
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1837 Session of
2019

INTRODUCED BY MIHALEK AND MALAGARI, SEPTEMBER 18, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 18, 2019

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) 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
19 manufacture or obtain a license to possess, use, control,

1 sell, transfer or manufacture a firearm in this Commonwealth.

2 * * *

3 (a.1) Penalty.--

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

11 (1.1) The following shall apply:

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

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

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

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

1 * * *

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

4 (1) Any of the following:

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

7 Section 911 (relating to corrupt organizations).

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

10 Section 2502 (relating to murder).

11 Section 2503 (relating to voluntary manslaughter).

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

14 Section 2702 (relating to aggravated assault).

15 Section 2703 (relating to assault by prisoner).

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

17 Section 2709.1 (relating to stalking).

18 Section 2716 (relating to weapons of mass
19 destruction).

20 Section 2901 (relating to kidnapping).

21 Section 2902 (relating to unlawful restraint).

22 Section 2910 (relating to luring a child into a motor
23 vehicle or structure).

24 Section 3121 (relating to rape).

25 Section 3123 (relating to involuntary deviate sexual
26 intercourse).

27 Section 3125 (relating to aggravated indecent
28 assault).

29 Section 3301 (relating to arson and related
30 offenses).

1 Section 3302 (relating to causing or risking
2 catastrophe).

3 Section 3502 (relating to burglary).

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

7 Section 3701 (relating to robbery).

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

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

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

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

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

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

23 Section 4952 (relating to intimidation of witnesses
24 or victims).

25 Section 4953 (relating to retaliation against
26 witness, victim or party).

27 Section 5121 (relating to escape).

28 Section 5122 (relating to weapons or implements for
29 escape).

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

1 Section 5515 (relating to prohibiting of paramilitary
2 training).

3 Section 5516 (relating to facsimile weapons of mass
4 destruction).

5 Section 6110.1 (relating to possession of firearm by
6 minor).

7 Section 6301 (relating to corruption of minors).

8 Section 6302 (relating to sale or lease of weapons
9 and explosives).

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

12 Section 901 (relating to criminal attempt).

13 Section 902 (relating to criminal solicitation).

14 Section 903 (relating to criminal conspiracy).

15 (3) Any offense equivalent to any of the [above-
16 enumerated] offenses enumerated in paragraph (1) or (2) under
17 the prior laws of this Commonwealth or any offense equivalent
18 to any of the [above-enumerated] offenses enumerated in
19 paragraph (1) or (2) under the statutes of any other state or
20 of the United States.

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

25 * * *

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

1 exceeding two years.] that may be punishable by a term of
2 imprisonment exceeding two years:

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

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

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

10 * * *

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

16 (i) an offense under sections 2502, 2503, 2702, 2703
17 (relating to assault by prisoner), 2704, 2901, 3121,
18 3123, 3301, 3502, 3701 and 3923[.]; or

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

21 * * *

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