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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 111 Session of  
2021

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INTRODUCED BY STEPHENS, DEASY AND NEILSON, JUNE 8, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 8, 2021

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A RESOLUTION

1 Directing the Commission on Sentencing to conduct a thorough and  
2 comprehensive study on the investigation, prosecution and  
3 sentencing of violations of Pennsylvania Uniform Firearms Act  
4 of 1995 in this Commonwealth.

5 WHEREAS, In 2020, there were 499 homicides in Philadelphia,  
6 which was an increase of more than 40% from 2019, and just one  
7 shy of the record for homicides in the city set in 1990; and

8 WHEREAS, In 2020, there were 434 fatal shootings in  
9 Philadelphia; and

10 WHEREAS, In 2020, Philadelphia suffered the highest rate of  
11 fatal shootings, 27.39 per 100,000 residents, among the 10  
12 cities with populations greater than 1 million in the country;  
13 and

14 WHEREAS, In 2020, there were more than 2,240 people shot in  
15 the city, 40% more than police had previously recorded; and

16 WHEREAS, In 2020, more than 100 juveniles were shot in  
17 Philadelphia; and

18 WHEREAS, As of May 3, 2021, Philadelphia homicides numbered  
19 176, which represents a 39% increase from the same time last

1 year; and

2 WHEREAS, As of May 3, 2021, there were 676 shootings in the  
3 city of Philadelphia, which is a 37.4% increase from the same  
4 time last year; and

5 WHEREAS, With 24.99 per 100,000 residents, Philadelphia  
6 suffered the highest rate of fatal shootings among the 10 cities  
7 with populations greater than 1 million in the country from  
8 January 2021 through March 2021; and

9 WHEREAS, As of May 3, 2021, there have been 150 fatal  
10 shootings in Philadelphia, and 65 juveniles have been shot in  
11 Philadelphia this year; and

12 WHEREAS, In 1995, the Pennsylvania Uniform Firearms Act of  
13 1995 was signed into law with the stated purpose of giving  
14 support to law enforcement in the area of crime prevention and  
15 control; and

16 WHEREAS, Violations of the Pennsylvania Uniform Firearms Act  
17 of 1995 (VUFA offense) involve individuals who have been  
18 convicted previously of an enumerated list of serious crimes and  
19 then subsequently found to be in possession of a firearm despite  
20 being statutorily prohibited from doing so; and

21 WHEREAS, The House of Representatives should be knowledgeable  
22 about the procedure and process of handling VUFA offense cases  
23 across this Commonwealth; and

24 WHEREAS, A review of the handling of VUFA offense cases in  
25 the Commonwealth is necessary to determine if these cases are  
26 being adequately handled under Pennsylvania law and if changes  
27 are needed; therefore be it

28 RESOLVED, That the House of Representatives direct the  
29 Commission on Sentencing to conduct a thorough and comprehensive  
30 study on the investigation, prosecution and sentencing of

1 violations of the Pennsylvania Uniform Firearms Act of 1995 in  
2 this Commonwealth to:

3 (1) Ascertain all cases in the Commonwealth from 2015 to  
4 2020 that included a VUFA offense under 18 Pa.C.S. Ch. 61  
5 Subch. A.

6 (2) Identify how many VUFA offenses were later withdrawn  
7 or dismissed, including at what procedural stage the case was  
8 withdrawn or dismissed.

9 (3) Determine the sentence received for defendants  
10 convicted on a VUFA-related charge in the last five years.

11 (4) Outline the sentencing guidelines for all of the  
12 charges in the cases for defendants who were originally  
13 charged with an VUFA offense under 18 Pa.C.S. Ch. 61 Subch. A  
14 from 2015 to 2020.

15 (5) For an individual charged with a VUFA offense under  
16 18 Pa.C.S. Ch. 61 Subch. A from 2015 to 2020, determine if  
17 that individual was subsequently arrested for another VUFA  
18 offense under 18 Pa.C.S. Ch. 61 Subch. A or a violent offense  
19 within the last 5 years. A violent offense includes an act,  
20 conspiracy or solicitation to commit any of the following  
21 offenses under 18 Pa.C.S.:

22 (i) Section 2501 (relating to criminal homicide).

23 (ii) Section 2702 (relating to aggravated assault).

24 (iii) Section 2702.1 (relating to assault of law  
25 enforcement officer).

26 (iv) Section 2703 (relating to assault by prisoner).

27 (v) Section 2703.1 (relating to aggravated  
28 harassment by prisoner).

29 (vi) Section 2718 (relating to strangulation).

30 (vii) Section 3121 (relating to rape).

1           (viii) Section 3123 (relating to involuntary deviate  
2 sexual intercourse).

3           (ix) Section 3124.1 (relating to sexual assault).

4           (x) Section 3124.2 (relating to institutional sexual  
5 assault).

6           (xi) Section 3125 (relating to aggravated indecent  
7 assault).

8           (xii) Section 3126 (relating to indecent assault).

9           (xiii) Section 3301 (relating to arson and related  
10 offenses).

11           (xiv) Section 5501 (relating to riot).

12           (6) For individuals sentenced to probation or granted  
13 parole following a VUFA conviction under 18 Pa.C.S. Ch. 61  
14 Subch. A, determine if any individuals subsequently violated  
15 the terms of supervision for any reason in the last five  
16 years following sentencing or parole;  
17 and be it further

18           RESOLVED, That the Commission on Sentencing report to the  
19 House of Representatives on its activities, findings and  
20 recommendations no later than December 31, 2021; and be it  
21 further

22           RESOLVED, That, following the House of Representatives  
23 receipt of this report, the Judiciary Committee of the House of  
24 Representatives shall have the power to conduct hearings to  
25 elicit testimony, documents and other evidence related to the  
26 findings of the report.