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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1456 Session of  
2019

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INTRODUCED BY HOHENSTEIN, BRIGGS, CALTAGIRONE, BARRAR, DAVIDSON,  
A. DAVIS, DRISCOLL, JOHNSON-HARRELL, KENYATTA, KINSEY,  
McCLINTON, McNEILL, RABB, SCHLOSSBERG, SCHWEYER AND ZABEL,  
MAY 14, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 14, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in falsification and intimidation,  
3 further providing for the offense of unsworn falsification to  
4 authorities; and, in firearms and other dangerous articles,  
5 further providing for persons not to possess, use,  
6 manufacture, control, sell or transfer firearms, for licenses  
7 and for sale or transfer of firearms.

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

10 Section 1. Section 4904(b) of Title 18 of the Pennsylvania  
11 Consolidated Statutes is amended to read:

12 § 4904. Unsworn falsification to authorities.

13 \* \* \*

14 (b) Statements "under penalty".--[A]

15 (1) Except as provided in paragraph (2), a person  
16 commits a misdemeanor of the third degree if he makes a  
17 written false statement which he does not believe to be true,  
18 on or pursuant to a form bearing notice, authorized by law,  
19 to the effect that false statements made therein are

1 punishable.

2 (2) A person commits a felony of the third degree if he  
3 makes a written false statement that he does not believe to  
4 be true on or pursuant to a form bearing notice, authorized  
5 by law, relating to the purchase, delivery or transfer of a  
6 firearm under section 6111 (relating to sale or transfer of  
7 firearms) or relating to an application to carry a firearm  
8 under section 6109 (relating to licenses). A second or  
9 subsequent conviction for a violation of this paragraph shall  
10 be a felony of the second degree punishable by a mandatory  
11 minimum sentence of imprisonment of five years.

12 \* \* \*

13 Section 2. Section 6105 heading and (a.1)(1) of Title 18 are  
14 amended and subsections (a) and (a.1) are amended by adding  
15 paragraphs to read:

16 § 6105. Persons not to possess, use, manufacture, control, sell  
17 or transfer firearms; attempt.

18 (a) Offense defined.--

19 \* \* \*

20 (1.1) A person who knows that he is prohibited from  
21 possessing, using, controlling, selling, transferring or  
22 manufacturing a firearm in this Commonwealth under paragraph  
23 (1) may not attempt to purchase a firearm or attempt to  
24 obtain a license to carry a firearm in this Commonwealth.

25 \* \* \*

26 (a.1) Penalty.--

27 (1) Except as provided under paragraph (1.1), a person  
28 convicted of a felony enumerated under subsection (b) or a  
29 felony under the act of April 14, 1972 (P.L.233, No.64),  
30 known as The Controlled Substance, Drug, Device and Cosmetic

1 Act, or any equivalent Federal statute or equivalent statute  
2 of any other state, who violates subsection [(a)] (a)(1)  
3 commits a felony of the second degree.

4 \* \* \*

5 (1.2) A person who violates subsection (a)(1.1) commits  
6 a felony of the third degree. A conviction for a second or  
7 subsequent violation of subsection (a)(1.1) shall be a felony  
8 of the second degree punishable by a mandatory minimum  
9 sentence of imprisonment of five years. The penalty under  
10 this paragraph shall be in addition to any penalties imposed  
11 for a conviction under section 6111(g)(4) (relating to sale  
12 or transfer of firearms).

13 \* \* \*

14 Section 3. Section 6109 of Title 18 is amended by adding a  
15 subsection to read:

16 § 6109. Licenses.

17 \* \* \*

18 (c.1) False information on application.--A person commits a  
19 felony of the third degree if he makes a false statement on the  
20 application for a license to carry a firearm under subsection  
21 (c). A second or subsequent conviction for a violation of this  
22 subsection shall be a felony of the second degree punishable by  
23 a mandatory minimum sentence of imprisonment of five years.

24 \* \* \*

25 Section 4. Section 6111(g)(4) of Title 18 is amended to  
26 read:

27 § 6111. Sale or transfer of firearms.

28 \* \* \*

29 (g) Penalties.--

30 \* \* \*

1           (4) Any person, purchaser or transferee commits a felony  
2 of the third degree if, in connection with the purchase,  
3 delivery or transfer of a firearm under this chapter, he  
4 knowingly and intentionally:

5           (i) makes any materially false oral statement;

6           (ii) makes any materially false written statement,  
7 including a statement on any form promulgated by Federal  
8 or State agencies; or

9           (iii) willfully furnishes or exhibits any false  
10 identification intended or likely to deceive the seller,  
11 licensed dealer or licensed manufacturer.

12 A second or subsequent conviction for a violation of this  
13 paragraph shall be a felony of the second degree punishable  
14 by a mandatory minimum sentence of imprisonment of five  
15 years.

16           \* \* \*

17 Section 5. This act shall take effect in 60 days.