

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 77

Session of
2005

INTRODUCED BY FRANKEL, BEBKO-JONES, BLACKWELL, CALTAGIRONE,
CORRIGAN, COSTA, CURRY, D. EVANS, JAMES, PISTELLA, ROONEY,
THOMAS, TIGUE, WASHINGTON, WHEATLEY AND YOUNGBLOOD,
JANUARY 25, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 25, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for persons
3 prohibited from possessing, using, manufacturing,
4 controlling, selling or transferring firearms and for the
5 Pennsylvania State Police.

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

8 Section 1. Section 6105(c)(4) of Title 18 of the
9 Pennsylvania Consolidated Statutes is amended to read:

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

12 * * *

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

17 * * *

18 (4) A person who has been adjudicated as an incompetent

1 or who has voluntarily enrolled in or who has been
2 voluntarily or involuntarily committed to a mental
3 institution for inpatient care and treatment under Article II
4 or section 302, 303 or 304 of the provisions of the act of
5 July 9, 1976 (P.L.817, No.143), known as the Mental Health
6 Procedures Act. This paragraph shall not apply to any
7 proceeding under section 302 of the Mental Health Procedures
8 Act unless the examining physician has issued a certification
9 that inpatient care was necessary or that the person was
10 committable.

11 * * *

12 Section 2. Section 6111.1(g) of Title 18 is amended and the
13 section is amended by adding a subsection to read:

14 § 6111.1. Pennsylvania State Police.

15 * * *

16 (f.1) Notification of voluntary mental health commitment.--
17 Notwithstanding any statute to the contrary, any facility or
18 agency which provides voluntary care or treatment of an
19 individual who authorized such voluntary treatment under Article
20 II of the Mental Health Procedures Act shall notify the
21 Pennsylvania State Police on a form developed by the
22 Pennsylvania State Police of the identity of the individual. The
23 notification shall be transmitted to the Pennsylvania State
24 Police within seven days of the voluntary treatment.

25 (g) Review by court.--

26 (1) Upon receipt of a copy of the order of a court of
27 competent jurisdiction which vacates a final order or an
28 involuntary certification issued by a mental health review
29 officer, the Pennsylvania State Police shall expunge all
30 records of the involuntary treatment received under

subsection (f).

(2) A person who is involuntarily committed pursuant to section 302 of the Mental Health Procedures Act may petition the court to review the sufficiency of the evidence upon which the commitment was based. If the court determines that the evidence upon which the involuntary commitment was based was insufficient, the court shall order that the record of the commitment submitted to the Pennsylvania State Police be expunged. A petition filed under this subsection shall toll the 60-day period set forth under section 6105(a)(2).

(3) The Pennsylvania State Police shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within two hours of arrival under section 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to section 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

(4) Upon receipt of notification that an individual who was receiving voluntary treatment pursuant to Article II of the Mental Health Procedures Act has withdrawn from treatment, the Pennsylvania State Police shall expunge all records of the voluntary treatment received under subsection (f.1).

* * *

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