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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1496 Session of  
2015

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

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SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
SEPTEMBER 26, 2016

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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

1 Act, or any equivalent Federal statute or equivalent statute  
2 of any other state, who violates subsection (a) commits a  
3 felony of the second degree.

4 (1.1) The following shall apply:

5 (i) A person convicted of a felony enumerated under  
6 subsection (b) or a felony under the act of April 14,  
7 1972 (P.L.233, No.64), known as The Controlled Substance,  
8 Drug, Device and Cosmetic Act, or any equivalent Federal  
9 statute or equivalent statute of any other state, who  
10 violates subsection (a) commits a felony of the first  
11 degree if:

12 (A) at the time of the commission of a violation  
13 of subsection (a) the person has previously been  
14 convicted of an offense under subsection (a); or

15 ~~(B) the violation of subsection (a) occurred~~ <--  
16 ~~while the firearm was physically on or about the~~  
17 ~~person or was within the person's immediate control.~~

18 (B) AT THE TIME OF THE COMMISSION OF A VIOLATION <--  
19 OF SUBSECTION (A), THE PERSON WAS IN PHYSICAL  
20 POSSESSION OR CONTROL OF A FIREARM, WHETHER VISIBLE,  
21 CONCEALED ABOUT THE PERSON, OR WITHIN THE PERSON'S  
22 REACH.

23 (ii) The Pennsylvania Commission on Sentencing,  
24 under 42 Pa.C.S. § 2154 (relating to adoption  
25 of guidelines for sentencing), shall provide for  
26 a sentencing enhancement for a sentence imposed pursuant  
27 to this paragraph.

28 \* \* \*

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