

EXHIBIT A

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80 Session of
2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE, C.
HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD, O'NEILL,
PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER, TOEPEL AND
WATSON, JANUARY 10, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 10, 2013

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of theft of secondary metal; and prescribing penalties.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 3935. Theft of secondary metal.

(a) Offense defined.--A person commits the offense of theft of secondary metal if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof.

(b) Grading.--Except as set forth in subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree when the value of the secondary metal unlawfully obtained is less than \$50.

(2) When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree.

(3) When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000 the offense constitutes a misdemeanor of the first degree.

(4) When the value of the secondary metal unlawfully obtained is \$1,000 or more, the offense constitutes a felony of the third degree.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal. For purposes of this subsection, a first offense includes a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for an offense under this section or an offense substantially similar to an offense under this section.

(d) Definition.--As used in this section, the term "secondary metal" means wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

Section 2. This act shall take effect in 60 days.

EXHIBIT B

[Home](#) / House Co-Sponsorship Memoranda

House Co-Sponsorship Memoranda

MEMORANDUM

Posted: December 10, 2012 10:47 AM

From: [Representative Daryl Metcalfe](#)

To: All House members

Subject: Theft of Secondary Metals

I have been contacted by a number of business owners in my district who have been the victims of theft of copper wiring and other scrap metals used in business.

As it turns out, the theft of this material is a problem in many states. According to the National Conference of State Legislatures, thieves risk their lives to strip wiring and piping from homes, utility properties, and electrical infrastructure, resulting in power disruptions and revenue losses. Stealing copper and other metals from utilities can cause major electric outages, and expensive repairs impact ratepayers. The Department of Energy estimates that a theft of just \$100 in copper wire can cost the utility more than \$5,000 to repair.

Consequently, this legislation creates the offence of Theft of Secondary Metal. The new section in the Crimes Code states, "A person is guilty of theft of secondary metal if he unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof."

The term "secondary metal" is defined as, "wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum, or other metal, or combination of metals, that is valuable for the recycling or reuse as raw material."

The grading of the offense follows the scheme of other theft offenses found in the Crimes Code in that the grading is enhanced when the value of the secondary metal increases. Thus, an offense constitutes a misdemeanor of the second degree when the value of the secondary metal unlawfully obtained is less than \$50. When the value of the secondary metal unlawfully obtained is \$50 but less than \$200, the offense constitutes a misdemeanor of the first degree. When the value of the secondary metal unlawfully obtained is \$200 but less than \$1,000, the offense constitutes a felony of the third degree. When the value of the secondary metal unlawfully obtained exceeds \$1,000, the offense constitutes a felony of the second degree. A third of subsequent offense constitutes a felony of the second degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal.



Introduced as [HB80](#)

EXHIBIT C

secondary metal unlawfully obtained is less than \$50.

(2) When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree.

(3) When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000 the offense constitutes a misdemeanor of the first degree.

(4) When the value of the secondary metal unlawfully obtained is \$1,000 or more, the offense constitutes a felony of the third degree.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal. For purposes of this subsection, a first AND SECOND offense includes a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for an offense under this section or an offense ~~substantially similar to an offense under this section~~ UNDER SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR DISPOSITION).

(d) Definition.--As used in this section, the term "secondary metal" means wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

Section 2. This act shall take effect in 60 days.

EXHIBIT D

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80

Session of
2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE,
C. HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD,
O'NEILL, PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER,
TOEPEL, WATSON, FREEMAN, R. MILLER, MULLERY, GABLER, FARRY,
EVANKOVICH, TOOHIL, MARSHALL AND CALTAGIRONE,
JANUARY 10, 2013

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
JUNE 24, 2014

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania
Consolidated Statutes, FURTHER PROVIDING FOR THE OFFENSE OF
CRIMINAL TRESPASS; defining the offense of theft of secondary
metal; and prescribing penalties.

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

~~Section 1. Title 18 of the Pennsylvania Consolidated
Statutes is amended by adding a section to read:~~

SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA
CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 3503. CRIMINAL TRESPASS.

* * *

(B.1) SIMPLE TRESPASSER.--

(1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS
NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN

ANY PLACE FOR THE PURPOSE OF:

(I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT OF THE PREMISES;

(II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON THE PREMISES; [OR]

(III) DEFACING OR DAMAGING THE PREMISES[.]; OR

(IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE PREMISES.

(2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV) CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY OFFENSE.

* * *

SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
§ 3935. Theft of secondary metal.

(a) Offense defined.--A person commits the offense of theft of secondary metal if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof.

(b) Grading.--Except as set forth in subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree when the value of the secondary metal unlawfully obtained is less than \$50.

(2) When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree.

(3) When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000 the offense

constitutes a misdemeanor of the first degree.

(4) When the value of the secondary metal unlawfully obtained is \$1,000 or more, the offense constitutes a felony of the third degree.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal. For purposes of this subsection, a first and second offense includes a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for an offense under this section or an offense under section 3921 (relating to theft by unlawful taking or disposition).

(d) Definition.--As used in this section, the term "secondary metal" means wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

Section 2 3. This act shall take effect in 60 days.

EXHIBIT E

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80

Session of 2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE, C. HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD, O'NEILL, PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER, TOEPEL, WATSON, FREEMAN, R. MILLER, MULLERY, GABLER, FARRY, EVANKOVICH, TOOHIL, MARSHALL AND CALTAGIRONE, JANUARY 10, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 6, 2014

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR THE OFFENSE OF CRIMINAL TRESPASS; defining the offense of theft of secondary metal; and prescribing penalties.

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

~~Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:~~

~~SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

SECTION 1. SECTION 3503(B.1) AND (D) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 3503. CRIMINAL TRESPASS.

* * *

(B.1) SIMPLE TRESPASSER.--

(1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS

NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN ANY PLACE FOR THE PURPOSE OF:

(I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT OF THE PREMISES;

(II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON THE PREMISES; [OR]

(III) DEFACING OR DAMAGING THE PREMISES[.]; OR

(IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE PREMISES.

(2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV) CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY OFFENSE.

* * *

(D) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL GROUNDS" MEANS ANY] DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"SCHOOL GROUNDS." ANY BUILDING OF OR GROUNDS OF ANY ELEMENTARY OR SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION, ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE DEPARTMENT OF EDUCATION, ANY ELEMENTARY OR SECONDARY PAROCHIAL SCHOOL, ANY CERTIFIED DAY-CARE CENTER OR ANY LICENSED PRESCHOOL PROGRAM.

"SECONDARY METAL." AS DEFINED IN SECTION 3935 (RELATING TO THEFT OF SECONDARY METAL).

SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
§ 3935. Theft of secondary metal.

(a) Offense defined.--A person commits the offense of theft

of secondary metal if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof.

(b) Grading.--Except as set forth in subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree when the value of the secondary metal unlawfully obtained is less than \$50.

(2) When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree.

(3) When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000 the offense constitutes a misdemeanor of the first degree.

(4) When the value of the secondary metal unlawfully obtained is \$1,000 or more, the offense constitutes a felony of the third degree.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal. For purposes of this subsection, a first and second offense includes a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for an offense under this section or an offense under section 3921 (relating to theft by unlawful taking or disposition).

(d) Definition.--As used in this section, the term "secondary metal" means wire, pipe or cable commonly used by

communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

Section 2 3. This act shall take effect in 60 days.

EXHIBIT F

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1243 Session of
2013

INTRODUCED BY STEPHENS, ADOLPH, BOBACK, R. BROWN, V. BROWN,
CALTAGIRONE, CARROLL, DEAN, FABRIZIO, FARRY, GABLER,
GINGRICH, GRELL, GROVE, HARPER, W. KELLER, KORTZ, MILLER,
MOLCHANY, MURT, MUSTIO, O'BRIEN, O'NEILL, PARKER, PASHINSKI,
SANTARSIERO, SCHLOSSBERG, STURLA, TOEPEL, TOOHIL, TRUITT,
VEREB AND WATSON, APRIL 23, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 2013

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for Pennsylvania State Police.

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

Section 1. Sections 6105(f)(1) and (j) and 6111.1(f)(3) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

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

* * *

(f) Other exemptions and proceedings.--

[(1) Upon application to the court of common pleas under this subsection by an applicant subject to the prohibitions under subsection (c)(4), the court may grant such relief as

it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.]

(1) (i) Any person subject to the prohibitions under subsection (c) (4), or who is prohibited from possessing firearms under 18 U.S.C. § 922(d) (4) or (g) (4) (relating to unlawful acts) as a result of actions taken under the laws of this Commonwealth, may apply to the court of common pleas for relief. The court shall grant relief if the court determines by clear and convincing evidence and makes findings that the applicant does not present a risk of harm to the applicant or any other person, will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. The court order, whether denying or granting relief, shall also be supported by findings of fact and conclusions of law. In making its decision, the court shall receive and consider evidence relating to the following:

(A) The circumstances of the original commitment, appointment of a guardian or other finding of incompetency or incapacity.

(B) The applicant's mental health records, including the original commitment application and any related order, or other finding of incompetency or incapacity and medical records relating to any hospitalization resulting from the involuntary commitment, if any.

(C) The applicant's criminal history record.

(D) The applicant's character and reputation.

(E) Changes in the applicant's condition or circumstances relevant to the relief sought.

(ii) The application shall be made to the court of common pleas in either the applicant's county of residence or the county of adjudication or commitment.

The applicant shall bear the burden of proof. No application may be made until two years have elapsed from date of the imposition of the disability. The application shall be served upon the following parties, who shall have standing to appear and contest the application:

(A) The district attorney of the county where the application is filed.

(B) The Firearms Division of the Pennsylvania State Police.

(C) The county mental health agency where the commitment or adjudication occurred.

(iii) Any party shall have the right of appeal to Superior Court. A person may only file a subsequent application under this paragraph after three years have elapsed from the conclusion of the prior proceeding, including any appeal, which resulted in a denial under this paragraph.

(iv) Notwithstanding any law to the contrary, the judges of the courts of common pleas, mental health review officers and county mental health and mental retardation administrators shall disclose to the district attorney of the county where the application is filed and to the Pennsylvania State Police any records in their

possession which are to be received by a court consistent with subparagraph (i) when such request is made in conjunction with a proceeding under this paragraph. The district attorney of the county where the application is filed and the Pennsylvania State Police may, in their discretion, disclose the information to any person or entity whenever necessary in accordance with this paragraph.

* * *

(j) Copy of order to State Police.--

(1) If [the court grants relief from the disabilities imposed under this section] a court grants any relief authorized by this section, a copy of the order shall be sent by the prothonotary or Clerk of Court within ten days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.

(2) In all cases of relief authorized under this section, the Pennsylvania State Police shall, upon the expiration of any applicable appeal period, take all steps necessary to comply with the order, including, when required, notifying the Federal Bureau of Investigation and the National Instant Check System, regarding the order.

§ 6111.1. Pennsylvania State Police.

* * *

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

* * *

(3) Notwithstanding any law to the contrary, the

Pennsylvania State Police [may] shall, within 48 hours of receipt, disclose, electronically or otherwise, to the United States Attorney General or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. § 922 (g) (3) or (4) or an applicable state statute.

* * *

Section 2. This act shall take effect in 60 days.

EXHIBIT G

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1243 Session of
2013

INTRODUCED BY STEPHENS, ADOLPH, BOBACK, R. BROWN, V. BROWN, CALTAGIRONE, CARROLL, DEAN, FABRIZIO, FARRY, GABLER, GINGRICH, GRELL, GROVE, HARPER, W. KELLER, KORTZ, R. MILLER, MOLCHANY, MURT, MUSTIO, O'BRIEN, O'NEILL, PARKER, PASHINSKI, SANTARSIERO, SCHLOSSBERG, STURLA, TOEPEL, TOOHIL, TRUITT, VEREB, WATSON, KAMPF, KILLION, HACKETT, JAMES, MIRANDA AND DAVIDSON, APRIL 23, 2013

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 23, 2014

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing ~~for persons not to possess, use, manufacture, control, sell or transfer firearms~~ and for Pennsylvania State Police AND FOR LIMITATION ON THE REGULATION OF FIREARMS AND AMMUNITION.

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

Section 1. ~~Sections 6105(f)(1) and (j) and 6111.1(f)(3)~~ SECTION 6111.1(F)(3) AND (G)(1) AND (3) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

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

* * *

~~(f) Other exemptions and proceedings.--~~

~~†(1) Upon application to the court of common pleas under~~

~~this subsection by an applicant subject to the prohibitions under subsection (c) (4), the court may grant such relief as it deems appropriate if the court determines that the applicant may possess a firearm without risk to the applicant or any other person.]~~

~~(1) (i) Any person subject to the prohibitions under subsection (c) (4), or who is prohibited from possessing firearms under 18 U.S.C. § 922(d) (4) or (g) (4) (relating to unlawful acts) as a result of actions taken under the laws of this Commonwealth, may apply to the court of common pleas for relief. The court shall grant relief if the court determines by clear and convincing evidence and makes findings that the applicant does not present a risk of harm to the applicant or any other person, will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. The court order, whether denying or granting relief, shall also be supported by findings of fact and conclusions of law. In making its decision, the court shall receive and consider evidence relating to the following:~~

~~(A) The circumstances of the original commitment, appointment of a guardian or other finding of incompetency or incapacity.~~

~~(B) The applicant's mental health records, including the original commitment application and any related order, or other finding of incompetency or incapacity and medical records relating to any hospitalization resulting from the involuntary~~

commitment, if any.

~~(C) The applicant's criminal history record.~~

~~(D) The applicant's character and reputation.~~

~~(E) Changes in the applicant's condition or circumstances relevant to the relief sought.~~

~~(ii) The application shall be made to the court of common pleas in either the applicant's county of residence or the county of adjudication or commitment. The applicant shall bear the burden of proof. No application may be made until two years have elapsed from date of the imposition of the disability. The application shall be served upon the following parties, who shall have standing to appear and contest the application:~~

~~(A) The district attorney of the county where the application is filed.~~

~~(B) The Firearms Division of the Pennsylvania State Police.~~

~~(C) The county mental health agency where the commitment or adjudication occurred.~~

~~(iii) Any party shall have the right of appeal to Superior Court. Appeal shall be subject to a de novo standard of review. A person may only file a subsequent application under this paragraph after three years have elapsed from the conclusion of the prior proceeding, including any appeal, which resulted in a denial under this paragraph.~~

~~(iv) Notwithstanding any law to the contrary, the judges of the courts of common pleas, mental health review officers and county mental health and mental~~

~~retardation administrators shall disclose to the district attorney of the county where the application is filed and to the Pennsylvania State Police any records in their possession which are to be received by a court consistent with subparagraph (i) when such request is made in conjunction with a proceeding under this paragraph. The district attorney of the county where the application is filed and the Pennsylvania State Police may, in their discretion, disclose the information to any person or entity whenever necessary in accordance with this paragraph.~~

~~* * *~~

~~(j) Copy of order to State Police.~~

~~(1) If [the court grants relief from the disabilities imposed under this section] a court grants any relief authorized by this section, a copy of the order shall be sent by the prothonotary or Clerk of Court within ten days of the entry of the order to the Pennsylvania State Police and shall include the name, date of birth and Social Security number of the individual.~~

~~(2) In all cases of relief authorized under this section, the Pennsylvania State Police shall, upon the expiration of any applicable appeal period, take all steps necessary to comply with the order, including, when required, notifying the Attorney General of the United States, the Federal Bureau of Investigation and the National Instant Check System, regarding the order.~~

§ 6111.1. Pennsylvania State Police.

* * *

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

* * *

(3) Notwithstanding any law to the contrary, the Pennsylvania State Police [may] shall, within 48 72 hours of receipt, disclose, electronically or otherwise, to the United States Attorney General or a designee, any record relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under 18 U.S.C. § 922 (g) (3) or (4) or an applicable state statute[.], AND ANY RECORD RELEVANT TO A DETERMINATION OF WHETHER A PERSON IS NOT DISQUALIFIED OR IS NO LONGER DISQUALIFIED FROM POSSESSING OR RECEIVING A FIREARM UNDER 18 U.S.C. § 922 (G) (3) OR (4) OR AN APPLICABLE STATE STATUTE.

(G) REVIEW BY COURT.--

(1) UPON RECEIPT OF A COPY OF THE ORDER OF A COURT OF COMPETENT JURISDICTION WHICH VACATES A FINAL ORDER OR AN INVOLUNTARY CERTIFICATION ISSUED BY A MENTAL HEALTH REVIEW OFFICER, THE PENNSYLVANIA STATE POLICE SHALL, AFTER DISCLOSING RELEVANT RECORDS UNDER SUBSECTION (F) (3), EXPUNGE ALL RECORDS OF THE INVOLUNTARY TREATMENT RECEIVED UNDER SUBSECTION (F).

* * *

(3) THE PENNSYLVANIA STATE POLICE, AFTER DISCLOSING RELEVANT RECORDS UNDER SUBSECTION (F) (3), SHALL EXPUNGE ALL RECORDS OF AN INVOLUNTARY COMMITMENT OF AN INDIVIDUAL WHO IS DISCHARGED FROM A MENTAL HEALTH FACILITY BASED UPON THE INITIAL REVIEW BY THE PHYSICIAN OCCURRING WITHIN TWO HOURS OF ARRIVAL UNDER SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES

ACT AND THE PHYSICIAN'S DETERMINATION THAT NO SEVERE MENTAL DISABILITY EXISTED PURSUANT TO SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT. THE PHYSICIAN SHALL PROVIDE SIGNED CONFIRMATION OF THE DETERMINATION OF THE LACK OF SEVERE MENTAL DISABILITY FOLLOWING THE INITIAL EXAMINATION UNDER SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT TO THE PENNSYLVANIA STATE POLICE.

* * *

SECTION 2. SECTION 6120(B) OF TITLE 18 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 6120. LIMITATION ON THE REGULATION OF FIREARMS AND AMMUNITION.

* * *

(A.2) RELIEF.--A PERSON ADVERSELY AFFECTED BY AN ORDINANCE, A RESOLUTION, REGULATION, RULE, PRACTICE OR ANY OTHER ACTION PROMULGATED OR ENFORCED BY A COUNTY, MUNICIPALITY OR TOWNSHIP PROHIBITED UNDER SUBSECTION (A) OR 53 PA.C.S. § 2962(G) (RELATING TO LIMITATION ON MUNICIPAL POWERS) MAY SEEK DECLARATORY OR INJUNCTIVE RELIEF AND ACTUAL DAMAGES IN AN APPROPRIATE COURT.

(A.3) REASONABLE EXPENSES.--A COURT SHALL AWARD REASONABLE EXPENSES TO A PERSON ADVERSELY AFFECTED IN AN ACTION UNDER SUBSECTION (A.2) FOR ANY OF THE FOLLOWING:

(1) A FINAL DETERMINATION BY THE COURT IS GRANTED IN FAVOR OF THE PERSON ADVERSELY AFFECTED.

(2) THE REGULATION IN QUESTION IS RESCINDED, REPEALED OR OTHERWISE ABROGATED AFTER SUIT HAS BEEN FILED UNDER SUBSECTION (A.2) BUT BEFORE THE FINAL DETERMINATION BY THE COURT.

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"DEALER." THE TERM SHALL INCLUDE ANY PERSON ENGAGED IN THE BUSINESS OF SELLING AT WHOLESALE OR RETAIL A FIREARM OR AMMUNITION.

"FIREARMS." THIS TERM SHALL HAVE THE MEANING GIVEN TO IT IN SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING) BUT SHALL NOT INCLUDE AIR RIFLES AS THAT TERM IS DEFINED IN SECTION 6304 (RELATING TO SALE AND USE OF AIR RIFLES).

"PERSON ADVERSELY AFFECTED." ANY OF THE FOLLOWING:

(1) A RESIDENT OF THIS COMMONWEALTH WHO MAY LEGALLY POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

(2) A PERSON WHO OTHERWISE HAS STANDING UNDER THE LAWS OF THIS COMMONWEALTH TO BRING AN ACTION UNDER SUBSECTION (A.2).

(3) A MEMBERSHIP ORGANIZATION, IN WHICH A MEMBER IS A PERSON DESCRIBED UNDER PARAGRAPHS (1) OR (2).

"POLITICAL SUBDIVISION." THE TERM SHALL INCLUDE ANY HOME RULE CHARTER MUNICIPALITY, COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP OR SCHOOL DISTRICT.

"REASONABLE EXPENSES." THE TERM INCLUDES, BUT IS NOT LIMITED TO, ATTORNEY FEES, EXPERT WITNESS FEES, COURT COSTS AND COMPENSATION FOR LOSS OF INCOME.

Section 2 3. This act shall take effect in 60 days.

EXHIBIT H

AMENDMENTS TO HOUSE BILL NO. 80

Sponsor: SENATOR ALLOWAY

Printer's No. 4248

Amend Bill, page 1, line 2, by inserting after "Statutes,"
in burglary and other criminal intrusion,

Amend Bill, page 1, line 4, by striking out "and"

Amend Bill, page 1, line 4, by inserting after "penalties"
; and, in firearms and other dangerous articles, further
providing for Pennsylvania State Police and for limitation on
the regulation of firearms and ammunition

Amend Bill, page 4, by inserting between lines 2 and 3

Section 3. Section 6111.1(f)(3) and (g)(1) and (3) of Title
18 are amended to read:

§ 6111.1. Pennsylvania State Police.

* * *

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

* * *

(3) Notwithstanding any law to the contrary, the
Pennsylvania State Police [may] shall, within 72 hours of
receipt, disclose, electronically or otherwise, to the United
States Attorney General or a designee, any record relevant to
a determination of whether a person is disqualified from
possessing or receiving a firearm under 18 U.S.C. § 922 (g) (3)
or (4) or an applicable state statute[.], and any record
relevant to a determination of whether a person is not
disqualified or is no longer disqualified from possessing or
receiving a firearm under 18 U.S.C. § 922(g)(3) or (4) or an
applicable state statute.

(g) Review by court.--

(1) Upon receipt of a copy of the order of a court of
competent jurisdiction which vacates a final order or an
involuntary certification issued by a mental health review
officer, the Pennsylvania State Police shall, after
disclosing relevant records under subsection (f)(3), expunge
all records of the involuntary treatment received under
subsection (f).

* * *

(3) The Pennsylvania State Police, after disclosing relevant records under subsection (f) (3), shall expunge all records of an involuntary commitment of an individual who is discharged from a mental health facility based upon the initial review by the physician occurring within two hours of arrival under section 302(b) of the Mental Health Procedures Act and the physician's determination that no severe mental disability existed pursuant to section 302(b) of the Mental Health Procedures Act. The physician shall provide signed confirmation of the determination of the lack of severe mental disability following the initial examination under section 302(b) of the Mental Health Procedures Act to the Pennsylvania State Police.

* * *

Section 4. Section 6120(b) of Title 18 is amended and the section is amended by adding subsections to read:
§ 6120. Limitation on the regulation of firearms and ammunition.

* * *

(a.2) Relief.--A person adversely affected by an ordinance, a resolution, regulation, rule, practice or any other action promulgated or enforced by a county, municipality or township prohibited under subsection (a) or 53 Pa.C.S. § 2962(g) (relating to limitation on municipal powers) may seek declaratory or injunctive relief and actual damages in an appropriate court.

(a.3) Reasonable expenses.--A court shall award reasonable expenses to a person adversely affected in an action under subsection (a.2) for any of the following:

(1) A final determination by the court is granted in favor of the person adversely affected.

(2) The regulation in question is rescinded, repealed or otherwise abrogated after suit has been filed under subsection (a.2) but before the final determination by the court.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Dealer." The term shall include any person engaged in the business of selling at wholesale or retail a firearm or ammunition.

"Firearms." This term shall have the meaning given to it in section 5515 (relating to prohibiting of paramilitary training) but shall not include air rifles as that term is defined in section 6304 (relating to sale and use of air rifles).

"Person adversely affected." Any of the following:

(1) A resident of this Commonwealth who may legally possess a firearm under Federal and State law.

(2) A person who otherwise has standing under the laws of this Commonwealth to bring an action under subsection (a.2).

(3) A membership organization, in which a member is a

person described under paragraphs (1) or (2).

"Political subdivision." The term shall include any home rule charter municipality, county, city, borough, incorporated town, township or school district.

"Reasonable expenses." The term includes, but is not limited to, attorney fees, expert witness fees, court costs and compensation for loss of income.

Amend Bill, page 4, line 3, by striking out "3" and inserting

EXHIBIT I

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80 Session of
2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE,
C. HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD,
O'NEILL, PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER,
TOEPEL, WATSON, FREEMAN, R. MILLER, MULLERY, GABLER, FARRY,
EVANKOVICH, TOOHIL, MARSHALL AND CALTAGIRONE,
JANUARY 10, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 15, 2014

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, IN BURGLARY AND OTHER CRIMINAL INTRUSION, FURTHER PROVIDING FOR THE OFFENSE OF CRIMINAL TRESPASS; defining the offense of theft of secondary metal; ~~and~~ prescribing penalties; AND, IN FIREARMS AND OTHER DANGEROUS ARTICLES, FURTHER PROVIDING FOR PENNSYLVANIA STATE POLICE AND FOR LIMITATION ON THE REGULATION OF FIREARMS AND AMMUNITION.

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

~~Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:~~

~~SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

SECTION 1. SECTION 3503(B.1) AND (D) OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

§ 3503. CRIMINAL TRESPASS.

* * *

(B.1) SIMPLE TRESPASSER.--

(1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN ANY PLACE FOR THE PURPOSE OF:

(I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT OF THE PREMISES;

(II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON THE PREMISES; [OR]

(III) DEFACING OR DAMAGING THE PREMISES[.]; OR

(IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE PREMISES.

(2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV) CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY OFFENSE.

* * *

(D) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL GROUNDS" MEANS ANY] DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"SCHOOL GROUNDS." ANY BUILDING OF OR GROUNDS OF ANY ELEMENTARY OR SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION, ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE DEPARTMENT OF EDUCATION, ANY ELEMENTARY OR SECONDARY PAROCHIAL SCHOOL, ANY CERTIFIED DAY-CARE CENTER OR ANY LICENSED PRESCHOOL PROGRAM.

"SECONDARY METAL." AS DEFINED IN SECTION 3935 (RELATING TO THEFT OF SECONDARY METAL).

SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
§ 3935. Theft of secondary metal.

(a) Offense defined.--A person commits the offense of theft of secondary metal if the person unlawfully takes or attempts to take possession of, carries away or exercises unlawful control over any secondary metal with intent to deprive the rightful owner thereof.

(b) Grading.--Except as set forth in subsection (c):

(1) An offense under this section constitutes a misdemeanor of the third degree when the value of the secondary metal unlawfully obtained is less than \$50.

(2) When the value of the secondary metal unlawfully obtained is \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree.

(3) When the value of the secondary metal unlawfully obtained is \$200 or more but less than \$1,000 the offense constitutes a misdemeanor of the first degree.

(4) When the value of the secondary metal unlawfully obtained is \$1,000 or more, the offense constitutes a felony of the third degree.

(c) Third or subsequent offenses.--An offense under this section constitutes a felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the secondary metal. For purposes of this subsection, a first and second offense includes a conviction, acceptance of Accelerated Rehabilitative Disposition or other form of preliminary disposition before the sentencing on the present violation for an offense under this section or an offense under section 3921 (relating to theft by unlawful taking or

disposition).

(d) Definition.--As used in this section, the term "secondary metal" means wire, pipe or cable commonly used by communications, gas and electrical utilities and railroads and mass transit or commuter rail agencies, copper, aluminum or other metal, or a combination of metals, that is valuable for recycling or reuse as raw material.

SECTION 3. SECTION 6111.1(F) (3) AND (G) (1) AND (3) OF TITLE 18 ARE AMENDED TO READ:

§ 6111.1. PENNSYLVANIA STATE POLICE.

* * *

(F) NOTIFICATION OF MENTAL HEALTH ADJUDICATION, TREATMENT, COMMITMENT, DRUG USE OR ADDICTION.--

* * *

(3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE PENNSYLVANIA STATE POLICE [MAY] SHALL, WITHIN 72 HOURS OF RECEIPT, DISCLOSE, ELECTRONICALLY OR OTHERWISE, TO THE UNITED STATES ATTORNEY GENERAL OR A DESIGNEE, ANY RECORD RELEVANT TO A DETERMINATION OF WHETHER A PERSON IS DISQUALIFIED FROM POSSESSING OR RECEIVING A FIREARM UNDER 18 U.S.C. § 922 (G) (3) OR (4) OR AN APPLICABLE STATE STATUTE[.], AND ANY RECORD RELEVANT TO A DETERMINATION OF WHETHER A PERSON IS NOT DISQUALIFIED OR IS NO LONGER DISQUALIFIED FROM POSSESSING OR RECEIVING A FIREARM UNDER 18 U.S.C. § 922(G) (3) OR (4) OR AN APPLICABLE STATE STATUTE.

(G) REVIEW BY COURT.--

(1) UPON RECEIPT OF A COPY OF THE ORDER OF A COURT OF COMPETENT JURISDICTION WHICH VACATES A FINAL ORDER OR AN INVOLUNTARY CERTIFICATION ISSUED BY A MENTAL HEALTH REVIEW

OFFICER, THE PENNSYLVANIA STATE POLICE SHALL, AFTER DISCLOSING RELEVANT RECORDS UNDER SUBSECTION (F) (3), EXPUNGE ALL RECORDS OF THE INVOLUNTARY TREATMENT RECEIVED UNDER SUBSECTION (F).

* * *

(3) THE PENNSYLVANIA STATE POLICE, AFTER DISCLOSING RELEVANT RECORDS UNDER SUBSECTION (F) (3), SHALL EXPUNGE ALL RECORDS OF AN INVOLUNTARY COMMITMENT OF AN INDIVIDUAL WHO IS DISCHARGED FROM A MENTAL HEALTH FACILITY BASED UPON THE INITIAL REVIEW BY THE PHYSICIAN OCCURRING WITHIN TWO HOURS OF ARRIVAL UNDER SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT AND THE PHYSICIAN'S DETERMINATION THAT NO SEVERE MENTAL DISABILITY EXISTED PURSUANT TO SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT. THE PHYSICIAN SHALL PROVIDE SIGNED CONFIRMATION OF THE DETERMINATION OF THE LACK OF SEVERE MENTAL DISABILITY FOLLOWING THE INITIAL EXAMINATION UNDER SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT TO THE PENNSYLVANIA STATE POLICE.

* * *

SECTION 4. SECTION 6120(B) OF TITLE 18 IS AMENDED AND THE SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

§ 6120. LIMITATION ON THE REGULATION OF FIREARMS AND AMMUNITION.

* * *

(A.2) RELIEF.--A PERSON ADVERSELY AFFECTED BY AN ORDINANCE, A RESOLUTION, REGULATION, RULE, PRACTICE OR ANY OTHER ACTION PROMULGATED OR ENFORCED BY A COUNTY, MUNICIPALITY OR TOWNSHIP PROHIBITED UNDER SUBSECTION (A) OR 53 PA.C.S. § 2962(G) (RELATING TO LIMITATION ON MUNICIPAL POWERS) MAY SEEK

DECLARATORY OR INJUNCTIVE RELIEF AND ACTUAL DAMAGES IN AN APPROPRIATE COURT.

(A.3) REASONABLE EXPENSES.--A COURT SHALL AWARD REASONABLE EXPENSES TO A PERSON ADVERSELY AFFECTED IN AN ACTION UNDER SUBSECTION (A.2) FOR ANY OF THE FOLLOWING:

(1) A FINAL DETERMINATION BY THE COURT IS GRANTED IN FAVOR OF THE PERSON ADVERSELY AFFECTED.

(2) THE REGULATION IN QUESTION IS RESCINDED, REPEALED OR OTHERWISE ABROGATED AFTER SUIT HAS BEEN FILED UNDER SUBSECTION (A.2) BUT BEFORE THE FINAL DETERMINATION BY THE COURT.

(B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"DEALER." THE TERM SHALL INCLUDE ANY PERSON ENGAGED IN THE BUSINESS OF SELLING AT WHOLESALE OR RETAIL A FIREARM OR AMMUNITION.

"FIREARMS." THIS TERM SHALL HAVE THE MEANING GIVEN TO IT IN SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING) BUT SHALL NOT INCLUDE AIR RIFLES AS THAT TERM IS DEFINED IN SECTION 6304 (RELATING TO SALE AND USE OF AIR RIFLES).

"PERSON ADVERSELY AFFECTED." ANY OF THE FOLLOWING:

(1) A RESIDENT OF THIS COMMONWEALTH WHO MAY LEGALLY POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

(2) A PERSON WHO OTHERWISE HAS STANDING UNDER THE LAWS OF THIS COMMONWEALTH TO BRING AN ACTION UNDER SUBSECTION (A.2).

(3) A MEMBERSHIP ORGANIZATION, IN WHICH A MEMBER IS A PERSON DESCRIBED UNDER PARAGRAPH (1) OR (2).

"POLITICAL SUBDIVISION." THE TERM SHALL INCLUDE ANY HOME
RULE CHARTER MUNICIPALITY, COUNTY, CITY, BOROUGH, INCORPORATED
TOWN, TOWNSHIP OR SCHOOL DISTRICT.

"REASONABLE EXPENSES." THE TERM INCLUDES, BUT IS NOT LIMITED
TO, ATTORNEY FEES, EXPERT WITNESS FEES, COURT COSTS AND
COMPENSATION FOR LOSS OF INCOME.

Section ~~2~~ ~~3~~ 5. This act shall take effect in 60 days.

EXHIBIT J

RECEIVED

2014 NOV -6 PM 3:37

RECEIVED

2014 NOV -6 PM 12:33

Deputy
Director

ACT NO. 198

Director
Office of
C.F.A.

HOUSE BILL No. 80

SESSION OF 20 14



SENATE AMENDED

PRIOR PRINTER'S NOS. 68, 2066, 3831,
4248

PRINTER'S NO. 4318

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 80

Session of
2013

INTRODUCED BY METCALFE, CLYMER, D. COSTA, COX, GILLEN, GROVE,
C. HARRIS, HESS, KAUFFMAN, KORTZ, LONGIETTI, MILLARD,
O'NEILL, PASHINSKI, PETRI, READSHAW, ROCK, SAYLOR, SWANGER,
TOEPEL, WATSON, FREEMAN, R. MILLER, MULLERY, GABLER, FARRY,
EVANKOVICH, TOOHIL, MARSHALL AND CALTAGIRONE,
JANUARY 10, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 15, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, IN BURGLARY AND OTHER CRIMINAL <--
3 INTRUSION, FURTHER PROVIDING FOR THE OFFENSE OF CRIMINAL <--
4 TRESPASS; defining the offense of theft of secondary metal;
5 and prescribing penalties; AND, IN FIREARMS AND OTHER <--
6 DANGEROUS ARTICLES, FURTHER PROVIDING FOR PENNSYLVANIA STATE
7 POLICE AND FOR LIMITATION ON THE REGULATION OF FIREARMS AND
8 AMMUNITION.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <--
12 ~~Statutes is amended by adding a section to read:~~

13 ~~SECTION 1. SECTION 3503(B.1) OF TITLE 18 OF THE PENNSYLVANIA~~ <--
14 ~~CONSOLIDATED STATUTES IS AMENDED TO READ:~~

15 SECTION 1. SECTION 3503(B.1) AND (D) OF TITLE 18 OF THE <--
16 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

17 § 3503. CRIMINAL TRESPASS.

18 * * *

1 (B.1) SIMPLE TRESPASSER.--

2 (1) A PERSON COMMITS AN OFFENSE IF, KNOWING THAT HE IS
3 NOT LICENSED OR PRIVILEGED TO DO SO, HE ENTERS OR REMAINS IN
4 ANY PLACE FOR THE PURPOSE OF:

5 (I) THREATENING OR TERRORIZING THE OWNER OR OCCUPANT
6 OF THE PREMISES;

7 (II) STARTING OR CAUSING TO BE STARTED ANY FIRE UPON
8 THE PREMISES; [OR]

9 (III) DEFACING OR DAMAGING THE PREMISES[.]; OR

10 (IV) UNLAWFULLY TAKING SECONDARY METAL FROM THE
11 PREMISES.

12 (2) AN OFFENSE UNDER [THIS SUBSECTION] PARAGRAPH (1) (IV)
13 CONSTITUTES A FIRST DEGREE MISDEMEANOR. AN OFFENSE UNDER
14 PARAGRAPH (1) (I), (II) OR (III) CONSTITUTES A SUMMARY
15 OFFENSE.

16 * * *

17 (D) [DEFINITION.--AS USED IN THIS SECTION, THE TERM "SCHOOL <--
18 GROUNDS" MEANS ANY] DEFINITIONS.--AS USED IN THIS SECTION, THE
19 FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO
20 THEM IN THIS SUBSECTION:

21 "SCHOOL GROUNDS." ANY BUILDING OF OR GROUNDS OF ANY
22 ELEMENTARY OR SECONDARY PUBLICLY FUNDED EDUCATIONAL INSTITUTION,
23 ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
24 DEPARTMENT OF EDUCATION, ANY ELEMENTARY OR SECONDARY PAROCHIAL
25 SCHOOL, ANY CERTIFIED DAY-CARE CENTER OR ANY LICENSED PRESCHOOL
26 PROGRAM.

27 "SECONDARY METAL." AS DEFINED IN SECTION 3935 (RELATING TO
28 THEFT OF SECONDARY METAL).

29 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
30 § 3935. Theft of secondary metal.

1 (a) Offense defined.--A person commits the offense of theft
2 of secondary metal if the person unlawfully takes or attempts to
3 take possession of, carries away or exercises unlawful control
4 over any secondary metal with intent to deprive the rightful
5 owner thereof.

6 (b) Grading.--Except as set forth in subsection (c):

7 (1) An offense under this section constitutes a
8 misdemeanor of the third degree when the value of the
9 secondary metal unlawfully obtained is less than \$50.

10 (2) When the value of the secondary metal unlawfully
11 obtained is \$50 or more but less than \$200 the offense
12 constitutes a misdemeanor of the second degree.

13 (3) When the value of the secondary metal unlawfully
14 obtained is \$200 or more but less than \$1,000 the offense
15 constitutes a misdemeanor of the first degree.

16 (4) When the value of the secondary metal unlawfully
17 obtained is \$1,000 or more, the offense constitutes a felony
18 of the third degree.

19 (c) Third or subsequent offenses.--An offense under this
20 section constitutes a felony of the third degree when the
21 offense is a third or subsequent offense, regardless of the
22 value of the secondary metal. For purposes of this subsection, a
23 first and second offense includes a conviction, acceptance of
24 Accelerated Rehabilitative Disposition or other form of
25 preliminary disposition before the sentencing on the present
26 violation for an offense under this section or an offense under
27 section 3921 (relating to theft by unlawful taking or
28 disposition).

29 (d) Definition.--As used in this section, the term
30 "secondary metal" means wire, pipe or cable commonly used by

1 communications, gas and electrical utilities and railroads and
2 mass transit or commuter rail agencies, copper, aluminum or
3 other metal, or a combination of metals, that is valuable for
4 recycling or reuse as raw material.

5 SECTION 3. SECTION 6111.1(F) (3) AND (G) (1) AND (3) OF TITLE <--
6 18 ARE AMENDED TO READ:

7 § 6111.1. PENNSYLVANIA STATE POLICE.

8 * * *

9 (F) NOTIFICATION OF MENTAL HEALTH ADJUDICATION, TREATMENT,
10 COMMITMENT, DRUG USE OR ADDICTION.--

11 * * *

12 (3) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE
13 PENNSYLVANIA STATE POLICE [MAY] SHALL, WITHIN 72 HOURS OF
14 RECEIPT, DISCLOSE, ELECTRONICALLY OR OTHERWISE, TO THE UNITED
15 STATES ATTORNEY GENERAL OR A DESIGNEE, ANY RECORD RELEVANT TO
16 A DETERMINATION OF WHETHER A PERSON IS DISQUALIFIED FROM
17 POSSESSING OR RECEIVING A FIREARM UNDER 18 U.S.C. § 922 (G)
18 (3) OR (4) OR AN APPLICABLE STATE STATUTE[.], AND ANY RECORD
19 RELEVANT TO A DETERMINATION OF WHETHER A PERSON IS NOT
20 DISQUALIFIED OR IS NO LONGER DISQUALIFIED FROM POSSESSING OR
21 RECEIVING A FIREARM UNDER 18 U.S.C. § 922(G) (3) OR (4) OR AN
22 APPLICABLE STATE STATUTE.

23 (G) REVIEW BY COURT.--

24 (1) UPON RECEIPT OF A COPY OF THE ORDER OF A COURT OF
25 COMPETENT JURISDICTION WHICH VACATES A FINAL ORDER OR AN
26 INVOLUNTARY CERTIFICATION ISSUED BY A MENTAL HEALTH REVIEW
27 OFFICER, THE PENNSYLVANIA STATE POLICE SHALL, AFTER
28 DISCLOSING RELEVANT RECORDS UNDER SUBSECTION (F) (3), EXPUNGE
29 ALL RECORDS OF THE INVOLUNTARY TREATMENT RECEIVED UNDER
30 SUBSECTION (F).

1 * * *

2 (3) THE PENNSYLVANIA STATE POLICE, AFTER DISCLOSING
3 RELEVANT RECORDS UNDER SUBSECTION (F)(3), SHALL EXPUNGE ALL
4 RECORDS OF AN INVOLUNTARY COMMITMENT OF AN INDIVIDUAL WHO IS
5 DISCHARGED FROM A MENTAL HEALTH FACILITY BASED UPON THE
6 INITIAL REVIEW BY THE PHYSICIAN OCCURRING WITHIN TWO HOURS OF
7 ARRIVAL UNDER SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES
8 ACT AND THE PHYSICIAN'S DETERMINATION THAT NO SEVERE MENTAL
9 DISABILITY EXISTED PURSUANT TO SECTION 302(B) OF THE MENTAL
10 HEALTH PROCEDURES ACT. THE PHYSICIAN SHALL PROVIDE SIGNED
11 CONFIRMATION OF THE DETERMINATION OF THE LACK OF SEVERE
12 MENTAL DISABILITY FOLLOWING THE INITIAL EXAMINATION UNDER
13 SECTION 302(B) OF THE MENTAL HEALTH PROCEDURES ACT TO THE
14 PENNSYLVANIA STATE POLICE.

15 * * *

16 SECTION 4. SECTION 6120(B) OF TITLE 18 IS AMENDED AND THE
17 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

18 § 6120. LIMITATION ON THE REGULATION OF FIREARMS AND
19 AMMUNITION.

20 * * *

21 (A.2) RELIEF.--A PERSON ADVERSELY AFFECTED BY AN ORDINANCE,
22 A RESOLUTION, REGULATION, RULE, PRACTICE OR ANY OTHER ACTION
23 PROMULGATED OR ENFORCED BY A COUNTY, MUNICIPALITY OR TOWNSHIP
24 PROHIBITED UNDER SUBSECTION (A) OR 53 PA.C.S. § 2962(G)
25 (RELATING TO LIMITATION ON MUNICIPAL POWERS) MAY SEEK
26 DECLARATORY OR INJUNCTIVE RELIEF AND ACTUAL DAMAGES IN AN
27 APPROPRIATE COURT.

28 (A.3) REASONABLE EXPENSES.--A COURT SHALL AWARD REASONABLE
29 EXPENSES TO A PERSON ADVERSELY AFFECTED IN AN ACTION UNDER
30 SUBSECTION (A.2) FOR ANY OF THE FOLLOWING:

1 (1) A FINAL DETERMINATION BY THE COURT IS GRANTED IN
2 FAVOR OF THE PERSON ADVERSELY AFFECTED.

3 (2) THE REGULATION IN QUESTION IS RESCINDED, REPEALED OR
4 OTHERWISE ABROGATED AFTER SUIT HAS BEEN FILED UNDER
5 SUBSECTION (A.2) BUT BEFORE THE FINAL DETERMINATION BY THE
6 COURT.

7 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
8 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
9 SUBSECTION:

10 "DEALER." THE TERM SHALL INCLUDE ANY PERSON ENGAGED IN THE
11 BUSINESS OF SELLING AT WHOLESALE OR RETAIL A FIREARM OR
12 AMMUNITION.

13 "FIREARMS." THIS TERM SHALL HAVE THE MEANING GIVEN TO IT IN
14 SECTION 5515 (RELATING TO PROHIBITING OF PARAMILITARY TRAINING)
15 BUT SHALL NOT INCLUDE AIR RIFLES AS THAT TERM IS DEFINED IN
16 SECTION 6304 (RELATING TO SALE AND USE OF AIR RIFLES).

17 "PERSON ADVERSELY AFFECTED." ANY OF THE FOLLOWING:

18 (1) A RESIDENT OF THIS COMMONWEALTH WHO MAY LEGALLY
19 POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

20 (2) A PERSON WHO OTHERWISE HAS STANDING UNDER THE LAWS
21 OF THIS COMMONWEALTH TO BRING AN ACTION UNDER SUBSECTION
22 (A.2).

23 (3) A MEMBERSHIP ORGANIZATION, IN WHICH A MEMBER IS A
24 PERSON DESCRIBED UNDER PARAGRAPH (1) OR (2).

25 "POLITICAL SUBDIVISION." THE TERM SHALL INCLUDE ANY HOME
26 RULE CHARTER MUNICIPALITY, COUNTY, CITY, BOROUGH, INCORPORATED
27 TOWN, TOWNSHIP OR SCHOOL DISTRICT.

28 "REASONABLE EXPENSES." THE TERM INCLUDES, BUT IS NOT LIMITED
29 TO, ATTORNEY FEES, EXPERT WITNESS FEES, COURT COSTS AND
30 COMPENSATION FOR LOSS OF INCOME.

1 Section 2 3 5. This act shall take effect in 60 days.

<--

We certify that this bill, House Bill No. 80, Printer's No. 4318,
has passed the House of Representatives and the Senate.



Chief Clerk, House of Representatives



Speaker, House of Representatives



President, Senate

Approved the 6th day of November A.D. 2014



Governor