

2019D00502SMW:NLG

No. _____

AN ACT

LEGISLATIVE REFERENCE BUREAU

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for possession of firearm by minor; and, in forfeitures, providing for disposition of forfeited firearms.

INTRODUCED _____ 20_____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20_____
Reported _____	20_____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in firearms and other dangerous articles, further
4 providing for possession of firearm by minor; and, in
5 forfeitures, providing for disposition of forfeited firearms.

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

8 Section 1. Section 6110.1(d) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 6110.1. Possession of firearm by minor.

11 * * *

12 (d) Forfeiture.--Any firearm in the possession of a person
13 under 18 years of age in violation of this section shall be
14 promptly seized by the arresting law enforcement officer and
15 upon conviction or adjudication of delinquency shall be
16 [forfeited];

17 (1) forfeited and disposed of in accordance with 42
18 Pa.C.S. § 6803 (relating to disposition of forfeited
19 firearms); or[,]

1 (2) if stolen, returned to the lawful owner.

2 Section 2. Title 42 is amended by adding a section to read:
3 § 6803. Disposition of forfeited firearms.

4 (a) Prescribed actions.--Whenever a firearm is required to
5 be forfeited under this chapter, 18 Pa.C.S. § 6110.1(d)
6 (relating to possession of firearm by minor) or any other law,
7 the court shall order the appropriate agency to take one of the
8 following actions:

9 (1) Relinquish ownership of the firearm to the
10 appropriate Federal law enforcement agency.

11 (2) Retain the firearm for official use by the agency
12 and the prosecuting authority.

13 (3) Sell the firearm to a federally licensed firearms
14 dealer and distribute the proceeds as required by this
15 chapter.

16 (4) Conduct a sale of the firearm at public auction.
17 Before the highest bidder at the public auction takes
18 possession of the firearm, the applicable background checks
19 shall be completed. If the results of the applicable
20 background checks indicate that the highest bidder is not
21 eligible to take possession of the firearm, the highest
22 bidder shall not be entitled to a refund of any incurred
23 costs associated with the background checks or the public
24 auction.

25 (b) Proceeds.--Proceeds resulting from the sale of a firearm
26 under subsection (a) shall be used to cover the agency's
27 personnel, equipment and training costs.

28 (c) Definition.--As used in this section, the term "firearm"
29 includes any ammunition and accessories included with a
30 forfeited firearm.

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