

AMENDMENTS TO HOUSE BILL NO. 1130

Sponsor: REPRESENTATIVE C. WILLIAMS

Printer's No. 1741

1 Amend Bill, page 1, line 3, by inserting after "providing"
2 for persons not to possess, use, manufacture, control, sell or
3 transfer firearms,

4 Amend Bill, page 1, line 4, by inserting after "firearms;"
5 and

6 Amend Bill, page 1, line 5, by striking out "Safe Communities
7 Grant Program" and inserting

8 Gun Violence Task Force in cities of the first class

9 Amend Bill, page 1, lines 6 and 7, by striking out "; and
10 imposing duties on the Pennsylvania Commission on Crime and
11 Delinquency"

12 Amend Bill, page 1, lines 10 through 12, by striking out all
13 of said lines and inserting

14 Section 1. Section 6105(d.1)(3) of Title 18 of the
15 Pennsylvania Consolidated Statutes is amended to read:
16 § 6105. Persons not to possess, use, manufacture, control, sell
17 or transfer firearms.

18 * * *

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

22 * * *

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

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

28 (ii) after December 31, 2025.

29 * * *

30 Section 2. Section 6109(h)(1) introductory paragraph of
31 Title 18 is amended and the subsection is amended by adding a

1 paragraph to read:

2 Amend Bill, page 2, lines 9 and 10, by striking out all of
3 said lines and inserting

4 Section 3. Section 6111(d.1)(3) of Title 18 is amended and
5 subsection (b) is amended by adding a paragraph to read:

6 Amend Bill, page 2, by inserting between lines 25 and 26

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

10 * * *

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

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

16 (ii) after December 31, 2025.

17 * * *

18 Amend Bill, page 2, line 26, by striking out "3" and
19 inserting

20 4

21 Amend Bill, page 2, lines 28 through 30; pages 3 through 5,
22 lines 1 through 30; page 6, lines 1 through 19; by striking out
23 all of said lines on said pages and inserting

24 GUN VIOLENCE TASK FORCE
25 IN CITIES OF THE FIRST CLASS

26 Sec.

27 5901. Gun Violence Task Force in cities of the first class.

28 5902. Funding.

29 5903. Safe Communities Grant Program Fund.

30 § 5901. Gun Violence Task Force in cities of the first class.

31 (a) Establishment.--

32 (1) A joint local-State firearm task force is
33 established in each city of the first class, which shall be
34 known as the Gun Violence Task Force.

35 (2) The Gun Violence Task Force shall be under the
36 authority of the Attorney General.

37 (b) Powers and duties.--

38 (1) The Gun Violence Task Force shall investigate and
39 prosecute violations of 18 Pa.C.S. §§ 6105 (relating to
40 persons not to possess, use, manufacture, control, sell or
41 transfer firearms) and 6111 (relating to sale or transfer of
42 firearms), and similar offenses under Federal law, in a city
43 of the first class.

1 (2) The Gun Violence Task Force shall initiate
2 prosecutions only in a Federal or State court located in a
3 city of the first class.

4 (3) The Gun Violence Task Force may utilize
5 investigatory teams under subsection (e).

6 (c) Composition.--

7 (1) The Gun Violence Task Force shall include, at a
8 minimum:

9 (i) The Attorney General or deputy attorneys
10 general.

11 (ii) Members of the office of the district attorney
12 in a city of the first class.

13 (iii) Law enforcement officers of the Attorney
14 General.

15 (iv) Law enforcement officers of a city of the first
16 class.

17 (v) Law enforcement officers of the Pennsylvania
18 State Police.

19 (2) The Gun Violence Task Force may include, as
20 determined by the Attorney General:

21 (i) Federal law enforcement officers.

22 (ii) Other Commonwealth law enforcement officers
23 located in a city of the first class.

24 (iii) Other local law enforcement officers located
25 in a city of the first class.

26 (iv) Campus police officers located in a city of the
27 first class.

28 (v) Transit agency police officers located in a city
29 of the first class.

30 (d) (Reserved).

31 (e) Investigatory teams.--The Attorney General may empanel
32 individualized investigatory teams that work in conjunction with
33 and under the purview of the Gun Violence Task Force.

34 (f) Notice.--Each law enforcement agency that is a member of
35 the Gun Violence Task Force shall notify the Gun Violence Task
36 Force of any arrest or other criminal action or proceeding
37 involving an alleged violation of 18 Pa.C.S. § 6105 or 6111
38 within 48 hours of the arrest or of instituting the action or
39 proceeding.

40 (g) Preemptive jurisdiction over certain offenses.--

41 (1) The Attorney General may assert preemptive
42 prosecutorial jurisdiction over any criminal actions or
43 proceedings, including proceedings for the forfeiture or
44 condemnation of property under 42 Pa.C.S. Ch. 58 (relating to
45 forfeiture of assets), for which the Attorney General has
46 jurisdiction under 18 Pa.C.S. § 6105 or 6111.

47 (2) Any assertion of preemptive prosecutorial
48 jurisdiction under this subsection shall be within the sole
49 discretion of the Attorney General, who shall consider the
50 totality of the circumstances in deciding whether to assert
51 that jurisdiction, including:

1 (i) Whether the alleged violation of 18 Pa.C.S. §
2 6105 or 6111 is the lead charge and the severity of any
3 other offense charged in conjunction with the alleged
4 violation of 18 Pa.C.S. § 6105 or 6111.

5 (ii) The criminal history record information of the
6 alleged offender, including whether the offender was
7 previously convicted of an offense under this chapter.

8 (iii) Whether the Gun Violence Task Force was
9 involved in the investigation of the alleged violation of
10 18 Pa.C.S. § 6105 or 6111.

11 (iv) Whether the Gun Violence Task Force has
12 sufficient resources to prosecute the alleged offender.

13 (v) Whether the alleged offender utilized a firearm
14 during the commission of a felony.

15 (vi) Whether the alleged offender is involved or
16 associated with the sale, manufacture, distribution or
17 delivery of any controlled substance or counterfeit
18 controlled substance in violation of the act of April 14,
19 1972 (P.L.233, No.64), known as The Controlled Substance,
20 Drug, Device and Cosmetic Act.

21 (vii) The impact of the alleged offense on the
22 victim or the community.

23 (viii) Whether the alleged offender's commission of
24 the offense violated the terms and conditions of a
25 sentence or bail bond.

26 (ix) Any other relevant or aggravating circumstances
27 that would tend to support the assertion of preemptive
28 prosecutorial jurisdiction.

29 (3) The Attorney General may not assert preemptive
30 prosecutorial discretion under this subsection if the
31 offender unlawfully possessed a firearm during the commission
32 of murder of the first degree or second degree or a crime of
33 violence, as that term is defined in 42 Pa.C.S. § 9714(g)
34 (relating to sentences for second and subsequent offenses),
35 unless upon written request by the Police Commissioner of a
36 city of the first class.

37 (4) Subject to paragraph (5), in cases in which the
38 Attorney General asserts preemptive prosecutorial
39 jurisdiction under this subsection, no other prosecuting
40 entity for the Commonwealth shall have authority to act,
41 except as authorized by the Attorney General. No person shall
42 have standing to challenge the authority of the Attorney
43 General to prosecute the cases, and, if any challenge is
44 made, the challenge shall be dismissed and no relief shall be
45 available in the courts of this Commonwealth to the entity
46 making the challenge.

47 (5) The Attorney General may not assert preemptive
48 prosecutorial jurisdiction under this subsection in a case
49 where jurisdiction also exists in a county other than a
50 county of the first class unless the Attorney General
51 requests in writing to the district attorney in the county

1 other than the county of the first class to assert preemptive
2 prosecutorial jurisdiction and the district attorney in the
3 county other than the county of the first class accepts the
4 request in writing.

5 (6) Any grant of jurisdiction to the Attorney General
6 under 18 Pa.C.S. § 6105 or 6111 shall be exclusive to the Gun
7 Violence Task Force.

8 (7) The provisions of this subsection shall expire
9 December 31, 2025.

10 (h) Annual reports.--

11 (1) By October 1 of each year, the Attorney General
12 shall make an annual report on the operation of the Gun
13 Violence Task Force to:

14 (i) The Appropriations Committee of the Senate.

15 (ii) The Judiciary Committee of the Senate.

16 (iii) The Appropriations Committee of the House of
17 Representatives.

18 (iv) The Judiciary Committee of the House of
19 Representatives.

20 (2) Each report under this subsection shall contain the
21 following information for the previous fiscal year regarding
22 the Gun Violence Task Force:

23 (i) The number of members, per agency, serving on
24 the Gun Violence Task Force.

25 (ii) The total number of arrests in a city of the
26 first class for alleged violations of section 6105 or
27 6111, including separately the total number of arrests by
28 the Gun Violence Task Force.

29 (iii) The total number of bills of information filed
30 for alleged violations of 18 Pa.C.S. § 6105 or 6111,
31 including separately the total number of bills filed by
32 the Gun Violence Task Force.

33 (iv) The total number of convictions resulting from
34 prosecutions under subparagraph (iii), including
35 separately the total number of convictions resulting from
36 prosecutions by the Gun Violence Task Force.

37 (v) The sentences imposed for each conviction under
38 subparagraph (iv), including separately the sentences
39 imposed for each conviction resulting from a prosecution
40 by the Gun Violence Task Force.

41 (vi) The number of firearms seized by the Gun
42 Violence Task Force.

43 (vii) A summary of expenditures, including any money
44 appropriated for the Gun Violence Task Force in a
45 previous year that is carried over or unspent.

46 § 5902. Funding.

47 The Gun Violence Task Force shall be funded from annual
48 General Fund appropriations to a joint local-State firearm task
49 force in a city of the first class and the Safe Communities
50 Grant Program Fund established under section 5903. Funding shall
51 be under the control of the Attorney General.

1 § 5903. Safe Communities Grant Program Fund.

2 (a) Establishment.--The Safe Communities Grant Program Fund
3 is established in the State Treasury.

4 (b) Appropriation.--All money deposited into the fund and
5 interest earned on the money in the fund are appropriated to the
6 Attorney General on a continuing basis for the funding of the
7 Gun Violence Task Force.

8 Amend Bill, page 6, line 20, by striking out "4" and

9 inserting

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