

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2275 Session of 2022

INTRODUCED BY WHITE, C. WILLIAMS, KAUFFMAN, ROTHMAN, GROVE, STAATS, QUINN, NEILSON, FLOOD, SAYLOR, GILLEN, BERNSTINE, MOUL, ZIMMERMAN, KEEFER AND FARRY, JANUARY 24, 2022

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 26, 2022

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 and for sale
5 or transfer of firearms AND PROVIDING FOR GUN VIOLENCE TASK <--
6 FORCE IN CITIES OF THE FIRST CLASS.

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

9 Section 1. Sections 6105(d.1)(3) and 6111(d.1)(3) of Title
10 18 of the Pennsylvania Consolidated Statutes are amended to
11 read:

12 § 6105. Persons not to possess, use, manufacture, control, sell
13 or transfer firearms.

14 \* \* \*

15 (d.1) Concurrent jurisdiction to prosecute.--The following
16 apply in a city of the first class where the Attorney General
17 has operated a joint local-State firearm task force:

18 \* \* \*

19 (3) This subsection shall not apply to any case

1 instituted [two years after the effective date of this  
2 subsection.]:

3 (i) after September 2, 2021, and before the  
4 effective date of this subparagraph; or

5 (ii) after December 31, 2025.

6 \* \* \*

7 § 6111. Sale or transfer of firearms.

8 \* \* \*

9 (d.1) Concurrent jurisdiction to prosecute.--The following  
10 apply in a city of the first class where the Attorney General  
11 has operated a joint local-State firearm task force:

12 \* \* \*

13 (3) This subsection shall not apply to any case  
14 instituted [two years after the effective date of this  
15 subsection.]:

16 (i) after September 2, 2021, and before the  
17 effective date of this subparagraph; or

18 (ii) after December 31, 2025.

19 \* \* \*

20 ~~Section 2. This act shall take effect immediately.~~ <--

21 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <--

22 § 6129. GUN VIOLENCE TASK FORCE IN CITIES OF THE FIRST CLASS.

23 (A) ESTABLISHMENT.--

24 (1) A JOINT LOCAL-STATE FIREARM TASK FORCE IS  
25 ESTABLISHED IN EACH CITY OF THE FIRST CLASS, WHICH SHALL BE  
26 KNOWN AS THE GUN VIOLENCE TASK FORCE.

27 (2) THE GUN VIOLENCE TASK FORCE SHALL BE UNDER THE  
28 AUTHORITY OF THE ATTORNEY GENERAL.

29 (B) POWERS AND DUTIES.--

30 (1) THE GUN VIOLENCE TASK FORCE SHALL INVESTIGATE AND

1 PROSECUTE VIOLATIONS OF SECTIONS 6105 (RELATING TO PERSONS  
2 NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR TRANSFER  
3 FIREARMS) AND 6111 (RELATING TO SALE OR TRANSFER OF  
4 FIREARMS), AND SIMILAR OFFENSES UNDER FEDERAL LAW, IN A CITY  
5 OF THE FIRST CLASS.

6 (2) THE GUN VIOLENCE TASK FORCE SHALL INITIATE  
7 PROSECUTIONS ONLY IN A FEDERAL OR STATE COURT LOCATED IN A  
8 CITY OF THE FIRST CLASS.

9 (3) THE GUN VIOLENCE TASK FORCE MAY UTILIZE  
10 INVESTIGATORY TEAMS UNDER SUBSECTION (E).

11 (C) COMPOSITION.--

12 (1) THE GUN VIOLENCE TASK FORCE SHALL INCLUDE, AT A  
13 MINIMUM:

14 (I) THE ATTORNEY GENERAL OR DEPUTY ATTORNEYS  
15 GENERAL.

16 (II) MEMBERS OF THE OFFICE OF THE DISTRICT ATTORNEY  
17 IN A CITY OF THE FIRST CLASS.

18 (III) LAW ENFORCEMENT OFFICERS OF THE ATTORNEY  
19 GENERAL.

20 (IV) LAW ENFORCEMENT OFFICERS OF A CITY OF THE FIRST  
21 CLASS.

22 (V) LAW ENFORCEMENT OFFICERS OF THE PENNSYLVANIA  
23 STATE POLICE.

24 (2) THE GUN VIOLENCE TASK FORCE MAY INCLUDE, AS  
25 DETERMINED BY THE ATTORNEY GENERAL:

26 (I) FEDERAL LAW ENFORCEMENT OFFICERS.

27 (II) OTHER COMMONWEALTH LAW ENFORCEMENT OFFICERS  
28 LOCATED IN A CITY OF THE FIRST CLASS.

29 (III) OTHER LOCAL LAW ENFORCEMENT OFFICERS LOCATED  
30 IN A CITY OF THE FIRST CLASS.

1           (IV) CAMPUS POLICE OFFICERS LOCATED IN A CITY OF THE  
2           FIRST CLASS.

3           (V) TRANSIT AGENCY POLICE OFFICERS LOCATED IN A CITY  
4           OF THE FIRST CLASS.

5           (D) FUNDING.--THE GUN VIOLENCE TASK FORCE SHALL BE FUNDED  
6           FROM ANNUAL GENERAL FUND APPROPRIATIONS TO A JOINT LOCAL-STATE  
7           FIREARM TASK FORCE IN A CITY OF THE FIRST CLASS. FUNDING SHALL  
8           BE UNDER THE CONTROL OF THE ATTORNEY GENERAL.

9           (E) INVESTIGATORY TEAMS.--THE ATTORNEY GENERAL MAY EMPANEL  
10          INDIVIDUALIZED INVESTIGATORY TEAMS THAT WORK IN CONJUNCTION WITH  
11          AND UNDER THE PURVIEW OF THE GUN VIOLENCE TASK FORCE.

12          (F) NOTICE.--EACH LAW ENFORCEMENT AGENCY THAT IS A MEMBER OF  
13          THE GUN VIOLENCE TASK FORCE SHALL NOTIFY THE GUN VIOLENCE TASK  
14          FORCE OF ANY ARREST OR OTHER CRIMINAL ACTION OR PROCEEDING  
15          INVOLVING AN ALLEGED VIOLATION OF SECTION 6105 OR 6111 WITHIN 48  
16          HOURS OF THE ARREST OR OF INSTITUTING THE ACTION OR PROCEEDING.

17          (G) PREEMPTIVE JURISDICTION OVER CERTAIN OFFENSES.--

18                 (1) THE ATTORNEY GENERAL MAY ASSERT PREEMPTIVE  
19                 PROSECUTORIAL JURISDICTION OVER ANY CRIMINAL ACTIONS OR  
20                 PROCEEDINGS, INCLUDING PROCEEDINGS FOR THE FORFEITURE OR  
21                 CONDEMNATION OF PROPERTY UNDER 42 PA.C.S. CH. 58 (RELATING TO  
22                 FORFEITURE OF ASSETS), FOR WHICH THE ATTORNEY GENERAL HAS  
23                 JURISDICTION UNDER SECTION 6105 OR 6111.

24                 (2) ANY ASSERTION OF PREEMPTIVE PROSECUTORIAL  
25                 JURISDICTION UNDER THIS SUBSECTION SHALL BE WITHIN THE SOLE  
26                 DISCRETION OF THE ATTORNEY GENERAL, WHO SHALL CONSIDER THE  
27                 TOTALITY OF THE CIRCUMSTANCES IN DECIDING WHETHER TO ASSERT  
28                 THAT JURISDICTION, INCLUDING:

29                         (I) WHETHER THE ALLEGED VIOLATION OF SECTION 6105 OR  
30                         6111 IS THE LEAD CHARGE AND THE SEVERITY OF ANY OTHER

1 OFFENSE CHARGED IN CONJUNCTION WITH THE ALLEGED VIOLATION  
2 OF SECTION 6105 OR 6111.

3 (II) THE CRIMINAL HISTORY RECORD INFORMATION OF THE  
4 ALLEGED OFFENDER, INCLUDING WHETHER THE OFFENDER WAS  
5 PREVIOUSLY CONVICTED OF AN OFFENSE UNDER THIS CHAPTER.

6 (III) WHETHER THE GUN VIOLENCE TASK FORCE WAS  
7 INVOLVED IN THE INVESTIGATION OF THE ALLEGED VIOLATION OF  
8 SECTION 6105 OR 6111.

9 (IV) WHETHER THE GUN VIOLENCE TASK FORCE HAS  
10 SUFFICIENT RESOURCES TO PROSECUTE THE ALLEGED OFFENDER.

11 (V) WHETHER THE ALLEGED OFFENDER UTILIZED A FIREARM  
12 DURING THE COMMISSION OF A FELONY.

13 (VI) WHETHER THE ALLEGED OFFENDER IS INVOLVED OR  
14 ASSOCIATED WITH THE SALE, MANUFACTURE, DISTRIBUTION OR  
15 DELIVERY OF ANY CONTROLLED SUBSTANCE OR COUNTERFEIT  
16 CONTROLLED SUBSTANCE IN VIOLATION OF THE ACT OF APRIL 14,  
17 1972 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE,  
18 DRUG, DEVICE AND COSMETIC ACT.

19 (VII) THE IMPACT OF THE ALLEGED OFFENSE ON THE  
20 VICTIM OR THE COMMUNITY.

21 (VIII) WHETHER THE ALLEGED OFFENDER'S COMMISSION OF  
22 THE OFFENSE VIOLATED THE TERMS AND CONDITIONS OF A  
23 SENTENCE OR BAIL BOND.

24 (IX) ANY OTHER RELEVANT OR AGGRAVATING CIRCUMSTANCES  
25 THAT WOULD TEND TO SUPPORT THE ASSERTION OF PREEMPTIVE  
26 PROSECUTORIAL JURISDICTION.

27 (3) THE ATTORNEY GENERAL MAY NOT ASSERT PREEMPTIVE  
28 PROSECUTORIAL DISCRETION UNDER THIS SUBSECTION IF THE  
29 OFFENDER UNLAWFULLY POSSESSED A FIREARM DURING THE COMMISSION  
30 OF MURDER OF THE FIRST DEGREE OR SECOND DEGREE OR A CRIME OF

1 VIOLENCE, AS THAT TERM IS DEFINED IN 42 PA.C.S. § 9714(G)  
2 (RELATING TO SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES),  
3 UNLESS UPON WRITTEN REQUEST BY THE POLICE COMMISSIONER OF A  
4 CITY OF THE FIRST CLASS.

5 (4) SUBJECT TO PARAGRAPH (5), IN CASES IN WHICH THE  
6 ATTORNEY GENERAL ASSERTS PREEMPTIVE PROSECUTORIAL  
7 JURISDICTION UNDER THIS SUBSECTION, NO OTHER PROSECUTING  
8 ENTITY FOR THE COMMONWEALTH SHALL HAVE AUTHORITY TO ACT,  
9 EXCEPT AS AUTHORIZED BY THE ATTORNEY GENERAL. NO PERSON SHALL  
10 HAVE STANDING TO CHALLENGE THE AUTHORITY OF THE ATTORNEY  
11 GENERAL TO PROSECUTE THE CASES, AND, IF ANY CHALLENGE IS  
12 MADE, THE CHALLENGE SHALL BE DISMISSED AND NO RELIEF SHALL BE  
13 AVAILABLE IN THE COURTS OF THIS COMMONWEALTH TO THE ENTITY  
14 MAKING THE CHALLENGE.

15 (5) THE ATTORNEY GENERAL MAY NOT ASSERT PREEMPTIVE  
16 PROSECUTORIAL JURISDICTION UNDER THIS SUBSECTION IN A CASE  
17 WHERE JURISDICTION ALSO EXISTS IN A COUNTY OTHER THAN A  
18 COUNTY OF THE FIRST CLASS UNLESS THE ATTORNEY GENERAL  
19 REQUESTS IN WRITING TO THE DISTRICT ATTORNEY IN THE COUNTY  
20 OTHER THAN THE COUNTY OF THE FIRST CLASS TO ASSERT PREEMPTIVE  
21 PROSECUTORIAL JURISDICTION AND THE DISTRICT ATTORNEY IN THE  
22 COUNTY OTHER THAN THE COUNTY OF THE FIRST CLASS ACCEPTS THE  
23 REQUEST IN WRITING.

24 (6) ANY GRANT OF JURISDICTION TO THE ATTORNEY GENERAL  
25 UNDER SECTION 6105 OR 6111 SHALL BE EXCLUSIVE TO THE GUN  
26 VIOLENCE TASK FORCE.

27 (7) THE PROVISIONS OF THIS SUBSECTION SHALL EXPIRE  
28 DECEMBER 31, 2025.

29 (H) ANNUAL REPORTS.--

30 (1) BY OCTOBER 1 OF EACH YEAR, THE ATTORNEY GENERAL

1 SHALL MAKE AN ANNUAL REPORT ON THE OPERATION OF THE GUN  
2 VIOLENCE TASK FORCE TO:

3 (I) THE APPROPRIATIONS COMMITTEE OF THE SENATE.

4 (II) THE JUDICIARY COMMITTEE OF THE SENATE.

5 (III) THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF  
6 REPRESENTATIVES.

7 (IV) THE JUDICIARY COMMITTEE OF THE HOUSE OF  
8 REPRESENTATIVES.

9 (2) EACH REPORT UNDER THIS SUBSECTION SHALL CONTAIN THE  
10 FOLLOWING INFORMATION FOR THE PREVIOUS FISCAL YEAR REGARDING  
11 THE GUN VIOLENCE TASK FORCE:

12 (I) THE NUMBER OF MEMBERS, PER AGENCY, SERVING ON  
13 THE GUN VIOLENCE TASK FORCE.

14 (II) THE TOTAL NUMBER OF ARRESTS IN A CITY OF THE  
15 FIRST CLASS FOR ALLEGED VIOLATIONS OF SECTION 6105 OR  
16 6111, INCLUDING SEPARATELY THE TOTAL NUMBER OF ARRESTS BY  
17 THE GUN VIOLENCE TASK FORCE.

18 (III) THE TOTAL NUMBER OF BILLS OF INFORMATION FILED  
19 FOR ALLEGED VIOLATIONS OF SECTION 6105 OR 6111, INCLUDING  
20 SEPARATELY THE TOTAL NUMBER OF BILLS FILED BY THE GUN  
21 VIOLENCE TASK FORCE.

22 (IV) THE TOTAL NUMBER OF CONVICTIONS RESULTING FROM  
23 PROSECUTIONS UNDER SUBPARAGRAPH (III), INCLUDING  
24 SEPARATELY THE TOTAL NUMBER OF CONVICTIONS RESULTING FROM  
25 PROSECUTIONS BY THE GUN VIOLENCE TASK FORCE.

26 (V) THE SENTENCES IMPOSED FOR EACH CONVICTION UNDER  
27 SUBPARAGRAPH (IV), INCLUDING SEPARATELY THE SENTENCES  
28 IMPOSED FOR EACH CONVICTION RESULTING FROM A PROSECUTION  
29 BY THE GUN VIOLENCE TASK FORCE.

30 (VI) THE NUMBER OF FIREARMS SEIZED BY THE GUN

1           VIOLENCE TASK FORCE.

2           (VII) A SUMMARY OF EXPENDITURES, INCLUDING ANY MONEY  
3           APPROPRIATED FOR THE GUN VIOLENCE TASK FORCE IN A  
4           PREVIOUS YEAR THAT IS CARRIED OVER OR UNSPENT.

5           SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

6           (1) THE ADDITION OF 18 PA.C.S. § 6129 SHALL TAKE EFFECT  
7           IN 90 DAYS.

8           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
9           IMMEDIATELY.