



SENATE OF PENNSYLVANIA BILL SUMMARY

House Bill 1496 Printer's No. 3459

Prime Sponsor: Representative Stephens
Committee: Judiciary

SYNOPSIS:

This bill amends Title 18 (Crimes and Offenses) to address the possession of a firearm during the commission of an offense.

SUMMARY:

Section 6105 of Title 18 generally prohibits the possession, use, or sale of a firearm by any person who has been convicted of an enumerated offense, regardless of whether the conviction occurs in Pennsylvania and regardless of the length of the sentence. Enumerated offenses in current law include murder, manslaughter, aggravated assault, robbery, stalking, and certain sex offenses. A person previously convicted of an enumerated offense or of violating The Controlled Substance, Drug, Device and Cosmetic Act commits a felony of the second degree by possessing, controlling, selling, or manufacturing a firearm.

This bill declares that a person previously convicted of an enumerated offense or of The Controlled Substance, Drug, Device and Cosmetic Act commits a felony of the first degree by possessing, controlling, selling, or manufacturing a firearm if:

- At the time of the commission of the act (*i.e.*, possessing a firearm after previously being convicted of an enumerated offense), the commission constitutes a second or subsequent offense; or
- The person who, with a previous conviction for an enumerated offense, possesses a firearm and has the firearm within his or her immediate control.

The bill authorizes the Pennsylvania Commission on Sentencing to create a sentencing enhancement for a sentence imposed for this offense.

AMENDMENT:

Amendment A ____ changes the definition of "possession" of a firearm within immediate control to be consistent with 42 Pa.C.S. § 9712.1 (relating to sentences for drug offenses committed with firearms).

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

Passed the House on June 14, 2016 by a vote of 187-8.

Prepared by: Cawley 9/22/2016