

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1496 Session of 2015

INTRODUCED BY STEPHENS, SCHWEYER, SACCONI, DRISCOLL, MILLARD, McNEILL, COHEN, MARSICO, TAYLOR, MURT, DeLUCA, BARRAR, D. COSTA AND MILNE, AUGUST 13, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 7, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for persons not to possess, use,
4 manufacture, control, sell or transfer firearms.

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

7 Section 1. Section 6105(a.1)(1) of Title 18 of the
8 Pennsylvania Consolidated Statutes is amended AND THE SUBSECTION <--
9 IS AMENDED BY ADDING A PARAGRAPH to read:

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

12 * * *

13 (a.1) Penalty.--

14 (1) [A] EXCEPT AS PROVIDED UNDER PARAGRAPH (1.1), A <--
15 person convicted of a felony enumerated under subsection (b)
16 or a felony under the act of April 14, 1972 (P.L.233, No.64),
17 known as The Controlled Substance, Drug, Device and Cosmetic
18 Act, or any equivalent Federal statute or equivalent statute

1 of any other state, who violates subsection (a) commits a
2 felony of the ~~second~~ first degree. <--

3 (1.1) THE FOLLOWING SHALL APPLY: <--

4 (I) A PERSON CONVICTED OF A FELONY ENUMERATED UNDER
5 SUBSECTION (B) OR A FELONY UNDER THE ACT OF APRIL 14,
6 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,
7 DRUG, DEVICE AND COSMETIC ACT, OR ANY EQUIVALENT FEDERAL
8 STATUTE OR EQUIVALENT STATUTE OF ANY OTHER STATE, WHO
9 VIOLATES SUBSECTION (A) COMMITS A FELONY OF THE FIRST
10 DEGREE IF:

11 (A) AT THE TIME OF THE COMMISSION OF A VIOLATION
12 OF SUBSECTION (A) THE PERSON HAS PREVIOUSLY BEEN
13 CONVICTED OF AN OFFENSE UNDER SUBSECTION (A); OR

14 (B) THE VIOLATION OF SUBSECTION (A) OCCURRED
15 WHILE THE FIREARM WAS PHYSICALLY ON OR ABOUT THE
16 PERSON OR WAS WITHIN THE PERSON'S IMMEDIATE CONTROL.

17 (II) THE PENNSYLVANIA COMMISSION ON SENTENCING,
18 UNDER 42 PA.C.S. § 2154 (RELATING TO ADOPTION
19 OF GUIDELINES FOR SENTENCING), SHALL PROVIDE FOR
20 A SENTENCING ENHANCEMENT FOR A SENTENCE IMPOSED PURSUANT
21 TO THIS PARAGRAPH.

22 * * *

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