

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1811 Session of
2009

INTRODUCED BY O'NEILL, BRIGGS, BROWN, D. COSTA, FREEMAN,
HARHART, HARKINS, HORNAMAN, KORTZ, MCGEEHAN, MCILVAINE SMITH,
MILLER, MURPHY, MURT, D. O'BRIEN, PASHINSKI, QUINN, ROEBUCK,
SIPTROTH, J. TAYLOR, WATSON AND WHEATLEY, JULY 1, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JULY 1, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, prohibiting persons ordered to undergo involuntary
4 mental health treatment from owning firearms.

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

7 Section 1. Sections 6105(c)(4) and 6109(c) and (e) of Title
8 18 of the Pennsylvania Consolidated Statutes are amended to
9 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 been [involuntarily committed to a mental
2 institution for inpatient care and] ordered to undergo
3 involuntary mental health treatment under section 302, 303 or
4 304 of the provisions of the act of July 9, 1976 (P.L.817,
5 No.143), known as the Mental Health Procedures Act. This
6 paragraph shall not apply to any proceeding under section 302
7 of the Mental Health Procedures Act unless the examining
8 physician has issued a certification that inpatient care was
9 necessary or that the person was committable.

10 * * *

11 § 6109. Licenses.

12 * * *

13 (c) Form of application and content.--The application for a
14 license to carry a firearm shall be uniform throughout this
15 Commonwealth and shall be on a form prescribed by the
16 Pennsylvania State Police. The form may contain provisions, not
17 exceeding one page, to assure compliance with this section.
18 Issuing authorities shall use only the application form
19 prescribed by the Pennsylvania State Police. One of the
20 following reasons for obtaining a firearm license shall be set
21 forth in the application: self-defense, employment, hunting and
22 fishing, target shooting, gun collecting or another proper
23 reason. The application form shall be dated and signed by the
24 applicant and shall contain the following statement:

25 I have never been convicted of a crime that prohibits me
26 from possessing or acquiring a firearm under Federal or
27 State law. I am of sound mind and have never been
28 committed to a mental institution or ordered to undergo
29 involuntary mental health treatment. I hereby certify
30 that the statements contained herein are true and correct

1 to the best of my knowledge and belief. I understand
2 that, if I knowingly make any false statements herein, I
3 am subject to penalties prescribed by law. I authorize
4 the sheriff, or his designee, or, in the case of first
5 class cities, the chief or head of the police department,
6 or his designee, to inspect only those records or
7 documents relevant to information required for this
8 application. If I am issued a license and knowingly
9 become ineligible to legally possess or acquire firearms,
10 I will promptly notify the sheriff of the county in which
11 I reside or, if I reside in a city of the first class,
12 the chief of police of that city.

13 * * *

14 (e) Issuance of license.--

15 (1) A license to carry a firearm shall be for the
16 purpose of carrying a firearm concealed on or about one's
17 person or in a vehicle and shall be issued if, after an
18 investigation not to exceed 45 days, it appears that the
19 applicant is an individual concerning whom no good cause
20 exists to deny the license. A license shall not be issued to
21 any of the following:

22 (i) An individual whose character and reputation is
23 such that the individual would be likely to act in a
24 manner dangerous to public safety.

25 (ii) An individual who has been convicted of an
26 offense under the act of April 14, 1972 (P.L.233, No.64),
27 known as The Controlled Substance, Drug, Device and
28 Cosmetic Act.

29 (iii) An individual convicted of a crime enumerated
30 in section 6105.

1 (iv) An individual who, within the past ten years,
2 has been adjudicated delinquent for a crime enumerated in
3 section 6105 or for an offense under The Controlled
4 Substance, Drug, Device and Cosmetic Act.

5 (v) An individual who is not of sound mind or who
6 has ever been committed to a mental institution or who
7 has been ordered to undergo involuntary mental health
8 treatment.

9 (vi) An individual who is addicted to or is an
10 unlawful user of marijuana or a stimulant, depressant or
11 narcotic drug.

12 (vii) An individual who is a habitual drunkard.

13 (viii) An individual who is charged with or has been
14 convicted of a crime punishable by imprisonment for a
15 term exceeding one year except as provided for in section
16 6123 (relating to waiver of disability or pardons).

17 (ix) A resident of another state who does not
18 possess a current license or permit or similar document
19 to carry a firearm issued by that state if a license is
20 provided for by the laws of that state, as published
21 annually in the Federal Register by the Bureau of
22 Alcohol, Tobacco and Firearms of the Department of the
23 Treasury under 18 U.S.C. § 921(a)(19) (relating to
24 definitions).

25 (x) An alien who is illegally in the United States.

26 (xi) An individual who has been discharged from the
27 armed forces of the United States under dishonorable
28 conditions.

29 (xii) An individual who is a fugitive from justice.

30 This subparagraph does not apply to an individual whose

1 fugitive status is based upon nonmoving or moving summary
2 offense under Title 75 (relating to vehicles).

3 (xiii) An individual who is otherwise prohibited
4 from possessing, using, manufacturing, controlling,
5 purchasing, selling or transferring a firearm as provided
6 by section 6105.

7 (xiv) An individual who is prohibited from
8 possessing or acquiring a firearm under the statutes of
9 the United States.

10 (3) The license to carry a firearm shall be designed to
11 be uniform throughout this Commonwealth and shall be in a
12 form prescribed by the Pennsylvania State Police. The license
13 shall bear the following:

14 (i) The name, address, date of birth, race, sex,
15 citizenship, height, weight, color of hair, color of eyes
16 and signature of the licensee.

17 (ii) The signature of the sheriff issuing the
18 license.

19 (iii) A license number of which the first two
20 numbers shall be a county location code followed by
21 numbers issued in numerical sequence.

22 (iv) The point-of-contact telephone number
23 designated by the Pennsylvania State Police under
24 subsection (1).

25 (v) The reason for issuance.

26 (vi) The period of validation.

27 (4) The sheriff shall require a photograph of the
28 licensee on the license. The photograph shall be in a form
29 compatible with the Commonwealth Photo Imaging Network.

30 (5) The original license shall be issued to the

1 applicant. The first copy of the license shall be forwarded
2 to the Pennsylvania State Police within seven days of the
3 date of issue. The second copy shall be retained by the
4 issuing authority for a period of seven years. Except
5 pursuant to court order, both copies and the application
6 shall, at the end of the seven-year period, be destroyed
7 unless the license has been renewed within the seven-year
8 period.

9 * * *

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