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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 394 Session of  
2019

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INTRODUCED BY FARNESE, HUGHES, SANTARSIERO, KILLION, COSTA,  
BLAKE, L. WILLIAMS, TARTAGLIONE AND HAYWOOD, MARCH 5, 2019

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REFERRED TO JUDICIARY, MARCH 5, 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  
20 punishable.

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

11       \* \* \*

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

15       § 6105. Persons not to possess, use, manufacture, control, sell  
16               or transfer firearms; attempt.

17       (a) Offense defined.--

18       \* \* \*

19       (1.1) A person who knows that he is prohibited from  
20 possessing, using, controlling, selling, transferring or  
21 manufacturing a firearm in this Commonwealth under paragraph  
22 (1) may not attempt to purchase a firearm or attempt to  
23 obtain a license to carry a firearm in this Commonwealth.

24       \* \* \*

25       (a.1) Penalty.--

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

1 of any other state, who violates subsection [(a)] (a)(1)  
2 commits a felony of the second degree.

3 \* \* \*

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

12 \* \* \*

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

15 § 6109. Licenses.

16 \* \* \*

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

23 \* \* \*

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

26 § 6111. Sale or transfer of firearms.

27 \* \* \*

28 (g) Penalties.--

29 \* \* \*

30 (4) Any person, purchaser or transferee commits a felony

1 of the third degree if, in connection with the purchase,  
2 delivery or transfer of a firearm under this chapter, he  
3 knowingly and intentionally:

4 (i) makes any materially false oral statement;

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

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

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

15 \* \* \*

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