

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 111 Session of 2021

INTRODUCED BY STEPHENS, DEASY, NEILSON, WHITE, C. WILLIAMS AND THOMAS, JUNE 8, 2021

AS AMENDED, HOUSE OF REPRESENTATIVES, NOVEMBER 17, 2021

A RESOLUTION

1 Directing the Commission on Sentencing to conduct a thorough and
2 comprehensive study on the investigation, prosecution and
3 sentencing of violations of Pennsylvania Uniform Firearms Act
4 of 1995 in this Commonwealth.

5 WHEREAS, In 2020, there were 499 homicides in Philadelphia,
6 which was an increase of more than 40% from 2019, and just one
7 shy of the record for homicides in the city set in 1990; and

8 WHEREAS, In 2020, there were 434 fatal shootings in
9 Philadelphia; and

10 WHEREAS, In 2020, Philadelphia suffered the highest rate of
11 fatal shootings, 27.39 per 100,000 residents, among the 10
12 cities with populations greater than 1 million in the country;
13 and

14 WHEREAS, In 2020, there were more than 2,240 people shot in
15 the city, 40% more than police had previously recorded; and

16 WHEREAS, In 2020, more than 100 juveniles were shot in
17 Philadelphia; and

18 WHEREAS, As of May 3, 2021, Philadelphia homicides numbered
19 176, which represents a 39% increase from the same time last

1 year; and

2 WHEREAS, As of May 3, 2021, there were 676 shootings in the
3 city of Philadelphia, which is a 37.4% increase from the same
4 time last year; and

5 WHEREAS, With 24.99 per 100,000 residents, Philadelphia
6 suffered the highest rate of fatal shootings among the 10 cities
7 with populations greater than 1 million in the country from
8 January 2021 through March 2021; and

9 WHEREAS, As of May 3, 2021, there have been 150 fatal
10 shootings in Philadelphia, and 65 juveniles have been shot in
11 Philadelphia this year; and

12 WHEREAS, In 1995, the Pennsylvania Uniform Firearms Act of
13 1995 was signed into law with the stated purpose of giving
14 support to law enforcement in the area of crime prevention and
15 control; and

16 WHEREAS, Violations of the Pennsylvania Uniform Firearms Act
17 of 1995 (VUFA offense) involve individuals who have been
18 convicted previously of an enumerated list of serious crimes and
19 then subsequently found to be in possession of a firearm despite
20 being statutorily prohibited from doing so; and

21 WHEREAS, The House of Representatives should be knowledgeable
22 about the procedure and process of handling VUFA offense cases
23 across this Commonwealth; and

24 WHEREAS, A review of the handling of VUFA offense cases in
25 the Commonwealth is necessary to determine if these cases are
26 being adequately handled under Pennsylvania law and if changes
27 are needed; therefore be it

28 RESOLVED, That the House of Representatives direct the
29 Commission on Sentencing to conduct a thorough and comprehensive
30 study on the investigation, prosecution and sentencing of

1 violations of the Pennsylvania Uniform Firearms Act of 1995 in
2 this Commonwealth to:

3 (1) Ascertain all cases in the Commonwealth from 2015 to
4 2020 that included a VUFA offense under 18 Pa.C.S. Ch. 61
5 Subch. A.

6 (2) Identify how many VUFA offenses were later withdrawn
7 or dismissed, including at what procedural stage the case was
8 withdrawn or dismissed.

9 (3) Determine the sentence received for defendants
10 convicted on a VUFA-related charge in the last five years.

11 (4) Outline the sentencing guidelines for all of the
12 charges in the cases for defendants who were originally
13 charged with an VUFA offense under 18 Pa.C.S. Ch. 61 Subch. A
14 from 2015 to 2020.

15 (5) For an individual charged with a VUFA offense under
16 18 Pa.C.S. Ch. 61 Subch. A from 2015 to 2020, determine if
17 that individual was subsequently arrested for another VUFA
18 offense under 18 Pa.C.S. Ch. 61 Subch. A or a violent offense
19 within the last 5 years. A violent offense includes an act,
20 conspiracy or solicitation to commit any of the following
21 offenses under 18 Pa.C.S.:

22 (i) Section 2501 (relating to criminal homicide).

23 (ii) Section 2702 (relating to aggravated assault).

24 (iii) Section 2702.1 (relating to assault of law
25 enforcement officer).

26 (iv) Section 2703 (relating to assault by prisoner).

27 (v) Section 2703.1 (relating to aggravated
28 harassment by prisoner).

29 (vi) Section 2718 (relating to strangulation).

30 (vii) Section 3121 (relating to rape).

1 (viii) Section 3123 (relating to involuntary deviate
2 sexual intercourse).

3 (ix) Section 3124.1 (relating to sexual assault).

4 (x) Section 3124.2 (relating to institutional sexual
5 assault).

6 (xi) Section 3125 (relating to aggravated indecent
7 assault).

8 (xii) Section 3126 (relating to indecent assault).

9 (xiii) Section 3301 (relating to arson and related
10 offenses).

11 (xiv) Section 5501 (relating to riot).

12 (6) For individuals sentenced to probation or granted
13 parole following a VUFA conviction under 18 Pa.C.S. Ch. 61
14 Subch. A, determine if any individuals subsequently violated
15 the terms of supervision for any reason in the last five
16 years following sentencing or parole;

17 and be it further

18 RESOLVED, That the Commission on Sentencing report to the
19 House of Representatives on its activities, findings and
20 recommendations no later than ~~December 31, 2021~~ JUNE 30, 2022; <--

21 and be it further

22 RESOLVED, That, following the House of Representatives
23 receipt of this report, the Judiciary Committee of the House of
24 Representatives shall have the power to conduct hearings to
25 elicit testimony, documents and other evidence related to the
26 findings of the report.