

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 596 Session of
2023

INTRODUCED BY C. WILLIAMS, WHITE, STAATS, MOUL, PICKETT,
ARMANINI, TOMLINSON, ECKER, KEEFER, MARCELL, MIHALEK, SCHEMEL
AND JAMES, MARCH 21, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 21, 2023

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 sale
5 or transfer of firearms and providing for Gun Violence Task
6 Force in cities of the first class.

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

9 Section 1. Sections 6105(d.1)(3) and 6111(d.1)(3) of Title
10 18 of the Pennsylvania Consolidated Statutes are amended to
11 read:

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

14 * * *

15 (d.1) Concurrent jurisdiction to prosecute.--The following
16 apply in a city of the first class where the Attorney General
17 has operated a joint local-State firearm task force:

18 * * *

19 (3) This subsection shall not apply to any case

1 instituted [two years after the effective date of this
2 subsection.]:

3 (i) after September 2, 2021, and before the
4 effective date of this subparagraph; or

5 (ii) after December 31, 2025.

6 * * *

7 § 6111. Sale or transfer of firearms.

8 * * *

9 (d.1) Concurrent jurisdiction to prosecute.--The following
10 apply in a city of the first class where the Attorney General
11 has operated a joint local-State firearm task force:

12 * * *

13 (3) This subsection shall not apply to any case
14 instituted [two years after the effective date of this
15 subsection.]:

16 (i) after September 2, 2021, and before the
17 effective date of this subparagraph; or

18 (ii) after December 31, 2025.

19 * * *

20 Section 2. Title 18 is amended by adding a section to read:

21 § 6129. Gun Violence Task Force in cities of the first class.

22 (a) Establishment.--

23 (1) A joint local-State firearm task force is
24 established in each city of the first class, which shall be
25 known as the Gun Violence Task Force.

26 (2) The Gun Violence Task Force shall be under the
27 authority of the Attorney General.

28 (b) Powers and duties.--

29 (1) The Gun Violence Task Force shall investigate and
30 prosecute violations of sections 6105 (relating to persons

1 not to possess, use, manufacture, control, sell or transfer
2 firearms) and 6111 (relating to sale or transfer of
3 firearms), and similar offenses under Federal law, in a city
4 of the first class.

5 (2) The Gun Violence Task Force shall initiate
6 prosecutions only in a Federal or State court located in a
7 city of the first class.

8 (3) The Gun Violence Task Force may utilize
9 investigatory teams under subsection (e).

10 (c) Composition.--

11 (1) The Gun Violence Task Force shall include, at a
12 minimum:

13 (i) The Attorney General or deputy attorneys
14 general.

15 (ii) Members of the office of the district attorney
16 in a city of the first class.

17 (iii) Law enforcement officers of the Attorney
18 General.

19 (iv) Law enforcement officers of a city of the first
20 class.

21 (v) Law enforcement officers of the Pennsylvania
22 State Police.

23 (2) The Gun Violence Task Force may include, as
24 determined by the Attorney General:

25 (i) Federal law enforcement officers.

26 (ii) Other Commonwealth law enforcement officers
27 located in a city of the first class.

28 (iii) Other local law enforcement officers located
29 in a city of the first class.

30 (iv) Campus police officers located in a city of the

first class.

(v) Transit agency police officers located in a city of the first class.

(d) Funding.--The Gun Violence Task Force shall be funded from annual General Fund appropriations to a joint local-State firearm task force in a city of the first class. Funding shall be under the control of the Attorney General.

(e) Investigatory teams.--The Attorney General may empanel individualized investigatory teams that work in conjunction with and under the purview of the Gun Violence Task Force.

(f) Notice.--Each law enforcement agency that is a member of the Gun Violence Task Force shall notify the Gun Violence Task Force of any arrest or other criminal action or proceeding involving an alleged violation of section 6105 or 6111 within 48 hours of the arrest or of instituting the action or proceeding.

(g) Preemptive jurisdiction over certain offenses.--

(1) The Attorney General may assert preemptive prosecutorial jurisdiction over any criminal actions or proceedings, including proceedings for the forfeiture or condemnation of property under 42 Pa.C.S. Ch. 58 (relating to forfeiture of assets), for which the Attorney General has jurisdiction under section 6105 or 6111.

(2) Any assertion of preemptive prosecutorial jurisdiction under this subsection shall be within the sole discretion of the Attorney General, who shall consider the totality of the circumstances in deciding whether to assert that jurisdiction, including:

(i) Whether the alleged violation of section 6105 or 6111 is the lead charge and the severity of any other offense charged in conjunction with the alleged violation

1 of section 6105 or 6111.

2 (ii) The criminal history record information of the
3 alleged offender, including whether the offender was
4 previously convicted of an offense under this chapter.

5 (iii) Whether the Gun Violence Task Force was
6 involved in the investigation of the alleged violation of
7 section 6105 or 6111.

8 (iv) Whether the Gun Violence Task Force has
9 sufficient resources to prosecute the alleged offender.

10 (v) Whether the alleged offender utilized a firearm
11 during the commission of a felony.

12 (vi) Whether the alleged offender is involved or
13 associated with the sale, manufacture, distribution or
14 delivery of any controlled substance or counterfeit
15 controlled substance in violation of the act of April 14,
16 1972 (P.L.233, No.64), known as The Controlled Substance,
17 Drug, Device and Cosmetic Act.

18 (vii) The impact of the alleged offense on the
19 victim or the community.

20 (viii) Whether the alleged offender's commission of
21 the offense violated the terms and conditions of a
22 sentence or bail bond.

23 (ix) Any other relevant or aggravating circumstances
24 that would tend to support the assertion of preemptive
25 prosecutorial jurisdiction.

26 (3) The Attorney General may not assert preemptive
27 prosecutorial discretion under this subsection if the
28 offender unlawfully possessed a firearm during the commission
29 of murder of the first degree or second degree or a crime of
30 violence, as that term is defined in 42 Pa.C.S. § 9714(g)

1 (relating to sentences for second and subsequent offenses),
2 unless upon written request by the Police Commissioner of a
3 city of the first class.

4 (4) Subject to paragraph (5), in cases in which the
5 Attorney General asserts preemptive prosecutorial
6 jurisdiction under this subsection, no other prosecuting
7 entity for the Commonwealth shall have authority to act,
8 except as authorized by the Attorney General. No person shall
9 have standing to challenge the authority of the Attorney
10 General to prosecute the cases, and, if any challenge is
11 made, the challenge shall be dismissed and no relief shall be
12 available in the courts of this Commonwealth to the entity
13 making the challenge.

14 (5) The Attorney General may not assert preemptive
15 prosecutorial jurisdiction under this subsection in a case
16 where jurisdiction also exists in a county other than a
17 county of the first class unless the Attorney General
18 requests in writing to the district attorney in the county
19 other than the county of the first class to assert preemptive
20 prosecutorial jurisdiction and the district attorney in the
21 county other than the county of the first class accepts the
22 request in writing.

23 (6) Any grant of jurisdiction to the Attorney General
24 under section 6105 or 6111 shall be exclusive to the Gun
25 Violence Task Force.

26 (7) The provisions of this subsection shall expire
27 December 31, 2025.

28 (h) Annual reports.--

29 (1) By October 1 of each year, the Attorney General
30 shall make an annual report on the operation of the Gun

1 Violence Task Force to:

2 (i) The Appropriations Committee of the Senate.

3 (ii) The Appropriations Committee of the House of
4 Representatives.

5 (iii) The Judiciary Committee of the Senate.

6 (iv) The Judiciary Committee of the House of
7 Representatives.

8 (2) Each report under this subsection shall contain the
9 following information for the previous fiscal year regarding
10 the Gun Violence Task Force:

11 (i) The number of members, per agency, serving on
12 the Gun Violence Task Force.

13 (ii) The total number of arrests in a city of the
14 first class for alleged violations of section 6105 or
15 6111, including separately the total number of arrests by
16 the Gun Violence Task Force.

17 (iii) The total number of bills of information filed
18 for alleged violations of section 6105 or 6111, including
19 separately the total number of bills filed by the Gun
20 Violence Task Force.

21 (iv) The total number of convictions resulting from
22 prosecutions under subparagraph (iii), including
23 separately the total number of convictions resulting from
24 prosecutions by the Gun Violence Task Force.

25 (v) The sentences imposed for each conviction under
26 subparagraph (iv), including separately the sentences
27 imposed for each conviction resulting from a prosecution
28 by the Gun Violence Task Force.

29 (vi) The number of firearms seized by the Gun
30 Violence Task Force.

1 (vii) A summary of expenditures, including any money
2 appropriated for the Gun Violence Task Force in a
3 previous year that is carried over or unspent.

4 Section 3. This act shall take effect as follows:

5 (1) The addition of 18 Pa.C.S. § 6129 shall take effect
6 in 90 days.

7 (2) The remainder of this act shall take effect
8 immediately.