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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2275 Session of  
2018

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INTRODUCED BY GROVE, BRIGGS, BERNSTINE, DEAN, SCHLOSSBERG,  
CHARLTON, STEPHENS, MILLARD, SAYLOR, MENTZER, WATSON, HILL-  
EVANS, SOLOMON, KLUNK, CALTAGIRONE, COX AND D. COSTA,  
APRIL 18, 2018

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 18, 2018

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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) of Title 18 of the Pennsylvania Consolidated Statutes are  
9 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, conspiracy or  
15 solicitation to commit an offense enumerated in subsection  
16 (b), within or without this Commonwealth, regardless of the  
17 length of sentence or whose conduct meets the criteria in  
18 subsection (c) shall not possess, use, control, sell,

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

4 \* \* \*

5 (a.1) Penalty.--

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

13 (1.1) The following shall apply:

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

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

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

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

1 sentencing enhancement for a sentence imposed pursuant to  
2 this paragraph.

3 \* \* \*

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

6 (1) Any of the following:

7 (i) Section 908 (relating to prohibited offensive  
8 weapons).

9 (ii) Section 911 (relating to corrupt  
10 organizations).

11 (iii) Section 912 (relating to possession of weapon  
12 on school property).

13 (iv) Section 2502 (relating to murder).

14 (v) Section 2503 (relating to voluntary  
15 manslaughter).

16 (vi) Section 2504 (relating to involuntary  
17 manslaughter) if the offense is based on the reckless use  
18 of a firearm.

19 (vii) Section 2702 (relating to aggravated assault).

20 (viii) Section 2703 (relating to assault by  
21 prisoner).

22 (ix) Section 2704 (relating to assault by life  
23 prisoner).

24 (x) Section 2709.1 (relating to stalking).

25 (xi) Section 2716 (relating to weapons of mass  
26 destruction).

27 (xii) Section 2901 (relating to kidnapping).

28 (xiii) Section 2902 (relating to unlawful  
29 restraint).

30 (xiv) Section 2910 (relating to luring a child into

1 a motor vehicle or structure).

2 (xv) Section 3121 (relating to rape).

3 (xvi) Section 3123 (relating to involuntary deviate  
4 sexual intercourse).

5 (xvii) Section 3125 (relating to aggravated indecent  
6 assault).

7 (xviii) Section 3301 (relating to arson and related  
8 offenses).

9 (xix) Section 3302 (relating to causing or risking  
10 catastrophe).

11 (xx) Section 3502 (relating to burglary).

12 (xxi) Section 3503 (relating to criminal trespass)  
13 if the offense is graded a felony of the second degree or  
14 higher.

15 (xxii) Section 3701 (relating to robbery).

16 (xxiii) Section 3702 (relating to robbery of motor  
17 vehicle).

18 (xxiv) Section 3921 (relating to theft by unlawful  
19 taking or disposition) upon conviction of the second  
20 felony offense.

21 (xxv) Section 3923 (relating to theft by extortion)  
22 when the offense is accompanied by threats of violence.

23 (xxvi) Section 3925 (relating to receiving stolen  
24 property) upon conviction of the second felony offense.

25 (xxvii) Section 4906 (relating to false reports to  
26 law enforcement authorities) if the fictitious report  
27 involved the theft of a firearm as provided in section  
28 4906(c)(2).

29 (xxviii) Section 4912 (relating to impersonating a  
30 public servant) if the person is impersonating a law

1 enforcement officer.

2 (xxix) Section 4952 (relating to intimidation of  
3 witnesses or victims).

4 (xxx) Section 4953 (relating to retaliation against  
5 witness, victim or party).

6 (xxxii) Section 5121 (relating to escape).

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

9 (xxxiv) Section 5501(3) (relating to riot).

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

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

14 (xxxvii) Section 6110.1 (relating to possession of  
15 firearm by minor).

16 (xxxviii) Section 6301 (relating to corruption of  
17 minors).

18 (xxxix) Section 6302 (relating to sale or lease of  
19 weapons and explosives).

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

22 (i) Section 901 (relating to criminal attempt).

23 (ii) Section 902 (relating to criminal  
24 solicitation).

25 (iii) Section 903 (relating to criminal conspiracy).

26 (3) Any offense equivalent to any of the [above-  
27 enumerated] offenses enumerated under paragraph (1) or (2)  
28 under the prior laws of this Commonwealth or any offense  
29 equivalent to any of the [above-enumerated] offenses  
30 enumerated under paragraph (1) or (2) under the statutes of

1 any other state or of the United States.

2 (c) Other persons.--In addition to any person who has been  
3 convicted of any offense listed under subsection (b), the  
4 following persons shall be subject to the prohibition of  
5 subsection (a):

6 \* \* \*

7 (2) A person who has been convicted of an offense [under  
8 the act of April 14, 1972 (P.L.233, No.64), known as The  
9 Controlled Substance, Drug, Device and Cosmetic Act, or any  
10 equivalent Federal statute or equivalent statute of any other  
11 state, that may be punishable by a term of imprisonment  
12 exceeding two years.] that may be punishable by a term of  
13 imprisonment exceeding two years:

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

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

19 (iii) for any equivalent Federal statute or equivalent  
20 statute of another state.

21 \* \* \*

22 Section 2. The amendment of 18 Pa.C.S. § 6105(a)(1) shall  
23 apply to a person convicted of an attempt, conspiracy or  
24 solicitation to commit an offense under 18 Pa.C.S. § 6105(b) on  
25 or after the effective date of this section.

26 Section 3. This act shall take effect in 60 days.