
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 22 Session of
2017

INTRODUCED BY O'BRIEN, YOUNGBLOOD, J. HARRIS, D. COSTA, NEILSON,
BULLOCK, ROZZI, DRISCOLL, W. KELLER, McNEILL, FRANKEL, DEAN,
DONATUCCI, WARREN AND SOLOMON, JANUARY 23, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in firearms and other dangerous
3 articles, further providing for persons not to possess, use,
4 manufacture, control, sell or transfer firearms, for
5 restoration of firearm rights for offenses under prior laws
6 of this Commonwealth, for licenses and for Pennsylvania State
7 Police.

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

10 Section 1. Section 6105(f)(1) of Title 18 of the
11 Pennsylvania Consolidated Statutes is amended and subsection (c)
12 is amended by adding a paragraph to read:

13 § 6105. Persons not to possess, use, manufacture, control, sell
14 or transfer firearms.

15 * * *

16 (c) Other persons.--In addition to any person who has been
17 convicted of any offense listed under subsection (b), the
18 following persons shall be subject to the prohibition of
19 subsection (a):

20 * * *

1 (4.1) A person who has been ordered to undergo
2 involuntary mental health treatment on an outpatient basis
3 under the Mental Health Procedures Act.

4 * * *

5 (f) Other exemptions and proceedings.--

6 (1) Upon application to the court of common pleas under
7 this subsection by an applicant subject to the prohibitions
8 under subsection (c) (4) or (4.1), the court may grant such
9 relief as it deems appropriate if the court determines that
10 the applicant may possess a firearm without risk to the
11 applicant or any other person.

12 * * *

13 Section 2. Sections 6105.1(a)(1), 6109(c), (e)(1)(v) and
14 (i.1)(2) and 6111.1(f) and (g) of Title 18 are amended to read:
15 § 6105.1. Restoration of firearm rights for offenses under
16 prior laws of this Commonwealth.

17 (a) Restoration.--A person convicted of a disabling offense
18 may make application to the court of common pleas in the county
19 where the principal residence of the applicant is situated for
20 restoration of firearms rights. The court shall grant
21 restoration of firearms rights after a hearing in open court to
22 determine whether the requirements of this section have been met
23 unless:

24 (1) the applicant has been convicted of any other
25 offense specified in section 6105(a) or (b) (relating to
26 persons not to possess, use, manufacture, control, sell or
27 transfer firearms) or the applicant's conduct meets the
28 criteria in section 6105(c)(1), (2), (3), (4), (4.1), (5),
29 (6) or (7);

30 * * *

1 § 6109. Licenses.

2 * * *

3 (c) Form of application and content.--The application for a
4 license to carry a firearm shall be uniform throughout this
5 Commonwealth and shall be on a form prescribed by the
6 Pennsylvania State Police. The form may contain provisions, not
7 exceeding one page, to assure compliance with this section.
8 Issuing authorities shall use only the application form
9 prescribed by the Pennsylvania State Police. One of the
10 following reasons for obtaining a firearm license shall be set
11 forth in the application: self-defense, employment, hunting and
12 fishing, target shooting, gun collecting or another proper
13 reason. The application form shall be dated and signed by the
14 applicant and shall contain the following statement:

15 I have never been convicted of a crime that prohibits me
16 from possessing or acquiring a firearm under Federal or
17 State law. I am of sound mind and have never been
18 committed to a mental institution or been ordered to
19 undergo involuntary mental health treatment on an
20 outpatient basis. I hereby certify that the statements
21 contained herein are true and correct to the best of my
22 knowledge and belief. I understand that, if I knowingly
23 make any false statements herein, I am subject to
24 penalties prescribed by law. I authorize the sheriff, or
25 his designee, or, in the case of first class cities, the
26 chief or head of the police department, or his designee,
27 to inspect only those records or documents relevant to
28 information required for this application. If I am issued
29 a license and knowingly become ineligible to legally
30 possess or acquire firearms, I will promptly notify the

1 sheriff of the county in which I reside or, if I reside
2 in a city of the first class, the chief of police of that
3 city.

4 * * *

5 (e) Issuance of license.--

6 (1) A license to carry a firearm shall be for the
7 purpose of carrying a firearm concealed on or about one's
8 person or in a vehicle and shall be issued if, after an
9 investigation not to exceed 45 days, it appears that the
10 applicant is an individual concerning whom no good cause
11 exists to deny the license. A license shall not be issued to
12 any of the following:

13 * * *

14 (v) An individual who is not of sound mind or who
15 has ever been committed to a mental institution or who
16 has ever been ordered to undergo involuntary mental
17 health treatment on an outpatient basis.

18 * * *

19 (i.1) Notice to sheriff.--Notwithstanding any statute to the
20 contrary:

21 * * *

22 (2) Upon adjudication that a person is incompetent or
23 upon the involuntary commitment of a person to a mental
24 institution for inpatient care and treatment under the act of
25 July 9, 1976 (P.L.817, No.143), known as the Mental Health
26 Procedures Act, or upon involuntary treatment of a person as
27 described under section 6105(c)(4) or (4.1), the judge of the
28 court of common pleas, mental health review officer or county
29 mental health and mental retardation administrator shall
30 notify the sheriff of the county in which that person

1 resides, on a form developed by the Pennsylvania State
2 Police, of the identity of the person who has been
3 adjudicated, committed or treated and the nature of the
4 adjudication, commitment or treatment. The notification shall
5 be transmitted by the judge, mental health review officer or
6 county mental health and mental retardation administrator
7 within seven days of the adjudication, commitment or
8 treatment.

9 * * *

10 § 6111.1. Pennsylvania State Police.

11 * * *

12 (f) Notification of mental health adjudication, treatment,
13 commitment, drug use or addiction.--

14 (1) Notwithstanding any statute to the contrary, judges
15 of the courts of common pleas shall notify the Pennsylvania
16 State Police, on a form developed by the Pennsylvania State
17 Police, of:

18 (i) the identity of any individual who has been
19 adjudicated as an incompetent or as a mental defective or
20 who has been involuntarily committed to a mental
21 institution under the act of July 9, 1976 (P.L.817,
22 No.143), known as the Mental Health Procedures Act, or
23 who has been involuntarily treated as described in
24 section 6105(c)(4) or (4.1) (relating to persons not to
25 possess, use, manufacture, control, sell or transfer
26 firearms) or as described in 18 U.S.C. § 922(g)(4)
27 (relating to unlawful acts) and its implementing Federal
28 regulations; and

29 (ii) any finding of fact or court order related to
30 any person described in 18 U.S.C. § 922(g)(3).

1 (2) The notification shall be transmitted by the judge
2 to the Pennsylvania State Police within seven days of the
3 adjudication, commitment or treatment.

4 (3) Notwithstanding any law to the contrary, the
5 Pennsylvania State Police may disclose, electronically or
6 otherwise, to the United States Attorney General or a
7 designee, any record relevant to a determination of whether a
8 person is disqualified from possessing or receiving a firearm
9 under 18 U.S.C. § 922 (g) (3) or (4) or an applicable state
10 statute.

11 (g) Review by court.--

12 (1) Upon receipt of a copy of the order of a court of
13 competent jurisdiction which vacates a final order or an
14 involuntary certification issued by a mental health review
15 officer, the Pennsylvania State Police shall expunge all
16 records of the involuntary treatment received under
17 subsection (f).

18 (2) A person who is involuntarily committed pursuant to
19 section 302 of the Mental Health Procedures Act may petition
20 the court to review the sufficiency of the evidence upon
21 which the commitment was based. If the court determines that
22 the evidence upon which the involuntary commitment was based
23 was insufficient, the court shall order that the record of
24 the commitment submitted to the Pennsylvania State Police be
25 expunged. A petition filed under this subsection shall toll
26 the 60-day period set forth under section 6105(a)(2).

27 (3) The Pennsylvania State Police shall expunge all
28 records of an involuntary commitment of an individual who is
29 discharged from a mental health facility based upon the
30 initial review by the physician occurring within two hours of

1 arrival under section 302(b) of the Mental Health Procedures
2 Act and the physician's determination that no severe mental
3 disability existed pursuant to section 302(b) of the Mental
4 Health Procedures Act. The physician shall provide signed
5 confirmation of the determination of the lack of severe
6 mental disability following the initial examination under
7 section 302(b) of the Mental Health Procedures Act to the
8 Pennsylvania State Police.

9 (4) A person who is ordered to undergo involuntary
10 mental health treatment on an outpatient basis under the
11 Mental Health Procedures Act may petition the court to review
12 the sufficiency of the evidence upon which the order was
13 based. If the court determines that the evidence upon which
14 the order was based was insufficient, the court shall order
15 that the record of the involuntary treatment submitted to the
16 Pennsylvania State Police be expunged. A petition filed under
17 this subsection shall toll the 60-day period set forth under
18 section 6105(a)(2).

19 * * *

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