THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1456  Session of 2019

INTRODUCED BY HOHENSTEIN, BRIGGS, CALTAGIRONE, BARRAR, DAVIDSON, A. DAVIS, DRISCOLL, JOHNSON-HARRELL, KENYATTA, KINSEY, McCLINTON, McNEILL, RABB, SCHLOSSBERG, SCHWEYER AND ZABEL, MAY 14, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MAY 14, 2019

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in falsification and intimidation, further providing for the offense of unsworn falsification to authorities; and, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for licenses and for sale or transfer of firearms.

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

Section 1. Section 4904(b) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4904. Unsworn falsification to authorities.

* * *

(b) Statements "under penalty".--[1]

(1) Except as provided in paragraph (2), a person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are
punishable.

(2) A person commits a felony of the third degree if he makes a written false statement that he does not believe to be true on or pursuant to a form bearing notice, authorized by law, relating to the purchase, delivery or transfer of a firearm under section 6111 (relating to sale or transfer of firearms) or relating to an application to carry a firearm under section 6109 (relating to licenses). A second or subsequent conviction for a violation of this paragraph shall be a felony of the second degree punishable by a mandatory minimum sentence of imprisonment of five years.

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Section 2. Section 6105 heading and (a.1)(1) of Title 18 are amended and subsections (a) and (a.1) are amended by adding paragraphs to read:

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms; attempt.

(a) Offense defined.--

* * *

(1.1) A person who knows that he is prohibited from possessing, using, controlling, selling, transferring or manufacturing a firearm in this Commonwealth under paragraph (1) may not attempt to purchase a firearm or attempt to obtain a license to carry a firearm in this Commonwealth.

* * *

(a.1) Penalty.--

(1) Except as provided under paragraph (1.1), a person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic
Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection [(a)] (a)(1)
commits a felony of the second degree.

* * *

(1.2) A person who violates subsection (a)(1.1) commits a felony of the third degree. A conviction for a second or subsequent violation of subsection (a)(1.1) shall be a felony of the second degree punishable by a mandatory minimum sentence of imprisonment of five years. The penalty under this paragraph shall be in addition to any penalties imposed for a conviction under section 6111(g)(4) (relating to sale or transfer of firearms).

* * *

Section 3. Section 6109 of Title 18 is amended by adding a subsection to read:

§ 6109. Licenses.

* * *

(c.1) False information on application.--A person commits a felony of the third degree if he makes a false statement on the application for a license to carry a firearm under subsection (c). A second or subsequent conviction for a violation of this subsection shall be a felony of the second degree punishable by a mandatory minimum sentence of imprisonment of five years.

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Section 4. Section 6111(g)(4) of Title 18 is amended to read:

§ 6111. Sale or transfer of firearms.

* * *

(g) Penalties.--

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(4) Any person, purchaser or transferee commits a felony of the third degree if, in connection with the purchase, delivery or transfer of a firearm under this chapter, he knowingly and intentionally:

(i) makes any materially false oral statement;

(ii) makes any materially false written statement, including a statement on any form promulgated by Federal or State agencies; or

(iii) willfully furnishes or exhibits any false identification intended or likely to deceive the seller, licensed dealer or licensed manufacturer.

A second or subsequent conviction for a violation of this paragraph shall be a felony of the second degree punishable by a mandatory minimum sentence of imprisonment of five years.

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Section 5. This act shall take effect in 60 days.