

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 762 Session of 2009

INTRODUCED BY PETRI, BOYD, BROWN, CIVERA, CUTLER, EVERETT,
FAIRCHILD, FRANKEL, FREEMAN, GEIST, GOODMAN, HICKERNELL,
KILLION, MELIO, O'NEILL, SIPTROTH, VULAKOVICH AND YOUNGBLOOD,
MARCH 6, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 sale or transfer of firearms and for loans on or lending or
4 giving firearms prohibited.

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

7 Section 1. Section 6111(g)(2) and (h) heading and (1) of
8 Title 18 of the Pennsylvania Consolidated Statutes are amended
9 and subsection (h) is amended by adding a paragraph to read:

10 § 6111. Sale or transfer of firearms.

11 * * *

12 (g) Penalties.--

13 * * *

14 (2) Any person, licensed dealer, licensed manufacturer
15 or licensed importer who knowingly or intentionally sells,
16 delivers or transfers a firearm under circumstances intended
17 to provide a firearm to any person, purchaser or transferee
18 who is [unqualified or ineligible to control, possess or use

1 a firearm under this chapter] prohibited from possessing,
2 using, controlling, selling or manufacturing a firearm under
3 section 6105 commits a felony of the third degree and shall,
4 in addition, be subject to revocation of the license to sell
5 firearms for a period of three years.

6 * * *

7 (h) [Subsequent violation penalty] Mandatory minimum
8 sentence.--

9 (1) [A second or subsequent violation of this section
10 shall be a felony of the second degree and shall be
11 punishable by a mandatory minimum sentence of imprisonment of
12 five years. A second or subsequent offense shall also result
13 in permanent revocation of any license to sell, import or
14 manufacture a firearm.] The following violations shall be a
15 felony of the second degree and shall be punishable by a
16 mandatory minimum sentence of imprisonment of five years:

17 (i) a second or subsequent violation of this
18 section, regardless of whether a firearm was involved; or

19 (ii) a violation of subsection (g)(2) if the seller
20 or transferer knows that the purchaser, transferee or the
21 final intended recipient has been convicted of a crime of
22 violence as defined in 42 Pa.C.S. § 9714(g) (relating to
23 sentences for second and subsequent offenses).

24 (1.1) A violation under paragraph (1)(i) or (ii)
25 shall also result in the permanent revocation of any
26 license to sell, import or manufacture a firearm.

27 * * *

28 Section 2. Section 6115(b)(3) of Title 18 is amended to
29 read:

30 § 6115. Loans on, or lending or giving firearms prohibited.

1 * * *

2 (b) Exception.--

3 * * *

4 (3) Nothing in this section shall be construed to
5 prohibit the loaning or giving of a firearm to another;

6 (i) in one's dwelling or place of business if the
7 firearm is retained within the dwelling or place of
8 business[.]; or

9 (ii) at any place of instruction intended to teach
10 the safe handling, use or maintenance of firearms so long
11 as the person who receives the firearm does not leave the
12 place of instruction with the firearm.

13 * * *

14 Section 3. The Pennsylvania Commission on Crime and
15 Delinquency shall establish a public information campaign aimed
16 at areas of high rates of violent crime informing the public of
17 the five-year mandatory sentence established by 18 Pa.C.S. §
18 6111(h). The commission shall seek all available funding,
19 including Federal funding or funding available from nonprofit
20 corporations, and shall seek to engage pro bono services from
21 public relations and advertising firms and other entities.

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