

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2401 Session of 1992

INTRODUCED BY GODSHALL, LLOYD, NAHILL, LEVDANSKY, COLAIZZO, MERRY, PHILLIPS, HERSHEY, LEH, KASUNIC, CORNELL, FAIRCHILD, ARMSTRONG, BLAUM, COY, CLARK, CIVERA, DeWEESE, GEIST, STABACK AND NICKOL, FEBRUARY 10, 1992

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 11, 1992

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for loans on, or
3 lending or giving firearms prohibited.

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

6 Section 1. Section 6115 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6115. Loans on, or lending or giving firearms prohibited.

9 ~~(a) General rule.~~ No person shall make any loan secured by <—
10 mortgage, deposit, or pledge of a firearm†; nor shall any person <—
11 lend or give a firearm to another UNLESS THAT PERSON IS LICENSED <—
12 TO CARRY A FIREARM PURSUANT TO SECTION 6109 (RELATING TO
13 LICENSES) OR IS EXEMPT FROM THE LICENSING PROVISION PURSUANT TO
14 SECTION 6106(B) AND (C) (RELATING TO FIREARMS NOT TO BE CARRIED
15 WITHOUT A LICENSE) or otherwise deliver a firearm contrary to
16 the provisions of this subchapter†. <—

17 ~~(b) Persons prohibited from receiving firearms. A person <—~~

1 ~~may not knowingly lend, give or deliver a firearm to the~~  
2 ~~following persons:~~

3 ~~(1) A person who has been convicted in this Commonwealth~~  
4 ~~or in any jurisdiction of a crime of violence as defined in~~  
5 ~~section 6102 (relating to definitions).~~

6 ~~(2) A person who has been convicted in this Commonwealth~~  
7 ~~or any other jurisdiction of a crime punishable by a term of~~  
8 ~~imprisonment exceeding one year.~~

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

10 ~~(4) 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 ~~(5) 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 ~~(6) A person who, being an alien, is illegally or~~  
19 ~~unlawfully in the United States.~~

20 ~~(7) A person who has been discharged from the armed~~  
21 ~~forces under dishonorable conditions.~~

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

24 ~~(9) A person specified in section 6110 (relating to~~  
25 ~~persons to whom delivery shall not be made).~~

26 ~~(c) Exemption. Any person, other than one who has been~~  
27 ~~convicted in this Commonwealth or any other jurisdiction of a~~  
28 ~~crime of violence specified in subsection (b)(1), shall be~~  
29 ~~exempt from the restrictions imposed by that subsection if any~~  
30 ~~of the following apply:~~

1           ~~(1) The conviction has been vacated under circumstances~~  
2 ~~where all appeals have been exhausted or where the right to~~  
3 ~~appeal has expired.~~

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

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

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