

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1959 Session of  
1989

INTRODUCED BY GODSHALL, STABACK, DeWEESE, REBER, ALLEN,  
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D. R. WRIGHT, J. L. WRIGHT, WASS, WAMBACH, WILSON, WOZNIAK,  
YANDRISEVITS AND ADOLPH, OCTOBER 4, 1989

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 4, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, prohibiting certain classes of persons  
3 from possessing a firearm, rifle or shotgun; and providing  
4 for relief from disability.

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

7 Section 1. Sections 6105 and 6123 of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 6105. [Former convict not to own a firearm, etc.] Certain  
10 persons not to possess firearms.

11 (a) Crimes of violence.--No person who has been convicted in

1 this Commonwealth or elsewhere of a crime of violence shall own  
2 a firearm, or have one in his possession or under his control.

3 (b) Other persons.--Except as provided in subsection (c), it  
4 shall be unlawful for any of the following persons to have a  
5 firearm, rifle or shotgun in his possession or under his  
6 control:

7 (1) A person who has been convicted in any court of a  
8 crime punishable by imprisonment exceeding one year.

9 (2) A person who is a fugitive from justice.

10 (3) A person who is an unlawful user of or addicted to  
11 any controlled substance, as defined in section 2 of the act  
12 of April 14, 1972 (P.L.233, No.64), known as The Controlled  
13 Substance, Drug, Device and Cosmetic Act.

14 (4) A person who has been adjudicated as an incompetent  
15 or who has been involuntarily committed to a mental  
16 institution under the provisions of the act of July 9, 1976  
17 (P.L.817, No.143), known as the Mental Health Procedures Act,  
18 for inpatient care and treatment.

19 (5) A person who, being an alien, is illegally or  
20 unlawfully in the United States.

21 (6) A person who has been discharged from the armed  
22 forces under dishonorable conditions.

23 (7) A person who, having been a citizen of the United  
24 States, has renounced his citizenship.

25 (c) Exemption.--Any person specified in subsection (b) shall  
26 be exempt from the disabilities imposed by that subsection if  
27 any of the following apply:

28 (1) The conviction has been vacated or expunged under  
29 circumstances where all appeals have been exhausted or where  
30 the right to appeal has expired.

1       (2) The conviction has been the subject of a full pardon  
2       by the Governor.

3       (3) The Secretary of the Treasury of the United States  
4       has relieved the person of an applicable disability imposed  
5       by Federal law upon the possession of a firearm, rifle or  
6       shotgun as a result of the person's prior conviction or  
7       commitment to a mental institution.

8       (d) Other restrictions.--Nothing in this section shall  
9       exempt a person from a disability in relation to the ownership,  
10      possession or control of a firearm, rifle or shotgun which is  
11      imposed as a condition of probation or parole or which is  
12      imposed pursuant to the provision of any law other than this  
13      section.

14      § 6123. [Waiver of] Relief from disability or pardons.

15      A [waiver of] relief from disability from Federal authorities  
16      as provided for in 18 U.S.C. § 925 (relating to exceptions;  
17      relief from disabilities), a full pardon from the Governor or  
18      [an overturning] a reversal of a conviction shall remove any  
19      corresponding disability under this subchapter except the  
20      disability under section [6105 (relating to former convict not  
21      to own a firearm, etc.)] 6105(a) (relating to crimes of  
22      violence).

23      Section 2. This act shall take effect in 180 days.