



Senate of Pennsylvania

Senator Larry Farnese

1st Senatorial District

MEMO

Date: *December 7, 2010*
To: *All Senators*
From: *Senator Larry Farnese*
Subject: *Co-sponsorship Memo – New Amendments to Title 18*

In the near future, I will be in reintroducing Senate Bill 415 and Senate Bill 416 from the 2009-2010 Legislative Session. This legislation that would amend Title 18 and help keep firearms out of the hands of criminals.

The first bill would correct disparate treatment of juvenile adjudications. Currently, Title 18 (18 Pa.C.S. §6105) prohibits adults convicted of serious offenses listed in subsection (b) or for a drug felony from possessing or purchasing firearms. Adults with juvenile adjudications for the same offenses are treated much differently. Unfortunately, many adults commit such offenses before the age of 18 and are arrested and adjudicated for doing so. Adults with juvenile adjudications for drug offenses, no matter the amount of such offenses, are not prohibited by section 6105 from purchasing or possessing firearms. Adjudicated drug dealing juveniles who turn 21 thus become prime recruits to straw purchase and supply drug organizations with firearms. This proposal would correct the disparate treatment in 6105 of adult convictions and juvenile adjudications for the same offenses, while maintaining the lapsing provision for less serious offenses.

The second piece of legislation would temporarily bar those charged with violent felonies from purchasing or possessing firearms. Presently, 18 Pa.C.S. §6105 requires that a person be “convicted” of a disabling offense

before they can be prevented from buying or having a gun. Witness intimidation and retaliation is a growing problem, and many victims of violent crime are already reluctant to come to court. This measure would temporarily bar those awaiting trial for serious violent offenses from purchasing or possessing firearms during the pendency of the proceedings. If they are acquitted, the bar would automatically be lifted.

SB 415 was co-sponsored by Senators Fontana, Hughes, Washington, and Williams. SB 416 was co-sponsored by Senators Fontana, Hughes, O'Pake, Washington, and Williams.

If you would like to co-sponsor this legislation, please contact Brandie Pifer at bpifer@pasenate.com or 717-787-5663. If you have any questions, please contact Sally Keaveney at skeaveney@pasenate.com.