
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1835 Session of
2019

INTRODUCED BY KAUFFMAN, SEPTEMBER 18, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 18, 2019

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 and for
5 Pennsylvania State Police.

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

8 Section 1. Section 6105(c)(4) of Title 18 of the
9 Pennsylvania Consolidated Statutes is amended and subsection (a)
10 (2) is amended by adding a subparagraph to read:

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

13 (a) Offense defined.--

14 * * *

15 (2) * * *

16 (v) A person whose disability is imposed pursuant to
17 subsection (c)(4) due to the person's involuntary
18 commitment to a mental institution for inpatient care and
19 treatment under section 302, 303 or 304 of the act of
20 July 9, 1976 (P.L.817, No.143), known as the Mental

1 Health Procedures Act, shall relinquish any firearms
2 under that person's possession or control no later than
3 48 hours from the person's discharge from inpatient care
4 and treatment.

5 * * *

6 (c) Other persons.--In addition to any person who has been
7 convicted of any offense listed under subsection (b), the
8 following persons shall be subject to the prohibition of
9 subsection (a):

10 * * *

11 (4) A person who has been adjudicated as an incompetent
12 or who has been involuntarily committed to a mental
13 institution for inpatient care and treatment under section
14 302, 303 or 304 of the [provisions of the act of July 9, 1976
15 (P.L.817, No.143), known as the] Mental Health Procedures
16 Act. This paragraph shall not apply to any proceeding under
17 section 302 of the Mental Health Procedures Act unless the
18 examining physician has issued a certification that inpatient
19 care was necessary or that the person was committable.

20 * * *

21 Section 2. Section 6111.1(f)(3) of Title 18 is amended to
22 read:

23 § 6111.1. Pennsylvania State Police.

24 * * *

25 (f) Notification of mental health adjudication, treatment,
26 commitment, drug use or addiction.--

27 * * *

28 (3) Notwithstanding any law to the contrary, the
29 Pennsylvania State Police [may] shall, within 72 hours of
30 receipt, disclose, electronically or otherwise, to the United

1 States Attorney General or a designee, any record relevant to
2 a determination of whether a person is disqualified from
3 possessing or receiving a firearm under 18 U.S.C. § 922 (g)
4 (3) or (4) or an applicable state statute.

5 * * *

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