

2017D02928SFR:JMT

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for possession of firearm by minor; and, in forfeitures, further providing for controlled substances forfeiture and providing for disposition of forfeited firearms.

INTRODUCED _____ 20 _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____ 20 _____

Reported _____ 20 _____

As Committed-Amended

Recommendation

By Hon. _____

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in firearms and other dangerous articles, further
4 providing for possession of firearm by minor; and, in
5 forfeitures, further providing for controlled substances
6 forfeiture and providing for disposition of forfeited
7 firearms.

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

10 Section 1. Section 6110.1(d) of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 6110.1. Possession of firearm by minor.

13 * * *

14 (d) Forfeiture.--Any firearm in the possession of a person
15 under 18 years of age in violation of this section shall be
16 promptly seized by the arresting law enforcement officer and
17 upon conviction or adjudication of delinquency shall be
18 [forfeited];

19 (1) forfeited and disposed of in accordance with 42
20 Pa.C.S. § 6803 (relating to disposition of forfeited

1 firearms); or[,]

2 (2) if stolen, returned to the lawful owner.

3 Section 2. Section 6801(a)(7) of Title 42 is amended to
4 read:

5 § 6801. Controlled substances forfeiture.

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

9 * * *

10 (7) Any firearms, including, but not limited to, rifles,
11 shotguns, pistols, revolvers, machine guns, zip guns or any
12 type of prohibited offensive weapon, as that term is defined
13 in 18 Pa.C.S. (relating to crimes and offenses), which are
14 used or intended for use to facilitate a violation of The
15 Controlled Substance, Drug, Device and Cosmetic Act. Such
16 operable firearms as are found in close proximity to
17 illegally possessed controlled substances shall be rebuttably
18 presumed to be used or intended for use to facilitate a
19 violation of The Controlled Substance, Drug, Device and
20 Cosmetic Act. All weapons forfeited under this section shall
21 be [immediately destroyed by the receiving law enforcement
22 agency] subject to disposition under section 6803 (relating
23 to disposition of forfeited firearms).

24 * * *

25 Section 3. Title 42 is amended by adding a section to read:

26 § 6803. Disposition of forfeited firearms.

27 (a) Prescribed actions.--Whenever a firearm is required to
28 be forfeited under this chapter, 18 Pa.C.S. § 6110.1(d)
29 (relating to possession of firearm by minor) or any other law,
30 the court shall order the appropriate agency to take one of the

1 following actions:

2 (1) Relinquish ownership of the firearm to the
3 appropriate Federal law enforcement agency.

4 (2) Retain the firearm for official use by the agency
5 and the prosecuting authority.

6 (3) Sell the firearm to a federally licensed firearms
7 dealer and distribute the proceeds as required by this
8 chapter.

9 (4) Conduct a sale of the firearm at public auction.
10 Before the highest bidder at the public auction takes
11 possession of the firearm, the applicable background checks
12 shall be completed. If the results of the applicable
13 background checks indicate that the highest bidder is not
14 eligible to take possession of the firearm, the highest
15 bidder shall not be entitled to a refund of any incurred
16 costs associated with the background checks or the public
17 auction.

18 (b) Proceeds.--Proceeds resulting from the sale of a firearm
19 under subsection (a) shall be used to cover the agency's
20 personnel, equipment and training costs.

21 (c) Definition.--As used in this section, the term "firearm"
22 includes any ammunition and accessories included with a
23 forfeited firearm.

24 Section 4. This act shall take effect in 60 days.

