

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 954 Session of  
2005

INTRODUCED BY WILLIAMS, BISHOP, BLACKWELL, CRUZ, CURRY,  
D. EVANS, FRANKEL, JOSEPHS, W. KELLER, LEDERER, THOMAS,  
YOUNGBLOOD AND WASHINGTON, MARCH 15, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 12, 2005

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for persons not to  
3 possess, use, manufacture, control, sell or transfer firearms  
4 and for carrying firearms on public streets or public  
5 property in Philadelphia.

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

8 Section 1. Sections 6105(b), 6106(B) and 6108 of Title 18 of <—  
9 the Pennsylvania Consolidated Statutes are amended to read:

10 § 6105. Persons not to possess, use, manufacture, control, sell  
11 or transfer firearms.

12 \* \* \*

13 (b) Enumerated offenses.--The following offenses shall apply  
14 to subsection (a):

15 Section 908 (relating to prohibited offensive weapons).

16 Section 911 (relating to corrupt organizations).

17 Section 912 (relating to possession of weapon on school  
18 property).

1           Section 2502 (relating to murder).

2           Section 2503 (relating to voluntary manslaughter).

3           Section 2504 (relating to involuntary manslaughter) if

4 the offense is based on the reckless use of a firearm.

5           Section 2702 (relating to aggravated assault).

6           Section 2703 (relating to assault by prisoner).

7           Section 2704 (relating to assault by life prisoner).

8           Section 2709.1 (relating to stalking).

9           Section 2716 (relating to weapons of mass destruction).

10          Section 2901 (relating to kidnapping).

11          Section 2902 (relating to unlawful restraint).

12          Section 2910 (relating to luring a child into a motor

13 vehicle).

14          Section 3121 (relating to rape).

15          Section 3123 (relating to involuntary deviate sexual

16 intercourse).

17          Section 3125 (relating to aggravated indecent assault).

18          Section 3301 (relating to arson and related offenses).

19          Section 3302 (relating to causing or risking

20 catastrophe).

21          Section 3502 (relating to burglary).

22          Section 3503 (relating to criminal trespass) if the

23 offense is graded a felony of the second degree or higher.

24          Section 3701 (relating to robbery).

25          Section 3702 (relating to robbery of motor vehicle).

26          Section 3921 (relating to theft by unlawful taking or

27 disposition) upon conviction of the second felony offense.

28          Section 3923 (relating to theft by extortion) when the

29 offense is accompanied by threats of violence.

30          Section 3925 (relating to receiving stolen property) upon

conviction of the second felony offense.

Section 4912 (relating to impersonating a public servant) if the person is impersonating a law enforcement officer.

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness [or victim], victim or party).

Section 5121 (relating to escape).

Section 5122 (relating to weapons or implements for escape).

Section 5501(3) (relating to riot).

Section 5515 (relating to prohibiting of paramilitary training).

Section 5516 (relating to facsimile weapons of mass destruction).

Section 6106(a)(1) (relating to firearms not to be carried without a license).

Section 6108(a) (relating to carrying firearms on public streets or public property in Philadelphia).

Section 6110.1 (relating to possession of firearm by minor).

Section 6301 (relating to corruption of minors).

Section 6302 (relating to sale or lease of weapons and explosives).

Any offense equivalent to any of the above-enumerated offenses under the prior laws of this Commonwealth or any offense equivalent to any of the above-enumerated offenses under the statutes of any other state or of the United States.

\* \* \*

1 § 6106. FIREARMS NOT TO BE CARRIED WITHOUT A LICENSE.

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2 \* \* \*

3 (B) EXCEPTIONS.--THE PROVISIONS OF SUBSECTION (A) SHALL NOT  
4 APPLY TO:

5 (1) CONSTABLES, SHERIFFS, PRISON OR JAIL WARDENS, OR  
6 THEIR DEPUTIES, POLICEMEN OF THIS COMMONWEALTH OR ITS  
7 POLITICAL SUBDIVISIONS, OR OTHER LAW-ENFORCEMENT OFFICERS.

8 (2) MEMBERS OF THE ARMY, NAVY [OR], MARINE CORPS, AIR  
9 FORCE OR COAST GUARD OF THE UNITED STATES OR OF THE NATIONAL  
10 GUARD OR ORGANIZED RESERVES WHEN ON DUTY.

11 (3) THE REGULARLY ENROLLED MEMBERS OF ANY ORGANIZATION  
12 DULY ORGANIZED TO PURCHASE OR RECEIVE SUCH [WEAPONS] FIREARMS  
13 FROM THE UNITED STATES OR FROM THIS COMMONWEALTH.

14 (4) ANY PERSONS ENGAGED IN TARGET SHOOTING WITH [RIFLE,  
15 PISTOL, OR REVOLVER] A FIREARM, IF SUCH PERSONS ARE AT OR ARE  
16 GOING TO OR FROM THEIR PLACES OF ASSEMBLY OR TARGET PRACTICE  
17 AND IF, WHILE GOING TO OR FROM THEIR PLACES OF ASSEMBLY OR  
18 TARGET PRACTICE, THE FIREARM IS NOT LOADED AND THE CARTRIDGES  
19 OR SHELLS ARE CARRIED IN A SEPARATE CONTAINER [AND THE RIFLE,  
20 PISTOL OR REVOLVER IS UNLOADED].

21 (5) OFFICERS OR EMPLOYEES OF THE UNITED STATES DULY  
22 AUTHORIZED TO CARRY A CONCEALED FIREARM.

23 (6) AGENTS, MESSENGERS AND OTHER EMPLOYEES OF COMMON  
24 CARRIERS, BANKS, OR BUSINESS FIRMS, WHOSE DUTIES REQUIRE THEM  
25 TO PROTECT MONEYS, VALUABLES AND OTHER PROPERTY IN THE  
26 DISCHARGE OF SUCH DUTIES.

27 (7) ANY PERSON ENGAGED IN THE BUSINESS OF MANUFACTURING,  
28 REPAIRING, OR DEALING IN FIREARMS, OR THE AGENT OR  
29 REPRESENTATIVE OF ANY SUCH PERSON, HAVING IN HIS POSSESSION,  
30 USING OR CARRYING A FIREARM IN THE USUAL OR ORDINARY COURSE

1 OF SUCH BUSINESS.

2 (8) ANY PERSON WHILE CARRYING A FIREARM [UNLOADED AND]  
3 WHICH IS NOT LOADED AND IS IN A SECURE WRAPPER FROM THE PLACE  
4 OF PURCHASE TO HIS HOME OR PLACE OF BUSINESS, OR TO A PLACE  
5 OF REPAIR OR BACK TO HIS HOME OR PLACE OF BUSINESS, OR IN  
6 MOVING FROM ONE PLACE OF ABODE OR BUSINESS TO ANOTHER OR FROM  
7 HIS HOME TO A VACATION OR RECREATIONAL HOME OR DWELLING OR  
8 BACK, OR TO RECOVER STOLEN PROPERTY UNDER SECTION  
9 6111.1(B)(4) (RELATING TO PENNSYLVANIA STATE POLICE) OR TO A  
10 LOCATION TO WHICH THE PERSON HAS BEEN DIRECTED TO SURRENDER  
11 FIREARMS UNDER 23 PA.C.S. § 6108 (RELATING TO RELIEF) OR BACK  
12 UPON RETURN OF THE SURRENDERED FIREARM.

13 (9) PERSONS LICENSED TO HUNT, TAKE FURBEARERS OR FISH IN  
14 THIS COMMONWEALTH, IF SUCH PERSONS ARE ACTUALLY HUNTING,  
15 TAKING FURBEARERS OR FISHING AS PERMITTED BY SUCH LICENSE, OR  
16 ARE GOING TO THE PLACES WHERE THEY DESIRE TO HUNT, TAKE  
17 FURBEARERS OR FISH OR RETURNING FROM SUCH PLACES.

18 (10) PERSONS TRAINING DOGS, IF SUCH PERSONS ARE ACTUALLY  
19 TRAINING DOGS DURING THE REGULAR TRAINING SEASON.

20 (11) ANY PERSON WHILE CARRYING A FIREARM IN ANY VEHICLE,  
21 WHICH PERSON POSSESSES A VALID AND LAWFULLY ISSUED LICENSE  
22 FOR THAT FIREARM WHICH HAS BEEN ISSUED UNDER THE LAWS OF THE  
23 UNITED STATES OR ANY OTHER STATE.

24 (12) A PERSON WHO HAS A LAWFULLY ISSUED LICENSE TO CARRY  
25 A FIREARM PURSUANT TO SECTION 6109 (RELATING TO LICENSES) AND  
26 THAT SAID LICENSE EXPIRED WITHIN SIX MONTHS PRIOR TO THE DATE  
27 OF ARREST AND THAT THE INDIVIDUAL IS OTHERWISE ELIGIBLE FOR  
28 RENEWAL OF THE LICENSE.

29 (13) ANY PERSON WHO IS OTHERWISE ELIGIBLE TO POSSESS A  
30 FIREARM UNDER THIS CHAPTER AND WHO IS OPERATING A MOTOR

1 VEHICLE WHICH IS REGISTERED IN THE PERSON'S NAME OR THE NAME  
2 OF A SPOUSE OR PARENT AND WHICH CONTAINS A FIREARM FOR WHICH  
3 A VALID LICENSE HAS BEEN ISSUED PURSUANT TO SECTION 6109 TO  
4 THE SPOUSE OR PARENT OWNING THE FIREARM.

5 (14) A PERSON LAWFULLY ENGAGED IN THE INTERSTATE  
6 TRANSPORTATION OF A FIREARM AS DEFINED UNDER 18 U.S.C. §  
7 921(A)(3) IN COMPLIANCE WITH 18 U.S.C. § 926A.  
8 AS USED IN PARAGRAPHS (3), (4), (5), (7) AND (8), THE TERM  
9 "FIREARM" SHALL INCLUDE ANY WEAPON WHICH IS DESIGNED TO OR MAY  
10 READILY BE CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN  
11 EXPLOSIVE OR THE FRAME OR RECEIVER OF THE WEAPON.

12 \* \* \*

13 § 6108. Carrying firearms on public streets or public property  
14 in Philadelphia.

15 [No person shall] (a) General rule.--Except as provided in  
16 subsection (b), it shall be a felony of the third degree to  
17 carry a firearm, rifle or shotgun at any time upon the public  
18 streets or upon any public property in a city of the first class  
19 unless:

20 (1) such person is licensed to carry a firearm; or

21 (2) such person is exempt from licensing under section  
22 6106(b) [of this title] (relating to firearms not to be  
23 carried without a license).

24 (b) Exception.--A person who violates subsection (a) and is  
25 otherwise eligible to possess a valid license under this chapter  
26 commits a misdemeanor of the first degree.

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