



**HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
COMMONWEALTH OF PENNSYLVANIA**

MEMO

TO: All House Members

FROM: Representative Dwight Evans *D. Evans*
Representative John Myers
Representative Cherelle Parker
Representative Harold James
Representative Jewel Williams
Representative Dan Frankel

DATE: January 9, 2007

RE: Co-Sponsorship of Public Safety Legislative Package

We plan to reintroduce legislation from the 2005/06 session in a public safety package. This 13-bill package will go a long way toward ensuring the security and safety of the citizens of the Commonwealth of Pennsylvania. Each bill is described below. If you would like to co-sponsor any of the bills, **please contact Lisa Fraelich in Rep. Dwight Evan's Harrisburg office at 717-783-1540 or lfraelich@pahouse.net** and let her know the bills in which you are interested in co-sponsoring. Thank you.

#1) Exceptions to the state preemption on local firearm regulation (HB 2483 in 2005/06 Session)

(Sponsor: D. Evans)

This bill will amend Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) to soften, not eliminate, the state preemption on local firearm regulation, by allowing local government to enact specified exceptions to the preemption. It would also give more latitude to the city of Philadelphia than to other jurisdictions. Changes in local law must have local voter approval. The voters in the City of Philadelphia voted in a referendum in May 2005 by a margin of more than 4-to-1 to allow Philadelphia to create its own firearm laws and regulations.

#2) Armed Violent Career Criminal Statute (HB 1198 in 2005/06 Session)

(Sponsor: D. Evans)

This bill will amend Title 18 (Crimes and Offenses) to create a mandatory five year sentence for a person who had two prior convictions for a serious crime of violence or a serious drug trafficking offense and that person subsequently is convicted of possessing, using, selling, controlling, transferring, or manufacturing a firearm. The bill would also create a ten year mandatory sentence for a person who has three or more prior convictions for serious crimes of

violence or serious drug trafficking and that person is subsequently convicted of possessing, using, controlling, selling, transferring or manufacturing a firearm. It targets dangerous and repeat offenders and increases the penalties to keep them off the streets longer.

#3) Firearms storage requirement (HB 17 in 2005/06 Session)

(Sponsor: D. Evans)

This bill (introduced by Representative Rooney in the last session) will amend Title 18 (Crimes and Offenses) to require the safe storage—trigger locks and locked boxes—of firearms on premises with minors to prevent access to the minor without the parent’s or guardian’s knowledge. It can only be enforced if a crime with the firearm occurs. Retailers would be required to notify customers of these requirements, and of the existence of firelock mechanisms.

#4) Bail amounts for offenses involving firearms (HB 2916 in 2005/06 Session)

(Sponsor: James)

The bill will amend Title 42 (Judiciary and Judicial Procedure) to impose a minimum bail amount for individuals charged with offenses in which a firearm was used or displayed. Specifically, the amount set could not be less than \$50,000 unless special circumstances are presented. By imposing a minimum bail amount for individuals charged with offenses in which a firearm was used or displayed, it should help to keep some violent criminals off the streets and therefore limit their opportunity to commit further crimes. In addition, it could serve as a deterrent to potentially violent criminals who would then know if they are apprehended, their bail amounts will be set high, making it more difficult for them to be out on bail before their trial begins.

#5) Statewide one handgun a month limit (HB 871 in 2005/06 Session)

(Sponsor: Myers)

This bill amends Title 18 (Crimes and Offenses) to create a statewide limit on the purchase of handguns to no more than one in any thirty day period. Exceptions include licensed dealers, collectors, and appropriate law enforcement and security personnel. Revenues from the fines would be dedicated to violence prevention programs and for grants to law enforcement agencies. The legislation will provide a way to address the issue of straw purchases, which occurs when someone legally purchases a gun, then sells or gives it to someone else, particularly someone who could not legally purchase a gun.

#6) Philadelphia one handgun a month limit (HB 872 in 2005/06 Session)

(Sponsor: Myers)

This bill amends Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) to enable the City of Philadelphia to enact an ordinance limiting the sale of handguns to no more than one per thirty day period. An ordinance adopted pursuant to this legislation would not become effective until it was approved by a voter referendum.

#7) Mandatory tracing of recovered firearms from minors (HB 873 in 2005/06 Session)

(Sponsor: Myers)

This bill amends Title 18 (Crimes and Offenses) to mandate that police departments utilize the National Tracing Center of Federal Bureau of Alcohol, Tobacco and Firearms for any firearm recovered from anyone under the age of 21 who was illegally in possession of the firearm. It will provide information to law enforcement so they can understand how guns are getting illegally into the hands of youth. This is a tool for law enforcement.

#8) Philadelphia assault weapons ban—(HB 874 in 2005/2006 Session)

(Sponsor: Myers)

This bill will amend Title 18 (Crimes and Offenses) and Title 53 (Municipalities Generally) to enable the City of Philadelphia to enact an ordinance limiting the sale and ownership of assault weapons, pending approval of the voters. The reason is obvious. These weapons are made to “efficiently” kill many people and are used by the military for purposes of war. Who needs to keep these weapons? You can’t use them to shoot deer. These are not weapons that hunters use. You can’t use them for personal defense. Our police put their lives on the line everyday. Do we want them to face down offenders holding these weapons?

#9) Disclosures of grand jury matters (HB 2735 in 2005/06 Session)

(Sponsor: Parker)

This bill will amend Title 42 (Judiciary and Judicial Procedure) to create a first degree misdemeanor for individuals disclosing grand jury matters, including testimony, with the intent to intimidate a witness, retaliate against a witness, victim or prosecutor, or tampering with jurors. This proposal would provide protection for a witness, juror, or prosecutor who is involved in grand jury matters. In the case of witnesses, they would be more likely to cooperate and agree to serve as a witness in the trial, with less fear that they will be intimidated.

#10) Witness relocation (HB 2736 in 2005/06 Session)

(Sponsor: Parker)

This bill will amend Title 44 (Law and Justice) to create in statute (formalize) a state witness relocation program within the Office of the Attorney General. Currently the witness relocation program is housed in the Attorney General’s Office, but is not established by statute. By codifying the program, it is assured to exist, regardless of changes in Administration or Administration priorities. The General Fund Budget currently includes a \$1 million annual appropriation.

#11) Illegal possession of firearms (HB 954 in 2005/06 Session)

(Sponsor: Williams)

This bill will amend Title 18 (Crimes and Offenses) to provide that a person, who has been convicted of a felony offense, relating to firearms not to be carried without a license or relating to carrying firearms on public streets or public property in Philadelphia, would be prohibited from possessing a firearm in the Commonwealth. Under current law, serious criminals are prohibited from owning or possessing firearms. This proposal would recognize the seriousness of those criminals who have firearm violations. The penalty is raised on those individuals statutorily ineligible to carry a firearm if they are caught violating state law by walking around or brandishing a gun on the streets of Philadelphia.

#12) Require the reporting of lost or stolen firearms (HB 1013 in 2005/06 Session)

(Sponsor: Williams)

This bill will amend Title 18 (Crimes and Offenses) to require gun owners to report lost or stolen firearms within 24 hours of discovering the gun missing or face a penalty that includes fines and/or jail time. The legislation provides a way to address the issue of straw purchases. As it stands now, police and prosecutors are finding repeated instances of people purchasing guns legally, then giving or selling them to someone ineligible to own a gun. If gun is used in a crime and then traced to the original buyer, that original buyer simply says it was lost or stolen, even though no report was filed. With this law in place, police and prosecutors in the short term will have a tool to use in determining who had the gun when a crime was committed. In the long term, the hope is that people will stop buying guns legally then turning them over to others illegally if they know they themselves can face a penalty.

#13) Statewide assault weapons ban (HB 764 in 2005/06 Session)

(Sponsor: Frankel)

Representative Frankel's bill establishing a statewide assault weapons ban, for which you should have received a separate co-sponsorship memo, will be included in this package of bills. Please contact his office if you are interested in co-sponsoring his bill.