

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1835 Session of 2019

INTRODUCED BY KAUFFMAN, SEPTEMBER 18, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 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, FOR LICENSES <--
5 and for 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

1 July 9, 1976 (P.L.817, No.143), known as the Mental
2 Health Procedures Act, shall relinquish any firearms
3 under that person's possession or control no later than
4 48 hours from the person's discharge from inpatient care
5 and treatment.

6 * * *

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

11 * * *

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

21 * * *

22 SECTION 1.1. SECTION 6109(I.1) (2) OF TITLE 18 IS AMENDED AND <--
23 THE SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

24 § 6109. LICENSES.

25 * * *

26 (I.1) NOTICE TO SHERIFF.--NOTWITHSTANDING ANY STATUTE TO THE
27 CONTRARY:

28 * * *

29 (2) UPON ADJUDICATION THAT A PERSON IS INCOMPETENT OR
30 UPON THE INVOLUNTARY COMMITMENT OF A PERSON TO A MENTAL

1 INSTITUTION FOR INPATIENT CARE AND TREATMENT UNDER THE ACT OF
2 JULY 9, 1976 (P.L.817, NO.143), KNOWN AS THE MENTAL HEALTH
3 PROCEDURES ACT, OR UPON INVOLUNTARY TREATMENT OF A PERSON AS
4 DESCRIBED UNDER SECTION 6105(C)(4), THE JUDGE OF THE COURT OF
5 COMMON PLEAS, MENTAL HEALTH REVIEW OFFICER OR COUNTY MENTAL
6 HEALTH AND MENTAL RETARDATION ADMINISTRATOR SHALL NOTIFY THE
7 SHERIFF OF THE COUNTY IN WHICH THAT PERSON RESIDES, ON A FORM
8 DEVELOPED BY THE PENNSYLVANIA STATE POLICE, OF THE IDENTITY
9 OF THE PERSON WHO HAS BEEN ADJUDICATED, COMMITTED OR TREATED
10 AND THE NATURE OF THE ADJUDICATION, COMMITMENT OR TREATMENT.
11 THE NOTIFICATION SHALL BE TRANSMITTED BY THE JUDGE, MENTAL
12 HEALTH REVIEW OFFICER OR COUNTY MENTAL HEALTH AND MENTAL
13 RETARDATION ADMINISTRATOR WITHIN [~~SEVEN DAYS~~] 72 HOURS OF THE
14 ADJUDICATION, COMMITMENT OR TREATMENT.

15 (3) THE JUDGE OF THE COURT OF COMMON PLEAS, MENTAL
16 HEALTH REVIEW OFFICER OR COUNTY MENTAL HEALTH AND MENTAL
17 RETARDATION ADMINISTRATOR SHALL NOTIFY A PERSON WHO HAS BEEN
18 SUBJECT TO INVOLUNTARY TREATMENT AS DESCRIBED UNDER SECTION
19 6105(C)(4), ON A FORM DEVELOPED BY THE PENNSYLVANIA STATE
20 POLICE, OF THE PERSON'S OBLIGATIONS AND RIGHTS UNDER SECTION
21 6105(A)(2)(V) AND (F)(1) PRIOR TO DISCHARGE FROM INPATIENT
22 CARE AND TREATMENT.

23 * * *

24 Section 2. Section ~~6111.1(f)(3)~~ 6111.1(F)(2) AND (3) of <--
25 Title 18 ~~is~~ ARE amended to read: <--

26 § 6111.1. Pennsylvania State Police.

27 * * *

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

30 * * *

1 (2) THE NOTIFICATION SHALL BE TRANSMITTED BY THE JUDGE <--
2 TO THE PENNSYLVANIA STATE POLICE WITHIN [SEVEN DAYS] 72 HOURS
3 OF THE ADJUDICATION, COMMITMENT OR TREATMENT.

4 (3) Notwithstanding any law to the contrary, the
5 Pennsylvania State Police [may] shall, within 72 hours of
6 receipt, disclose, electronically or otherwise, to the United
7 States Attorney General or a designee, any record relevant to
8 a determination of whether a person is disqualified from
9 possessing or receiving a firearm under 18 U.S.C. § 922 (g)
10 (3) or (4) or an applicable state statute.

11 * * *

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