
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1859 Session of
2023

INTRODUCED BY BRIGGS, SCHLOSSBERG, MADDEN, VENKAT, BENHAM,
HANBIDGE, SANCHEZ, GUENST, CIRESI, HOHENSTEIN, CERRATO,
HOWARD, NEILSON AND FRANKEL, NOVEMBER 30, 2023

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 30, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for persons not to possess, use,
4 manufacture, control, sell or transfer firearms.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 6105(a)(1), (a.1)(1) and (1.1), (b) and
8 (c)(2), (3) and (7) of Title 18 of the Pennsylvania Consolidated
9 Statutes are amended to read:

10 § 6105. Persons not to possess, use, manufacture, control, sell
11 or transfer firearms.

12 (a) Offense defined.--

13 (1) A person who has been convicted of an offense
14 enumerated in subsection (b), or an attempt, solicitation or
15 conspiracy to commit an offense enumerated in subsection (b),
16 within or without this Commonwealth, regardless of the length
17 of sentence or whose conduct meets the criteria in subsection
18 (c) shall not possess, use, control, sell, transfer or

1 manufacture or obtain a license to possess, use, control,
2 sell, transfer or manufacture a firearm in this Commonwealth.

3 * * *

4 (a.1) Penalty.--

5 (1) Except as provided under paragraph (1.1), a person
6 convicted of a felony enumerated under subsection (b) or [a
7 felony under the act of April 14, 1972 (P.L.233, No.64),
8 known as The Controlled Substance, Drug, Device and Cosmetic
9 Act,] (c)(2) or any equivalent Federal statute or equivalent
10 statute of any other state, who violates subsection (a)
11 commits a felony of the second degree.

12 (1.1) The following shall apply:

13 (i) A person convicted of a felony enumerated under
14 subsection (b) or [a felony under The Controlled
15 Substance, Drug, Device and Cosmetic Act,] (c)(2) or any
16 equivalent Federal statute or equivalent statute of any
17 other state, who violates subsection (a) commits a felony
18 of the first degree if:

19 (A) at the time of the commission of a violation
20 of subsection (a), the person has previously been
21 convicted of an offense under subsection (a); or

22 (B) at the time of the commission of a violation
23 of subsection (a), the person was in physical
24 possession or control of a firearm, whether visible,
25 concealed about the person or within the person's
26 reach.

27 (ii) The Pennsylvania Commission on Sentencing,
28 under 42 Pa.C.S. § 2154 (relating to adoption of
29 guidelines for sentencing), shall provide for a
30 sentencing enhancement for a sentence imposed pursuant to

1 this paragraph.

2 * * *

3 (b) Enumerated offenses.--The following offenses shall apply
4 to subsection (a):

5 (1) Any of the following:

6 Section 908 (relating to prohibited offensive
7 weapons).

8 Section 911 (relating to corrupt organizations).

9 Section 912 (relating to possession of weapon on
10 school property).

11 Section 2502 (relating to murder).

12 Section 2503 (relating to voluntary manslaughter).

13 Section 2504 (relating to involuntary manslaughter)
14 if the offense is based on the reckless use of a firearm.

15 Section 2701 (relating to simple assault) if the
16 offense is graded as a misdemeanor of the second degree
17 or higher.

18 Section 2702 (relating to aggravated assault).

19 Section 2703 (relating to assault by prisoner).

20 Section 2704 (relating to assault by life prisoner).

21 Section 2706 (relating to terroristic threats).

22 Section 2709.1 (relating to stalking).

23 Section 2710 (relating to ethnic intimidation).

24 Section 2712 (relating to assault on sports
25 official).

26 Section 2713.1 (relating to abuse of care-dependent
27 person).

28 Section 2716 (relating to weapons of mass
29 destruction).

30 Section 2717 (relating to terrorism).

1 Section 2718 (relating to strangulation).
2 Section 2901 (relating to kidnapping).
3 Section 2902 (relating to unlawful restraint).
4 Section 2903 (relating to false imprisonment).
5 Section 2910 (relating to luring a child into a motor
6 vehicle or structure).
7 Section 3011 (relating to trafficking in
8 individuals).
9 Section 3012 (relating to involuntary servitude).
10 Section 3121 (relating to rape).
11 Section 3123 (relating to involuntary deviate sexual
12 intercourse).
13 Section 3124.1 (relating to sexual assault).
14 Section 3125 (relating to aggravated indecent
15 assault).
16 Section 3126 (relating to indecent assault).
17 Section 3301 (relating to arson and related
18 offenses).
19 Section 3302 (relating to causing or risking
20 catastrophe).
21 Section 3502 (relating to burglary).
22 Section 3503 (relating to criminal trespass) if the
23 offense is graded a felony of the second degree or
24 higher.
25 Section 3701 (relating to robbery).
26 Section 3702 (relating to robbery of motor vehicle).
27 Any section under Chapter 39 (relating to theft and
28 related offenses) upon conviction of the second felony
29 offense.
30 Section 3921 (relating to theft by unlawful taking or

1 disposition) upon conviction of the second felony
2 offense.

3 Section 3923 (relating to theft by extortion) when
4 the offense is accompanied by threats of violence.

5 Section 3925 (relating to receiving stolen property)
6 upon conviction of the second felony offense.

7 Any section under Chapter 41 (relating to forgery and
8 fraudulent practices) upon conviction of the second
9 felony offense.

10 Section 4701 (relating to bribery in official and
11 political matters).

12 Section 4702 (relating to threats and other improper
13 influence in official and political matters) if the
14 offense is graded as a felony.

15 Any section under Chapter 49 (relating to
16 falsification and intimidation) if the offense is graded
17 as a felony.

18 Section 4906 (relating to false reports to law
19 enforcement authorities) if the fictitious report
20 involved the theft of a firearm as provided in section
21 4906(c) (2) .

22 Section 4912 (relating to impersonating a public
23 servant) if the person is impersonating a law enforcement
24 officer.

25 Section 4952 (relating to intimidation of witnesses
26 or victims).

27 Section 4953 (relating to retaliation against
28 witness, victim or party).

29 Section 5102 (relating to obstructing or impeding the
30 administration of justice by picketing, etc.).

1 Section 5104.1 (relating to disarming law enforcement
2 officer).

3 Section 5105 (relating to hindering apprehension or
4 prosecution) if the offense is graded as a felony.

5 Section 5121 (relating to escape).

6 Section 5122 (relating to weapons or implements for
7 escape).

8 Section 5501(3) (relating to riot).

9 Section 5515 (relating to prohibiting of paramilitary
10 training).

11 Section 5516 (relating to facsimile weapons of mass
12 destruction).

13 Section 5543 (relating to animal fighting).

14 Section 6106 (relating to firearms not to be carried
15 without a license).

16 Section 6110.1 (relating to possession of firearm by
17 minor).

18 Section 6110.2 (relating to possession of firearm
19 with altered manufacturer's number).

20 Section 6111(c) (relating to sale or transfer of
21 firearms).

22 Section 6301 (relating to corruption of minors) if
23 the offense is graded as a felony or misdemeanor.

24 Section 6302 (relating to sale or lease of weapons
25 and explosives).

26 Section 6312 (relating to sexual abuse of children).

27 Section 6318 (relating to unlawful contact with
28 minor) if the offense is graded as a felony.

29 Section 6319 (relating to solicitation of minors to
30 traffic drugs).

1 Section 7611 (relating to unlawful use of computer
2 and other computer crimes).

3 (2) Any of the following relating to an offense
4 enumerated under paragraph (1):

5 Section 901 (relating to criminal attempt).

6 Section 902 (relating to criminal solicitation).

7 Section 903 (relating to criminal conspiracy).

8 (3) Any offense equivalent to any of the [above-
9 enumerated] offenses enumerated in paragraph (1) or (2) under
10 the prior laws of this Commonwealth or any offense equivalent
11 to any of the [above-enumerated] offenses enumerated in
12 paragraph (1) or (2) under the statutes of any other state or
13 of the United States.

14 (4) An offense under 75 Pa.C.S. § 3802 (relating to
15 driving under influence of alcohol or controlled substance)
16 upon conviction of a third or subsequent offense. For
17 purposes of this paragraph, completion of an Accelerated
18 Rehabilitative Disposition program or other diversionary
19 program shall be considered a conviction.

20 (c) Other persons.--In addition to any person who has been
21 convicted of any offense listed under subsection (b), the
22 following persons shall be subject to the prohibition of
23 subsection (a):

24 * * *

25 (2) A person who has been convicted of an offense [under
26 the act of April 14, 1972 (P.L.233, No.64), known as The
27 Controlled Substance, Drug, Device and Cosmetic Act, or any
28 equivalent Federal statute or equivalent statute of any other
29 state, that may be punishable by a term of imprisonment
30 exceeding two years.] that may be punishable by a term of

1 imprisonment exceeding two years:

2 (i) under the act of April 14, 1972 (P.L.233,
3 No.64), known as The Controlled Substance, Drug, Device
4 and Cosmetic Act;

5 (ii) for any attempt, solicitation or conspiracy to
6 commit an offense under subparagraph (i); or

7 (iii) for any equivalent Federal statute or
8 equivalent statute of any other state.

9 (3) A person who has been convicted of driving under the
10 influence of alcohol or controlled substance as provided in
11 75 Pa.C.S. § 3802 [(relating to driving under influence of
12 alcohol or controlled substance)] or the former 75 Pa.C.S. §
13 3731, on three or more separate occasions within a five-year
14 period. For the purposes of this paragraph only, the
15 prohibition of subsection (a) shall only apply to transfers
16 or purchases of firearms after the third conviction.

17 * * *

18 (7) A person who was adjudicated delinquent by a court
19 pursuant to 42 Pa.C.S. § 6341 (relating to adjudication) or
20 under any equivalent Federal statute or statute of any other
21 state as a result of conduct which if committed by an adult
22 would constitute:

23 (i) an offense under sections 2502, 2503, 2702, 2703
24 (relating to assault by prisoner), 2704, 2901, 3121,
25 3123, 3301, 3502, 3701 and 3923[.]; or

26 (ii) an attempt, solicitation or conspiracy to
27 commit an offense under subparagraph (i).

28 * * *

29 Section 2. This act shall take effect in 60 days.