
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 338 Session of
2021

INTRODUCED BY HOHENSTEIN, 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
20 punishable.

21 (2) A person commits a felony of the third degree if he

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

10 * * *

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

14 § 6105. Persons not to possess, use, manufacture, control, sell
15 or transfer firearms; attempt.

16 (a) Offense defined.--

17 * * *

18 (1.1) A person who knows that he is prohibited from
19 possessing, using, controlling, selling, transferring or
20 manufacturing a firearm in this Commonwealth under paragraph
21 (1) may not attempt to purchase a firearm or attempt to
22 obtain a license to carry a firearm in this Commonwealth.

23 * * *

24 (a.1) Penalty.--

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

1 commits a felony of the second degree.

2 * * *

3 (1.2) A person who violates subsection (a)(1.1) commits
4 a felony of the third degree. A conviction for a second or
5 subsequent violation of subsection (a)(1.1) shall be a felony
6 of the second degree punishable by a mandatory minimum
7 sentence of imprisonment of five years. The penalty under
8 this paragraph shall be in addition to any penalties imposed
9 for a conviction under section 6111(g)(4) (relating to sale
10 or transfer of firearms).

11 * * *

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

14 § 6109. Licenses.

15 * * *

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

22 * * *

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

25 § 6111. Sale or transfer of firearms.

26 * * *

27 (g) Penalties.--

28 * * *

29 (4) Any person, purchaser or transferee commits a felony
30 of the third degree if, in connection with the purchase,

1 delivery or transfer of a firearm under this chapter, he
2 knowingly and intentionally:

3 (i) makes any materially false oral statement;

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

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

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

14 * * *

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