

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 784 Session of 2007

INTRODUCED BY PETRI, BARRAR, BOYD, CURRY, EVERETT, FRANKEL, GEIST, GOODMAN, HERSHEY, HICKERNELL, KENNEY, KILLION, MAHONEY, MANN, O'NEILL, PICKETT, RAYMOND, ROAE, RUBLEY, SABATINA, SAYLOR, SCHRODER, SONNEY, WATSON, WHEATLEY, WILLIAMS, YOUNGBLOOD, MURT, THOMAS, SIPTROTH, R. MILLER AND CALTAGIRONE, MARCH 19, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 31, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 sale or transfer of firearms AND FOR LOANS ON OR LENDING OR
4 GIVING FIREARMS PROHIBITED. <---

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

7 Section 1. Section 6111(g)(2) and (h) heading and (1) of
8 Title 18 of the Pennsylvania Consolidated Statutes are amended
9 and subsection (h) is amended by adding a paragraph to read:

10 § 6111. Sale or transfer of firearms.

11 * * *

12 (g) Penalties.--

13 * * *

14 (2) Any person, licensed dealer, licensed manufacturer
15 or licensed importer who knowingly or intentionally sells,
16 delivers or transfers a firearm under circumstances intended

1 to provide a firearm to any person, purchaser or transferee
2 who is [unqualified or ineligible to control, possess or use <—
3 a firearm under this ~~chapter~~ [commits CHAPTER] PROHIBITED <—
4 FROM POSSESSING, USING, CONTROLLING, SELLING OR MANUFACTURING
5 A FIREARM PURSUANT TO SECTION 6105 COMMITS a felony of the
6 third degree and shall in addition be subject to revocation
7 of the license to sell firearms for a period of three years.† <—
8 shall be punished as provided in subsection (h).

9 * * *

10 (h) [Subsequent violation penalty] Mandatory minimum
11 sentence.--

12 (1) [A second or subsequent violation of this section
13 shall be a felony of the second degree and shall be
14 punishable by a mandatory minimum sentence of imprisonment of
15 five years. A second or subsequent offense shall also result
16 in permanent revocation of any license to sell, import or
17 manufacture a firearm.] The following violations shall be a
18 felony of the second degree and shall be punishable by a
19 mandatory minimum sentence of imprisonment of five years:

20 (i) a second or subsequent violation of this
21 section, regardless of whether a firearm was involved; or

22 (ii) a violation of subsection (g)(2) IF THE SELLER <—
23 OR TRANSFERER KNOWS THAT THE PURCHASER, TRANSFEREE OR THE
24 FINAL INTENDED RECIPIENT HAS BEEN CONVICTED OF A CRIME OF
25 VIOLENCE AS DEFINED IN 42 PA.C.S. § 9714(G) (RELATING TO
26 SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES).

27 (1.1) A violation under paragraph (1)(i) or (ii) shall
28 also result in the permanent revocation of any license to
29 sell, import or manufacture a firearm.

30 * * *

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1 SECTION 2. SECTION 6115(B)(3) OF TITLE 18 IS AMENDED TO
2 READ:

3 § 6115. LOANS ON, OR LENDING OR GIVING FIREARMS PROHIBITED.

4 * * *

5 (B) EXCEPTION.--

6 * * *

7 (3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
8 PROHIBIT THE LOANING OR GIVING OF A FIREARM TO ANOTHER:

9 (I) IN ONE'S DWELLING OR PLACE OF BUSINESS IF THE
10 FIREARM IS RETAINED WITHIN THE DWELLING OR PLACE OF
11 BUSINESS[.]; OR

12 (II) AT ANY PLACE OF INSTRUCTION INTENDED TO TEACH
13 THE SAFE HANDLING, USE OR MAINTENANCE OF FIREARMS SO LONG
14 AS THE PERSON WHO RECEIVES THE FIREARM DOES NOT LEAVE THE
15 PLACE OF INSTRUCTION WITH THE FIREARM.

16 * * *

17 SECTION 3. THE PENNSYLVANIA COMMISSION ON CRIME AND
18 DELINQUENCY SHALL ESTABLISH A PUBLIC INFORMATION CAMPAIGN AIMED
19 AT AREAS OF HIGH RATES OF VIOLENT CRIME INFORMING THE PUBLIC OF
20 THE FIVE-YEAR MANDATORY SENTENCE ESTABLISHED BY 18 PA.C.S. §
21 6111(H). THE COMMISSION SHALL SEEK ALL AVAILABLE FUNDING,
22 INCLUDING FEDERAL FUNDING OR FUNDING AVAILABLE FROM NONPROFIT
23 CORPORATIONS, AND SHALL SEEK TO ENGAGE PRO BONO SERVICES FROM
24 PUBLIC RELATIONS AND ADVERTISING FIRMS AND OTHER ENTITIES.

25 Section ~~2~~ 4. This act shall take effect in 60 days.

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