (iii) has been requested to participate in a  
2           Federal, State or local task force.

3           \* \* \*

4           Section 2. Sections 8953.1(a)(2) and 8953.2(a)(1) of Title  
5           42, added June 28, 2018 (P.L.415, No.57), are amended to read:

6           § 8953.1. Nonmunicipal police extraterritorial jurisdiction.

7           (a) Power and authority.--In addition to a power and  
8           authority vested by law, a nonmunicipal police officer who is  
9           within this Commonwealth, but beyond the territorial limit of  
10          the jurisdiction established for the officer's nonmunicipal  
11          police department by law, shall have the power and authority to  
12          enforce the laws of this Commonwealth or to perform a function  
13          of a municipal police officer in the following circumstances:

14          \* \* \*

15          (2) If the officer [has been requested to immediately  
16          aid or assist a Federal, State or local law enforcement  
17          officer or park police officer or has probable cause to  
18          believe that the other officer is in need of aid or  
19          assistance.]:

20               (i) has been requested to immediately aid or assist  
21               a Federal, State or local law enforcement officer or park  
22               police officer;

23               (ii) has probable cause to believe that a Federal,  
24               State or local law enforcement officer or park police  
25               officer is in need of aid or assistance; or

26               (iii) has been requested to participate in a  
27               Federal, State or local task force.

28          \* \* \*

29          § 8953.2. Agents of the Office of Attorney General.

30          (a) Power and authority.--An agent of the Office of Attorney

1 General as defined in paragraph (2) of the definition of  
2 "enforcement officer" in 71 Pa.C.S. § 5102 (relating to  
3 definitions), in addition to the power and authority vested by  
4 law, shall have the power and authority to enforce the laws of  
5 this Commonwealth or to perform a function of a municipal police  
6 officer in the following circumstances:

7 (1) If the officer [has been requested to immediately  
8 aid or assist a Federal, State or local law enforcement  
9 officer or park police officer or has probable cause to  
10 believe that the other officer is in need of aid or  
11 assistance.]:

12 (i) has been requested to immediately aid or assist  
13 a Federal, State or local law enforcement officer or park  
14 police officer;

15 (ii) has probable cause to believe that a Federal,  
16 State or local law enforcement officer or park police  
17 officer is in need of aid or assistance; or

18 (iii) has been requested to participate in a  
19 Federal, State or local task force.

20 \* \* \*

21 Section 3. Title 42 is amended by adding a section to read:  
22 § 8955. Interpretation.

23 The powers, authorities, duties, obligations and jurisdiction  
24 under this subchapter shall not be subject to the requirements  
25 of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental  
26 cooperation).

27 Section 4. The addition or amendment of the following shall  
28 apply retroactively to law enforcement conduct on or after June  
29 15, 1982:

30 (1) The amendment of 42 Pa.C.S. §§ 8953(a)(3), 8953.1(a)

1 (2) and 8953.2(a)(1).

2 (2) The addition of 42 Pa.C.S. § 8955.

3 Section 5. The General Assembly declares that the addition  
4 or amendment of the following are intended to reverse the  
5 Pennsylvania Supreme Court's interpretation of 42 Pa.C.S. Ch. 89  
6 Subch. D, as set forth in *Commonwealth v. Hlubin* 2019 WL 2324272  
7 (Pa. 2019):

8 (1) The amendment of 42 Pa.C.S. §§ 8953(a)(3), 8953.1(a)  
9 (2) and 8953.2(a)(1).

10 (2) The addition of 42 Pa.C.S. § 8955.

11 Section 6. This act shall take effect ~~immediately~~. AS <--  
12 FOLLOWS:

13 (1) THE ADDITION OF 18 PA.C.S. §§ 6105(D.1) AND  
14 6111(D.1) SHALL TAKE EFFECT IN 60 DAYS.

15 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
16 IMMEDIATELY.