

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2354 Session of
1993

INTRODUCED BY STRITTMATTER, SCHULER, TRUE, STURLA, ARMSTRONG,
SCHEETZ, BARLEY, HERSHEY AND GODSHALL, DECEMBER 8, 1993

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 8, 1993

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, prohibiting the possession of a firearm by persons
4 under 18 years of age; and making conforming amendments
5 related to juvenile offenders.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 6106.2. Possession of firearms prohibited.

11 (a) Offense defined.--Except as provided in this title, it
12 is unlawful for any person who has not attained 18 years of age
13 to knowingly possess a firearm. Anyone possessing a firearm in
14 violation of this section commits the offense of illegal
15 possession of a firearm by a juvenile.

16 (b) Penalty.--

17 (1) Illegal possession of a firearm by a juvenile is a
18 misdemeanor of the third degree.

19 (2) Illegal possession of a firearm by a juvenile on

1 school grounds is a misdemeanor of the second degree.

2 (3) For any second or subsequent offense, illegal
3 possession of a firearm is a felony of the third degree.

4 (c) Status.--Any person under 18 years of age who is taken
5 into custody for an offense pursuant to this section shall be
6 presumed to be detained.

7 (d) Exceptions.--This section shall not apply to any of the
8 exceptions listed in section 6106(b) (relating to firearms not
9 to be carried without a license).

10 Section 2. Section 6110 of Title 18 is amended to read:

11 § 6110. Persons to whom delivery shall not be made.

12 (a) Delivery to juveniles.--No person shall deliver a
13 firearm to any person under [the age of 18 years, or to one] 18
14 years of age. Any person who intentionally, knowingly or
15 recklessly provides a firearm to any person under 18 years of
16 age, or any parent or legal guardian of the person under 18
17 years of age delivering the firearm who knows of such conduct
18 and fails to make reasonable efforts to prevent such violation,
19 commits the crime of unlawfully providing or permitting a
20 juvenile to possess a firearm.

21 (b) Delivery to others.--No person shall deliver a firearm
22 to any person he has reasonable cause to believe has been
23 convicted of a crime of violence, or is a drug addict, an
24 habitual drunkard, or of unsound mind.

25 (c) Penalty.--Unlawful delivery or permitting a juvenile to
26 possess a firearm in violation of this section is a misdemeanor
27 of the first degree.

28 (d) Exceptions.--This section shall not apply to any of the
29 exceptions listed in section 6106(b) (relating to firearms not
30 to be carried without a license).

Section 3. The definition of "dangerous juvenile offender" in section 6302 of Title 42 is amended to read:

§ 6302. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Dangerous juvenile offender." A child who has been determined by the court to meet all of the following requirements:

(1) Is 15 years of age or older.

(2) Has been adjudicated delinquent for one or more of the following offenses:

(i) Attempted murder.

(ii) Voluntary manslaughter.

(iii) Rape.

(iv) Involuntary deviate sexual intercourse.

(v) Kidnapping.

(vi) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(vii) Felonious aggravated assault as defined in 18 Pa.C.S. § 2702 (relating to aggravated assault).

(viii) Aggravated assault with a deadly weapon.

(ix) Arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses).

(x) Second or subsequent offense of possession of firearms as defined in 18 Pa.C.S. § 6106.2 (relating to possession of firearms prohibited).

(3) Has been previously adjudicated delinquent

subsequent to the child's 12th birthday for one or more of

the following offenses:

(i) Attempted murder.

(ii) Voluntary manslaughter.

(iii) Rape.

(iv) Involuntary deviate sexual intercourse.

(v) Kidnapping.

(vi) Robbery as defined in 18 Pa.C.S. §

3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(vii) Felonious aggravated assault as defined in 18

Pa.C.S. § 2702 (relating to aggravated assault).

(viii) Aggravated assault with a deadly weapon.

(ix) Arson as defined in 18 Pa.C.S. § 3301(a)

(relating to arson and related offenses).

(x) Second or subsequent offense of possession of

firearms as defined in 18 Pa.C.S. § 6106.2.

An adjudication for an offense arising from the same criminal episode as the offense considered under paragraph (2) shall not be considered an adjudication for the purpose of this paragraph.

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Section 4. This act shall take effect in 60 days.