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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1098 Session of  
2015

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INTRODUCED BY FARNESE, HUGHES, COSTA, TARTAGLIONE, LEACH AND  
WILLIAMS, JANUARY 13, 2016

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REFERRED TO JUDICIARY, JANUARY 13, 2016

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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 the offense of persons not to  
4 possess, use, manufacture, control, sell or transfer  
5 firearms.

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

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

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

12 \* \* \*

13 (a.1) Penalty.--

14 (1) A person convicted of a felony enumerated under  
15 subsection (b) [or a felony under the act of April 14, 1972  
16 (P.L.233, No.64), known as The Controlled Substance, Drug,  
17 Device and Cosmetic Act, or any equivalent Federal statute or  
18 equivalent statute of any other state,] who violates  
19 subsection (a) commits a felony of the second degree.

1           \* \* \*

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

4           Section 908 (relating to prohibited offensive weapons).

5           Section 911 (relating to corrupt organizations).

6           Section 912 (relating to possession of weapon on school  
7 property).

8           Section 2502 (relating to murder).

9           Section 2503 (relating to voluntary manslaughter).

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

12          Section 2702 (relating to aggravated assault).

13          Section 2703 (relating to assault by prisoner).

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

15          Section 2709.1 (relating to stalking).

16          Section 2716 (relating to weapons of mass destruction).

17          Section 2901 (relating to kidnapping).

18          Section 2902 (relating to unlawful restraint).

19          Section 2910 (relating to luring a child into a motor  
20 vehicle or structure).

21          Section 3121 (relating to rape).

22          Section 3123 (relating to involuntary deviate sexual  
23 intercourse).

24          Section 3125 (relating to aggravated indecent assault).

25          Section 3301 (relating to arson and related offenses).

26          Section 3302 (relating to causing or risking  
27 catastrophe).

28          Section 3502 (relating to burglary).

29          Section 3503 (relating to criminal trespass) if the  
30 offense is graded a felony of the second degree or higher.

1 Section 3701 (relating to robbery).

2 Section 3702 (relating to robbery of motor vehicle).

3 Section 3921 (relating to theft by unlawful taking or  
4 disposition) upon conviction of the second felony offense.

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

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

9 Section 4906 (relating to false reports to law  
10 enforcement authorities) if the fictitious report involved  
11 the theft of a firearm as provided in section 4906(c)(2).

12 Section 4912 (relating to impersonating a public servant)  
13 if the person is impersonating a law enforcement officer.

14 Section 4952 (relating to intimidation of witnesses or  
15 victims).

16 Section 4953 (relating to retaliation against witness,  
17 victim or party).

18 Section 5121 (relating to escape).

19 Section 5122 (relating to weapons or implements for  
20 escape).

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

22 Section 5515 (relating to prohibiting of paramilitary  
23 training).

24 Section 5516 (relating to facsimile weapons of mass  
25 destruction).

26 Section 6110.1 (relating to possession of firearm by  
27 minor).

28 Section 6301 (relating to corruption of minors).

29 Section 6302 (relating to sale or lease of weapons and  
30 explosives).

1 Any offense equivalent to any of the above-enumerated  
2 offenses under the prior laws of this Commonwealth or any  
3 offense equivalent to any of the above-enumerated offenses under  
4 the statutes of any other state or of the United States.

5 Any offense under the act of April 14, 1972 (P.L.233, No.64),  
6 known as The Controlled Substance, Drug, Device and Cosmetic  
7 Act, or any equivalent Federal statute or equivalent statute of  
8 any other state, that may be punishable by a term of  
9 imprisonment exceeding two years.

10 (c) Other persons.--In addition to any person who has been  
11 convicted of any offense listed under subsection (b), the  
12 following persons shall be subject to the prohibition of  
13 subsection (a):

14 \* \* \*

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

21 \* \* \*

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