

No. 2016-134

AN ACT

HB 1496

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms.

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

Section 1. Section 6105(a.1)(1) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the subsection is amended by adding a paragraph to read:

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

* * *

(a.1) Penalty.—

(1) **[A]** *Except as provided under paragraph (1.1), a person convicted of a felony enumerated under subsection (b) or a felony under the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the second degree.*

(1.1) The following shall apply:

(i) A person convicted of a felony enumerated under subsection (b) or a felony under The Controlled Substance, Drug, Device and Cosmetic Act, or any equivalent Federal statute or equivalent statute of any other state, who violates subsection (a) commits a felony of the first degree if:

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

(B) at the time of the commission of a violation of subsection (a), the person was in physical possession or control of a firearm, whether visible, concealed about the person or within the person's reach.

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

* * *

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

APPROVED—The 3rd day of November, A.D. 2016

TOM WOLF