

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 338** Session of
2021

INTRODUCED BY HOHENSTEIN, DRISCOLL, FRANKEL, GUENST, HANBIDGE,
HOWARD, ISAACSON, McNEILL, NEILSON, SANCHEZ, SCHWEYER,
SHUSTERMAN, SIMS AND WEBSTER, JANUARY 29, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2021

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.