

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2275 Session of
2002

INTRODUCED BY GODSHALL, CAPPELLI, CREIGHTON, FAIRCHILD, HARHAI,
LAUGHLIN, MCGEEHAN, MCILHATTAN, PALLONE, PHILLIPS, PISTELLA,
ROBINSON, SCHULER, TIGUE, TURZAI AND YOUNGBLOOD,
JANUARY 14, 2002

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2002

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for possession of firearms by
4 minor and for loss of property rights to Commonwealth; and
5 providing for disposition of forfeited firearms.

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

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

10 § 6110.1. Possession of firearm by minor.

11 * * *

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

16 (1) forfeited and disposed of in accordance with 42
17 Pa.C.S. § 6803 (relating to disposition of forfeited
18 firearms); or[,]

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

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

4 § 6801. Loss of property rights to Commonwealth.

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

8 * * *

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

23 * * *

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

25 § 6803. Disposition of forfeited firearms.

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

30 (1) If the firearm is an antique firearm, sell the

1 firearm and distribute the proceeds as required by this
2 chapter.

3 (2) If the firearm is an automatic, military-style
4 assault weapon, destroy or authorize the firearm to be
5 retained by the agency and the prosecuting authority for
6 official use.

7 (3) If the firearm is not subject to either paragraph
8 (1) or (2), then one of the following:

9 (i) Relinquish ownership of the firearm to the Drug
10 Enforcement Administration.

11 (ii) Retain the firearm for official use by the
12 agency and the prosecuting authority.

13 (iii) Sell the firearm to a federally licensed
14 firearms dealer, if the court determines that the firearm
15 is not harmful to the public and distribute the proceeds
16 as required by this chapter.

17 (b) County policy to control.--Notwithstanding subsection
18 (a), the court may not order the sale of a forfeited firearm if
19 the county commissioners have adopted a written policy
20 disapproving the sale of forfeited firearms.

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.