
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 866 Session of
2013

INTRODUCED BY FARNESE, HUGHES, STACK, SCHWANK, TARTAGLIONE,
WASHINGTON AND WILLIAMS, APRIL 18, 2013

REFERRED TO JUDICIARY, APRIL 18, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in falsification and intimidation,
3 further providing for the offense of unsworn falsification to
4 authorities; and, in firearms and other dangerous articles,
5 further providing for persons not to possess, use,
6 manufacture, control, sell or transfer firearms, for licenses
7 and for sales or transfer of firearms.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 4904(b) of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 4904. Unsworn falsification to authorities.

13 * * *

14 (b) Statements "under penalty".--[A]

15 (1) Except as provided in paragraph (2), a person
16 commits a misdemeanor of the third degree if he makes a
17 written false statement which he does not believe to be true,
18 on or pursuant to a form bearing notice, authorized by law,
19 to the effect that false statements made therein are
20 punishable.

1 (2) A person commits a felony of the third degree if he
2 makes a written false statement which he does not believe to
3 be true on or pursuant to a form bearing notice, authorized
4 by law, relating to the purchase, delivery or transfer of a
5 firearm under section 6111 (relating to sale or transfer of
6 firearms) or relating to an application to carry a firearm
7 under section 6109 (relating to licenses). A second or
8 subsequent conviction for a violation of this paragraph shall
9 be a felony of the second degree punishable by a mandatory
10 minimum sentence of imprisonment of five years.

11 * * *

12 Section 2. Section 6105 heading of Title 18 is amended,
13 subsection (a) is amended by adding a paragraph and subsection
14 (a.1) is amended to read:

15 § 6105. Persons not to possess, use, manufacture, control, sell
16 or transfer firearms; attempt.

17 (a) Offense defined.--

18 * * *

19 (1.1) A person who knows that he is prohibited from
20 possessing, using, controlling, selling, transferring or
21 manufacturing a firearm in this Commonwealth under paragraph
22 (1) shall not attempt to purchase a firearm or attempt to
23 obtain a license to carry a firearm in this Commonwealth.

24 * * *

25 (a.1) Penalty.--

26 (1) A person convicted of a felony enumerated under
27 subsection (b) or a felony under the act of April 14, 1972
28 (P.L.233, No.64), known as The Controlled Substance, Drug,
29 Device and Cosmetic Act, or any equivalent Federal statute or
30 equivalent statute of any other state, who violates

1 subsection [(a)] (a)(1) commits a felony of the second
2 degree.

3 (1.1) A person who violates subsection (a)(1.1) commits
4 a felony of the third degree. A conviction for a second or
5 subsequent violation of subsection (a)(1.1) shall be a felony
6 of the second degree punishable by a mandatory minimum
7 sentence of imprisonment of five years. The penalty under
8 this paragraph shall be in addition to any penalties imposed
9 for a conviction under section 6111(g)(4) (relating to sale
10 or transfer of firearms)

11 (2) A person who is the subject of an active protection
12 from abuse order issued pursuant to 23 Pa.C.S. § 6108
13 (relating to relief), which order provided for the
14 relinquishment of firearms, other weapons or ammunition
15 during the period of time the order is in effect, commits a
16 misdemeanor of the first degree if he intentionally or
17 knowingly fails to relinquish a firearm, other weapon or
18 ammunition to the sheriff as required by the order unless, in
19 lieu of relinquishment, he provides an affidavit which lists
20 the firearms, other weapons or ammunition to the sheriff in
21 accordance with either 23 Pa.C.S. § 6108(a)(7)(i)(B), 6108.2
22 (relating to relinquishment for consignment sale, lawful
23 transfer or safekeeping) or 6108.3 (relating to
24 relinquishment to third party for safekeeping).

25 (3) (i) A person commits a misdemeanor of the third
26 degree if he intentionally or knowingly accepts
27 possession of a firearm, other weapon or ammunition from
28 a person he knows is the subject of an active protection
29 from abuse order issued pursuant to 23 Pa.C.S. § 6108,
30 which order provided for the relinquishment of the

1 firearm, other weapon or ammunition during the period of
2 time the order is in effect.

3 (ii) This paragraph shall not apply to:

4 (A) a third party who accepts possession of a
5 firearm, other weapon or ammunition relinquished
6 pursuant to 23 Pa.C.S. § 6108.3; or

7 (B) a dealer licensed pursuant to section 6113
8 (relating to licensing of dealers) or subsequent
9 purchaser from a dealer licensed pursuant to section
10 6113, who accepts possession of a firearm, other
11 weapon or ammunition relinquished pursuant to 23
12 Pa.C.S. § 6108.2.

13 (4) It shall be an affirmative defense to any
14 prosecution under paragraph (3) that the person accepting
15 possession of a firearm, other weapon or ammunition in
16 violation of paragraph (3):

17 (i) notified the sheriff as soon as practicable that
18 he has taken possession; and

19 (ii) relinquished possession of any firearm, other
20 weapon or ammunition possessed in violation of paragraph
21 (3) as directed by the sheriff.

22 (5) A person who has accepted possession of a firearm,
23 other weapon or ammunition pursuant to 23 Pa.C.S. § 6108.3
24 commits a misdemeanor of the first degree if he intentionally
25 or knowingly returns a firearm, other weapon or ammunition to
26 a defendant or intentionally or knowingly allows a defendant
27 to have access to the firearm, other weapon or ammunition
28 prior to either of the following:

29 (i) The sheriff accepts return of the safekeeping
30 permit issued to the party pursuant to 23 Pa.C.S. §

1 6108.3(d)(1)(i).

2 (ii) The issuance of a court order pursuant to
3 subsection (f)(2) or 23 Pa.C.S. § 6108.1(b) (relating to
4 return of relinquished firearms, other weapons and
5 ammunition and additional relief) which modifies a valid
6 protection from abuse order issued pursuant to 23 Pa.C.S.
7 § 6108, which order provided for the relinquishment of
8 the firearm, other weapon or ammunition by allowing the
9 defendant to take possession of the firearm, other weapon
10 or ammunition that had previously been ordered
11 relinquished.

12 * * *

13 Section 3. Section 6109 of Title 18 is amended by adding a
14 subsection to read:

15 § 6109. Licenses.

16 * * *

17 (c.1) False information on application.--A person commits a
18 felony of the third degree if he makes a false statement on the
19 application for a license to carry a firearm under subsection
20 (c). A second or subsequent conviction for a violation of this
21 paragraph shall be a felony of the second degree punishable by a
22 mandatory minimum sentence of imprisonment of five years.

23 * * *

24 Section 4. Section 6111(g)(4) of Title 18 is amended to
25 read:

26 § 6111. Sale or transfer of firearms.

27 * * *

28 (g) Penalties.--

29 * * *

30 (4) Any person, purchaser or transferee commits a felony

1 of the third degree if, in connection with the purchase,
2 delivery or transfer of a firearm under this chapter, he
3 knowingly and intentionally:

4 (i) makes any materially false oral statement;

5 (ii) makes any materially false written statement,
6 including a statement on any form promulgated by Federal
7 or State agencies; or

8 (iii) willfully furnishes or exhibits any false
9 identification intended or likely to deceive the seller,
10 licensed dealer or licensed manufacturer.

11 A second or subsequent conviction for a violation of this
12 paragraph shall be a felony of the second degree punishable
13 by a mandatory minimum sentence of imprisonment of five
14 years.

15 * * *

16 Section 5. This act shall take effect in 60 days.