

AMENDMENTS TO HOUSE BILL NO. 928

Sponsor: REPRESENTATIVE JOZWIAK

Printer's No. 1081

1 Amend Bill, page 1, lines 20 through 23; page 2, lines 1
2 through 8; by striking out all of said lines on said pages and
3 inserting

4 Section 13. Prohibited Acts; Penalties.--* * *

5 (g) [Any] The following shall apply:

6 (1) Except as provided under clause (2), a person who
7 violates clause (31) of subsection (a):

8 (i) For a first or second offense, is guilty of a summary
9 offense and upon conviction thereof shall only pay a fine not
10 exceeding three hundred dollars (\$300).

11 (ii) For a third or subsequent offense, is guilty of a
12 misdemeanor of the third degree and upon conviction thereof
13 shall only pay a fine not exceeding one thousand dollars
14 (\$1,000).

15 (2) A person who violates clause (31) of subsection (a) as
16 follows is guilty of a misdemeanor and upon conviction thereof
17 shall be sentenced to imprisonment not exceeding thirty days, or
18 to pay a fine not exceeding five hundred dollars (\$500), or
19 both[.]:

20 (i) who is under eighteen (18) years of age;

21 (ii) while in a motor vehicle; or

22 (iii) while in a building of, on the grounds of, or in a
23 conveyance providing transportation to or from an elementary or
24 secondary publicly funded educational institution, an elementary
25 or secondary private school licensed by the Department of
26 Education or any elementary or secondary parochial school.

27 (3) The judicial authority with jurisdiction over the
28 violation by a person under eighteen (18) years of age shall
29 give first consideration to referring the person to a
30 diversionary program under 42 Pa.C.S. § 1520 (relating to
31 adjudication alternative program) and the Pennsylvania Rules of
32 Criminal Procedure. As part of the diversionary program, the
33 judicial authority with jurisdiction over the violation may
34 order the person to participate in an educational program. If
35 the person successfully completes the diversionary program, the
36 person's records of the charge of violating clause (2) shall be
37 expunged as provided for under Pa.R.C.P. No.320 (relating to

1 expungement upon successful completion of ARD program).
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