

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3083 Session of
1994

INTRODUCED BY MARSICO, PICCOLA, GEIST, DEMPSEY, CESSAR, FARMER,
EGOLF, VANCE, NAILOR, SCHULER, E. Z. TAYLOR, SAYLOR, TRUE,
PITTS, DeLUCA, McCALL, L. I. COHEN, TOMLINSON, SURRA, WAUGH,
TIGUE, GODSHALL, TRELLO, ULIANA, TANGRETTI, MERRY AND CLARK,
SEPTEMBER 28, 1994

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 28, 1994

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for penalties and
3 sentencing for firearms' violations.

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

6 Section 1. Section 6105 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 6105. Former convict not to own a firearm, etc.

9 (a) General rule.--No person who has been convicted in this
10 Commonwealth or elsewhere of a crime of violence shall own a
11 firearm, or have one in his possession or under his control.

12 (b) Penalty.--A person who violates the provisions of this
13 section commits a felony of the second degree and shall, upon
14 conviction, be sentenced to a mandatory minimum term of
15 imprisonment for five years. There shall be no authority in any
16 court to impose on an offender to which this section is
17 applicable a lesser sentence than provided for in this section

1 or to place the offender on probation, parole, work release or
2 prerelease or to suspend sentence. Nothing in this section shall
3 prevent the sentencing court from imposing a sentence greater
4 than provided in this section. Sentencing guidelines promulgated
5 by the Pennsylvania Commission on Sentencing shall not supersede
6 the mandatory sentences provided in this section.

7 (c) Appellate review.--If a sentencing court refuses to
8 apply this section where applicable, the Commonwealth shall have
9 the right to appellate review of the action of the sentencing
10 court. The appellate court shall vacate the sentence and remand
11 the case to the sentencing court for imposition of a sentence in
12 accordance with this section if it finds that the sentence was
13 imposed in violation of this section.

14 Section 2. Section 6106 of Title 18 is amended by adding a
15 subsection to read:

16 § 6106. Firearms not to be carried without a license.

17 * * *

18 (e) Penalty.--A person who violates the provisions of this
19 section commits a felony of the third degree.

20 Section 3. This act shall take effect in 60 days.