

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2168

Session of  
2008

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INTRODUCED BY WILLIAMS, BLACKWELL, CIVERA, DePASQUALE, JAMES,  
JOSEPHS, KENNEY, McGEEHAN, MELIO, MURT, D. O'BRIEN, PRESTON,  
SABATINA, FRANKEL, GINGRICH, HORNAMAN, SIPTROTH, AND MANTZ,  
JANUARY 17, 2008

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AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 1, 2008

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## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for false reports to  
3 law enforcement authorities, FOR PERSONS NOT TO POSSESS, USE, <—  
4 MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS AND FOR SALE  
5 OR TRANSFER OF FIREARMS.

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

8 ~~Section 1. Section 4906(c) of Title 18 of the Pennsylvania~~ <—  
9 ~~Consolidated Statutes is amended to read:~~

10 ~~§ 4906. False reports to law enforcement authorities.~~

11 ~~\* \* \*~~

12 ~~(c) Grading.~~

13 ~~(1) If the violation of subsection (b) refers to an~~  
14 ~~offense or incident relating to the loss or theft of a~~  
15 ~~firearm, as defined in section 6102 (relating to~~  
16 ~~definitions), the offense shall be graded a misdemeanor of~~  
17 ~~the first degree.~~

18 ~~(2) If the violation of subsection (a) or (b) occurs~~

~~during a declared state of emergency and the false report causes the resources of the law enforcement authority to be diverted from dealing with the declared state of emergency, the offense shall be graded one step greater than that set forth in the applicable subsection.~~

~~Section 2. The addition of 18 Pa.C.S. § 4906(c)(1) shall apply to offenses committed on or after the effective date of this section.~~

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

SECTION 1. SECTIONS 4906(C), 6105(B) AND 6111(B)(1) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 4906. FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES.

\* \* \*

(C) GRADING.--

(1) IF THE VIOLATION OF SUBSECTION (A) OR (B) OCCURS DURING A DECLARED STATE OF EMERGENCY AND THE FALSE REPORT CAUSES THE RESOURCES OF THE LAW ENFORCEMENT AUTHORITY TO BE DIVERTED FROM DEALING WITH THE DECLARED STATE OF EMERGENCY, THE OFFENSE SHALL BE GRADED ONE STEP GREATER THAN THAT SET FORTH IN THE APPLICABLE SUBSECTION.

(2) IF THE VIOLATION OF SUBSECTION (A) OR (B) RELATES TO A FALSE REPORT OF THE THEFT OR LOSS OF A FIREARM, AS DEFINED IN SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING), THE OFFENSE SHALL BE GRADED ONE STEP GREATER THAN THAT SET FORTH IN THE APPLICABLE SUBSECTION.

§ 6105. PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER FIREARMS.

\* \* \*

(B) ENUMERATED OFFENSES.--THE FOLLOWING OFFENSES SHALL APPLY

1 TO SUBSECTION (A):

2 SECTION 908 (RELATING TO PROHIBITED OFFENSIVE WEAPONS).

3 SECTION 911 (RELATING TO CORRUPT ORGANIZATIONS).

4 SECTION 912 (RELATING TO POSSESSION OF WEAPON ON SCHOOL  
5 PROPERTY).

6 SECTION 2502 (RELATING TO MURDER).

7 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER).

8 SECTION 2504 (RELATING TO INVOLUNTARY MANSLAUGHTER) IF  
9 THE OFFENSE IS BASED ON THE RECKLESS USE OF A FIREARM.

10 SECTION 2702 (RELATING TO AGGRAVATED ASSAULT).

11 SECTION 2703 (RELATING TO ASSAULT BY PRISONER).

12 SECTION 2704 (RELATING TO ASSAULT BY LIFE PRISONER).

13 SECTION 2709.1 (RELATING TO STALKING).

14 SECTION 2716 (RELATING TO WEAPONS OF MASS DESTRUCTION).

15 SECTION 2901 (RELATING TO KIDNAPPING).

16 SECTION 2902 (RELATING TO UNLAWFUL RESTRAINT).

17 SECTION 2910 (RELATING TO LURING A CHILD INTO A MOTOR  
18 VEHICLE OR STRUCTURE).

19 SECTION 3121 (RELATING TO RAPE).

20 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
21 INTERCOURSE).

22 SECTION 3125 (RELATING TO AGGRAVATED INDECENT ASSAULT).

23 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES).

24 SECTION 3302 (RELATING TO CAUSING OR RISKING  
25 CATASTROPHE).

26 SECTION 3502 (RELATING TO BURGLARY).

27 SECTION 3503 (RELATING TO CRIMINAL TRESPASS) IF THE  
28 OFFENSE IS GRADED A FELONY OF THE SECOND DEGREE OR HIGHER.

29 SECTION 3701 (RELATING TO ROBBERY).

30 SECTION 3702 (RELATING TO ROBBERY OF MOTOR VEHICLE).

1           SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR  
2           DISPOSITION) UPON CONVICTION OF THE SECOND FELONY OFFENSE.

3           SECTION 3923 (RELATING TO THEFT BY EXTORTION) WHEN THE  
4           OFFENSE IS ACCOMPANIED BY THREATS OF VIOLENCE.

5           SECTION 3925 (RELATING TO RECEIVING STOLEN PROPERTY) UPON  
6           CONVICTION OF THE SECOND FELONY OFFENSE.

7           SECTION 4906 (RELATING TO FALSE REPORTS TO LAW  
8           ENFORCEMENT AUTHORITIES) IF THE FICTITIOUS REPORT INVOLVED  
9           THE THEFT OF A FIREARM AS PROVIDED IN SECTION 4906(C)(2).

10          SECTION 4912 (RELATING TO IMPERSONATING A PUBLIC SERVANT)  
11          IF THE PERSON IS IMPERSONATING A LAW ENFORCEMENT OFFICER.

12          SECTION 4952 (RELATING TO INTIMIDATION OF WITNESSES OR  
13          VICTIMS).

14          SECTION 4953 (RELATING TO RETALIATION AGAINST WITNESS  
15          [OR] VICTIM OR PARTY).

16          SECTION 5121 (RELATING TO ESCAPE).

17          SECTION 5122 (RELATING TO WEAPONS OR IMPLEMENTS FOR  
18          ESCAPE).

19          SECTION 5501(3) (RELATING TO RIOT).

20          SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY  
21          TRAINING).

22          SECTION 5516 (RELATING TO FACSIMILE WEAPONS OF MASS  
23          DESTRUCTION).

24          SECTION 6110.1 (RELATING TO POSSESSION OF FIREARM BY  
25          MINOR).

26          SECTION 6301 (RELATING TO CORRUPTION OF MINORS).

27          SECTION 6302 (RELATING TO SALE OR LEASE OF WEAPONS AND  
28          EXPLOSIVES).

29          ANY OFFENSE EQUIVALENT TO ANY OF THE ABOVE-ENUMERATED  
30          OFFENSES UNDER THE PRIOR LAWS OF THIS COMMONWEALTH OR ANY

1 OFFENSE EQUIVALENT TO ANY OF THE ABOVE-ENUMERATED OFFENSES  
2 UNDER THE STATUTES OF ANY OTHER STATE OR OF THE UNITED  
3 STATES.

4 \* \* \*

5 § 6111. SALE OR TRANSFER OF FIREARMS.

6 \* \* \*

7 (B) DUTY OF SELLER.--NO LICENSED IMPORTER, LICENSED  
8 MANUFACTURER OR LICENSED DEALER SHALL SELL OR DELIVER ANY  
9 FIREARM TO ANOTHER PERSON, OTHER THAN A LICENSED IMPORTER,  
10 LICENSED MANUFACTURER, LICENSED DEALER OR LICENSED COLLECTOR,  
11 UNTIL THE CONDITIONS OF SUBSECTION (A) HAVE BEEN SATISFIED AND  
12 UNTIL HE HAS:

13 (1) FOR PURPOSES OF A FIREARM AS DEFINED IN SECTION 6102  
14 (RELATING TO DEFINITIONS), OBTAINED A COMPLETED  
15 APPLICATION/RECORD OF SALE FROM THE POTENTIAL BUYER OR  
16 TRANSFEREE TO BE FILLED OUT IN TRIPLICATE, THE ORIGINAL COPY  
17 TO BE SENT TO THE PENNSYLVANIA STATE POLICE, POSTMARKED VIA  
18 FIRST CLASS MAIL, WITHIN 14 DAYS OF THE SALE, ONE COPY TO BE  
19 RETAINED BY THE LICENSED IMPORTER, LICENSED MANUFACTURER OR  
20 LICENSED DEALER FOR A PERIOD OF 20 YEARS AND ONE COPY TO BE  
21 PROVIDED TO THE PURCHASER OR TRANSFEREE. THE FORM OF THIS  
22 APPLICATION/RECORD OF SALE SHALL BE NO MORE THAN ONE PAGE IN  
23 LENGTH AND SHALL BE PROMULGATED BY THE PENNSYLVANIA STATE  
24 POLICE AND PROVIDED BY THE LICENSED IMPORTER, LICENSED  
25 MANUFACTURER OR LICENSED DEALER. THE APPLICATION/RECORD OF  
26 SALE SHALL INCLUDE THE NAME, ADDRESS, BIRTHDATE, GENDER,  
27 RACE, PHYSICAL DESCRIPTION AND SOCIAL SECURITY NUMBER OF THE  
28 PURCHASER OR TRANSFEREE, THE DATE OF THE APPLICATION AND THE  
29 CALIBER, LENGTH OF BARREL, MAKE, MODEL AND MANUFACTURER'S  
30 NUMBER OF THE FIREARM TO BE PURCHASED OR TRANSFERRED. THE

1     APPLICATION/RECORD OF SALE SHALL ALSO CONTAIN THE FOLLOWING  
2     QUESTION:

3         ARE YOU THE ACTUAL BUYER OF THE FIREARM(S) LISTED ON THIS  
4         APPLICATION/RECORD OF SALE? WARNING: YOU ARE NOT THE  
5         ACTUAL BUYER IF YOU ARE ACQUIRING THE FIREARM(S) ON  
6         BEHALF OF ANOTHER PERSON, UNLESS YOU ARE LEGITIMATELY  
7         ACQUIRING THE FIREARM AS A GIFT FOR ANY OF THE FOLLOWING  
8         INDIVIDUALS WHO ARE LEGALLY ELIGIBLE TO OWN A FIREARM:

9             (1) SPOUSE;

10            (2) PARENT;

11            (3) CHILD;

12            (4) GRANDPARENT; OR

13            (5) GRANDCHILD.

14            \* \* \*

15     SECTION 2.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.