
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2144 Session of
2008

INTRODUCED BY HARPER, O'NEILL, BLACKWELL, CIVERA, CREIGHTON,
CURRY, CUTLER, FAIRCHILD, FRANKEL, HELM, JAMES, KENNEY,
MANDERINO, MCGEEHAN, MELIO, MENSCH, R. MILLER, MURT,
D. O'BRIEN, PICKETT, REICHLEY, RUBLEY, SONNEY, STEIL AND
WATSON, JANUARY 15, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 15, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 false reports to law enforcement authorities, for the offense
4 of persons not to possess, use, manufacture, control, sell or
5 transfer firearms and for the sale or transfer of firearms.

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

8 Section 1. Sections 4906(c), 6105(b) and 6111(b)(1) of Title
9 18 of the Pennsylvania Consolidated Statutes are amended to
10 read:

11 § 4906. False reports to law enforcement authorities.

12 * * *

13 (c) Grading.--

14 (1) If the violation of subsection (a) or (b) occurs
15 during a declared state of emergency and the false report
16 causes the resources of the law enforcement authority to be
17 diverted from dealing with the declared state of emergency,
18 the offense shall be graded one step greater than that set

1 forth in the applicable subsection.

2 (2) If the violation of subsection (a) or (b) relates to
3 a false report of the theft or loss of a firearm, as defined
4 in section 5515 (relating to prohibiting of paramilitary
5 training), the offense shall be graded one step greater than
6 that set forth in the applicable subsection.

7 § 6105. Persons not to possess, use, manufacture, control, sell
8 or transfer firearms.

9 * * *

10 (b) Enumerated offenses.--The following offenses shall apply
11 to subsection (a):

12 Section 908 (relating to prohibited offensive weapons).

13 Section 911 (relating to corrupt organizations).

14 Section 912 (relating to possession of weapon on school
15 property).

16 Section 2502 (relating to murder).

17 Section 2503 (relating to voluntary manslaughter).

18 Section 2504 (relating to involuntary manslaughter) if
19 the offense is based on the reckless use of a firearm.

20 Section 2702 (relating to aggravated assault).

21 Section 2703 (relating to assault by prisoner).

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

23 Section 2709.1 (relating to stalking).

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

25 Section 2901 (relating to kidnapping).

26 Section 2902 (relating to unlawful restraint).

27 Section 2910 (relating to luring a child into a motor
28 vehicle or structure).

29 Section 3121 (relating to rape).

30 Section 3123 (relating to involuntary deviate sexual

1 intercourse).

2 Section 3125 (relating to aggravated indecent assault).

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

4 Section 3302 (relating to causing or risking
5 catastrophe).

6 Section 3502 (relating to burglary).

7 Section 3503 (relating to criminal trespass) if the
8 offense is graded a felony of the second degree or higher.

9 Section 3701 (relating to robbery).

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

11 Section 3921 (relating to theft by unlawful taking or
12 disposition) upon conviction of the second felony offense.

13 Section 3923 (relating to theft by extortion) when the
14 offense is accompanied by threats of violence.

15 Section 3925 (relating to receiving stolen property) upon
16 conviction of the second felony offense.

17 Section 4906 (relating to false reports to law
18 enforcement authorities) if the fictitious report involved
19 the theft of a firearm as provided in section 4906(c)(2).

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

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

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

26 Section 5121 (relating to escape).

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

29 Section 5501(3) (relating to riot).

30 Section 5515 (relating to prohibiting of paramilitary

1 training).

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

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

6 Section 6301 (relating to corruption of minors).

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

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

14 * * *

15 § 6111. Sale or transfer of firearms.

16 * * *

17 (b) Duty of seller.--No licensed importer, licensed
18 manufacturer or licensed dealer shall sell or deliver any
19 firearm to another person, other than a licensed importer,
20 licensed manufacturer, licensed dealer or licensed collector,
21 until the conditions of subsection (a) have been satisfied and
22 until he has:

23 (1) For purposes of a firearm as defined in section 6102
24 (relating to definitions), obtained a completed
25 application/record of sale from the potential buyer or
26 transferee to be filled out in triplicate, the original copy
27 to be sent to the Pennsylvania State Police, postmarked via
28 first class mail, within 14 days of the sale, one copy to be
29 retained by the licensed importer, licensed manufacturer or
30 licensed dealer for a period of 20 years and one copy to be

1 provided to the purchaser or transferee. The form of this
2 application/record of sale shall be no more than one page in
3 length and shall be promulgated by the Pennsylvania State
4 Police and provided by the licensed importer, licensed
5 manufacturer or licensed dealer. The application/record of
6 sale shall include the name, address, birthdate, gender,
7 race, physical description and Social Security number of the
8 purchaser or transferee, the date of the application and the
9 caliber, length of barrel, make, model and manufacturer's
10 number of the firearm to be purchased or transferred. The
11 application/record of sale shall also contain the following
12 question:

13 Are you the actual buyer of the firearm(s) listed on this
14 application/record of sale? Warning: You are not the
15 actual buyer if you are acquiring the firearm(s) on
16 behalf of another person, unless you are legitimately
17 acquiring the firearm as a gift for any of the following
18 individuals who are legally eligible to own a firearm:

19 (1) spouse;

20 (2) parent;

21 (3) child;

22 (4) grandparent; or

23 (5) grandchild.

24 * * *

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