

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2424 Session of
1993

INTRODUCED BY PICCOLA, L. I. COHEN, DALEY, HENNESSEY,
D. W. SNYDER, WOGAN, NAILOR, SCHEETZ, TIGUE, MELIO, COWELL,
MIHALICH, CAWLEY, FICHTER, LaGROTTA, DEMPSEY, MARSICO,
PETTIT, BATTISTO, FARMER, CARONE, STEELMAN, BUNT, GERLACH,
STEIL, CESSAR, VANCE, FLICK, RUBLEY, BELFANTI, FARGO,
E. Z. TAYLOR, TOMLINSON, SAURMAN AND GEIST, DECEMBER 15, 1993

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 15, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for possession of
3 weapon on school property; providing for possession or
4 transportation of certain firearms by persons under 18 years
5 of age; and further providing for issuance of licenses and
6 juvenile records.

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

9 Section 1. Section 912 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a subsection to read:

11 § 912. Possession of weapon on school property.

12 * * *

13 (d) Restriction of operating privileges.--

14 (1) In addition to any penalty imposed under subsection
15 (b), the court, including a court not of record if it is
16 exercising jurisdiction under 42 Pa.C.S. § 1515(a) (relating
17 to jurisdiction and venue), shall order the operating
18 privilege of a person who is adjudicated delinquent or

1 admitted to any preadjudication program for a violation of
2 this section suspended. A copy of the order shall be
3 transmitted to the Department of Transportation.

4 (2) When the Department of Transportation suspends the
5 operating privilege of a person under paragraph (1), the
6 duration of the suspension shall be as follows:

7 (i) For a first offense, a period of one year from
8 the date of suspension.

9 (ii) For a second offense, a period of two years
10 from the date of suspension.

11 (3) Any person who does not have a driver's license
12 shall be ineligible to apply for a learner's permit under 75
13 Pa.C.S. §§ 1505 (relating to learners' permits) and 1507
14 (relating to application for driver's license or learner's
15 permit by minor) for the time periods specified in this
16 subsection. If the person is under 16 years of age when he is
17 convicted or adjudicated delinquent or admitted to a
18 preadjudication program, his suspension of operating
19 privileges shall commence upon his 16th birthday for the time
20 periods specified in this subsection.

21 Section 2. Section 6105 of Title 18 is amended to read:

22 § 6105. Former convict not to own a firearm, etc.

23 (a) General rule.--No person who has been convicted in this
24 Commonwealth or elsewhere of a crime of violence shall own a
25 firearm, or have one in his possession or under his control.

26 (b) Minors.--No person who has been convicted or adjudicated
27 delinquent for a crime of violence, who is 15 years of age or
28 older and 18 years of age or younger, shall own a firearm or
29 have one in his possession or under his control until he attains
30 30 years of age, unless otherwise prohibited under this chapter.

1 Section 3. Title 18 is amended by adding a section to read:

2 § 6106.2. Possession or transportation of certain firearms by
3 persons under 18 years of age.

4 (a) General rule.--A person under 18 years of age shall not
5 knowingly and intentionally possess or transport a firearm
6 anywhere in this Commonwealth.

7 (b) Exception.--This section shall not apply to:

8 (1) Any person who, while accompanied by an adult, is at
9 or going to and from a lawful shooting range or firearms
10 educational class, as long as the weapons are unloaded while
11 being transported.

12 (2) Any person actually engaged in lawful hunting or
13 going to and from a hunting area or preserve, as long as the
14 weapons are unloaded while being transported.

15 (3) Any person while carrying out his duties in the
16 armed forces of the United States or the National Guard of
17 this Commonwealth or any other state.

18 (c) Criminal penalty.--A person who violates this section
19 commits a misdemeanor of the third degree.

20 (d) Restriction of operating privileges.--

21 (1) In addition to any penalty imposed under subsection
22 (a), the court, including a court not of record if it is
23 exercising jurisdiction under 42 Pa.C.S. § 1515(a) (relating
24 to jurisdiction and venue), shall order the operating
25 privilege of a person who is adjudicated delinquent or
26 admitted to any preadjudication program for a violation of
27 this section suspended. A copy of the order shall be
28 transmitted to the Department of Transportation.

29 (2) When the Department of Transportation suspends the
30 operating privilege of a person under paragraph (1), the

1 duration of the suspension shall be as follows:

2 (i) For a first offense, a period of one year from
3 the date of suspension.

4 (ii) For a second offense, a period of two years
5 from the date of suspension.

6 (3) Any person who does not have a driver's license
7 shall be ineligible to apply for a learner's permit under 75
8 Pa.C.S. §§ 1505 (relating to learner's permits) and 1507
9 (relating to application for driver's license or learner's
10 permit by minor) for the time periods specified in this
11 subsection. If the person is under 16 years of age when he is
12 convicted or adjudicated delinquent or admitted to a
13 preadjudication program, his suspension of operating
14 privileges shall commence upon his 16th birthday for the time
15 periods specified in this subsection.

16 Section 4. Section 6109(e) of Title 18 is amended to read:

17 § 6109. Licenses.

18 * * *

19 (e) Issuance of license.--

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

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

30 (ii) An individual who has been convicted of an

1 offense under the act of April 14, 1972 (P.L.233, No.64),
2 known as The Controlled Substance, Drug, Device and
3 Cosmetic Act.

4 (iii) An individual convicted of a crime of
5 violence.

6 (iv) An individual [who, within the past ten years],
7 under 30 years of age, who has been adjudicated
8 delinquent for a crime of violence or for an offense
9 under The Controlled Substance, Drug, Device and Cosmetic
10 Act.

11 (v) An individual who is not of sound mind or who
12 has ever been committed to a mental institution.

13 (vi) An individual who is addicted to, or is an
14 unlawful user of, marijuana or a stimulant, depressant or
15 narcotic drug.

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

17 (viii) An individual who is charged with or has been
18 convicted of a crime punishable by imprisonment for a
19 term exceeding one year except as provided for in section
20 6123 (relating to waiver of disability or pardons).

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

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

30 (xi) An individual who has been discharged from the

1 armed forces of the United States under dishonorable
2 conditions.

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

4 (2) In a city of the first class, a license shall be
5 issued only if it additionally appears that the applicant has
6 good reason to fear an injury to the applicant's person or
7 property or has any other proper reason for carrying a
8 firearm and that the applicant is a suitable individual to be
9 licensed.

10 (3) The license shall bear the name, address, date of
11 birth, race, sex, citizenship, Social Security number,
12 height, weight, color of hair, color of eyes and signature of
13 the licensee; the signature of the sheriff issuing the
14 license; the reason for issuance; and the period of
15 validation. The sheriff may also require a photograph of the
16 licensee on the license. The original license shall be issued
17 to the applicant. The first copy of the license shall be
18 forwarded to the commissioner within seven days of the date
19 of issue, and a second copy shall be retained by the issuing
20 authority for a period of six years.

21 * * *

22 Section 5. Section 9123 of Title 18 is amended by adding a
23 subsection to read:

24 § 9123. Juvenile records.

25 * * *

26 (d) Offenses related to firearms.--The provisions of this
27 section relating to expungement shall not apply to a juvenile
28 convicted or adjudicated delinquent for an offense under section
29 912 (relating to possession of weapon on school property) or an
30 offense under Chapter 61 (relating to firearms and other

1 dangerous articles).

2 Section 6. This act shall take effect in 60 days.