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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 54

Session of  
1999

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INTRODUCED BY MAYERNIK, HENNESSEY, READSHAW, HERSHEY, LAUGHLIN,  
SEYFERT, GIGLIOTTI, RAMOS AND SOLOBAY, JANUARY 20, 1999

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1999

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 forfeiture of certain firearms.

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

6 Section 1. Section 6801(a)(7) of Title 42 of the  
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 6801. Loss of property rights to Commonwealth.

9 (a) Forfeitures generally.--The following shall be subject  
10 to forfeiture to the Commonwealth and no property right shall  
11 exist in them:

12 \* \* \*

13 (7) (i) Any firearms, including, but not limited to,  
14 rifles, shotguns, pistols, revolvers, machine guns, zip  
15 guns or any type of prohibited offensive weapon, as that  
16 term is defined in 18 Pa.C.S. (relating to crimes and  
17 offenses), which are used or intended for use to  
18 facilitate a violation of The Controlled Substance, Drug,

1       Device and Cosmetic Act or any other law of this  
2       Commonwealth. Such operable firearms as are found in  
3       close proximity to illegally possessed controlled  
4       substances shall be rebuttably presumed to be used or  
5       intended for use to facilitate a violation of The  
6       Controlled Substance, Drug, Device and Cosmetic Act. [All  
7       weapons forfeited under this section shall be immediately  
8       destroyed by the receiving law enforcement agency.]

9       (ii) Thirty days after the last appeal expires in  
10      the criminal action that relates to the firearm subject  
11      to forfeiture under this paragraph, the appropriate court  
12      shall issue an order for disposition of the firearm. The  
13      court order shall provide that the firearm be securely  
14      delivered to:

15               (A) a certified crime laboratory or sheriff's  
16               office in this Commonwealth for destruction; or

17               (B) the director of a certified municipal police  
18               basic training school operated by a political  
19               subdivision in accordance with 53 Pa.C.S. Ch. 21  
20               Subch. D (relating to municipal police education and  
21               training) for use in courses of instruction on  
22               firearms or for demonstration purposes for persons to  
23               act as policemen for the several political  
24               subdivisions of this Commonwealth.

25      No other disposition of the firearm shall be authorized  
26      by the court.

27      \* \* \*

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