

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 629 Session of
1991

INTRODUCED BY REINARD, THOMAS, HAGARTY, HALUSKA, MELIO, PESCI,
D. W. SNYDER, FAIRCHILD, STABACK, MARSICO, SCHEETZ, CIVERA,
STEELMAN, COLAIZZO, HAYDEN, HECKLER, MAIALE, G. SNYDER,
FARGO, NOYE, WOZNIAK, FLEAGLE, CLYMER, BUNT, SAURMAN, HERMAN,
GLADECK, TIGUE, M. N. WRIGHT, FAJT, MERRY, BILLOW, CORNELL,
CORRIGAN, RAYMOND, TRELLO, LEH, MICOZZIE, GERLACH,
E. Z. TAYLOR, LaGROTTA, BATTISTO, NAHILL, SERAFINI, CARLSON,
TELEK, FLICK, ADOLPH, ARMSTRONG, DeLUCA, SEMMEL, BISHOP AND
KING, MARCH 12, 1991

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the ownership
3 and possession of certain weapons.

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

6 Section 1. Section 6105 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Former convict not to own a firearm, etc.

9 (a) General rule.--No person who has been convicted in this
10 Commonwealth or elsewhere of a crime of violence or of a felony
11 violation of the act of April 14, 1972 (P.L.233, No.64), known
12 as The Controlled Substance, Drug, Device and Cosmetic Act,
13 shall own a firearm, rifle or shotgun or have [one] any such
14 weapons in his possession or under his control.

15 (b) Exemption.--A person who has been convicted of a crime

1 specified in subsection (a) may make application to the court of
2 common pleas of the county where the principal residence of the
3 applicant is situated for relief from the disability imposed by
4 this section upon the ownership, possession or control of a
5 rifle or shotgun, other than a rifle or shotgun that falls
6 within the definition of firearm; and the court shall grant such
7 relief if it determines that any of the following apply:

8 (1) The conviction has been vacated or expunged under
9 circumstances where all appeals have been exhausted or where
10 the right to appeal has expired.

11 (2) The conviction has been the subject of a full pardon
12 by the Governor.

13 (3) Each of the following conditions is met:

14 (i) The Secretary of the Treasury of the United
15 States has relieved the applicant of an applicable
16 disability imposed by Federal law upon the possession,
17 ownership or control of a rifle or shotgun as a result of
18 the applicant's prior conviction.

19 (ii) A period of ten years has elapsed since the
20 most recent conviction of the applicant of a crime of
21 violence or a felony violation of The Controlled
22 Substance, Drug, Device and Cosmetic Act.

23 (iii) A period of five years has elapsed since the
24 applicant has completed the most recent term of
25 imprisonment, if any, for a crime other than a summary
26 offense.

27 (c) Proceedings.--If a person makes application to the court
28 under this section, a hearing shall be held in open court to
29 determine whether the requirements of this section have been
30 met. The Commissioner of the Pennsylvania State Police and the

1 district attorney of the county where the application is filed
2 shall be parties to the proceeding.

3 (d) Other restrictions.--Nothing in this section shall
4 exempt an applicant from a disability upon the ownership,
5 possession or control of a rifle or shotgun which is imposed as
6 a condition of probation or parole or which is imposed pursuant
7 to the provision of any law other than this section.

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