

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 2476** Session of  
2018

---

INTRODUCED BY REED, BARRAR, ROTHMAN, RYAN, M. K. KELLER,  
READSHAW, TOPPER, THOMAS, METCALFE, HAGGERTY, SNYDER,  
ENGLISH, MARSHALL, COX, STAATS, BURNS, GROVE, MILLARD,  
SAYLOR, OBERLANDER, HILL-EVANS, WARD, DeLUCA, SANKEY,  
A. HARRIS, GOODMAN, LAWRENCE, WATSON, GILLEN, DOWLING,  
WARNER, M. QUINN, JOZWIAK, HANNA, KORTZ, PHILLIPS-HILL, ROAE  
AND DUSH, JUNE 8, 2018

---

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 1, 2018

---

## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and  
2 Parole) of the Pennsylvania Consolidated Statutes, in  
3 obstructing governmental operations, further providing for  
4 weapons or implements for escape; and, in miscellaneous  
5 provisions, further providing for contraband prohibited.

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

8 Section 1. Section 5122(a) of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 5122. Weapons or implements for escape.

11 (a) Offenses defined.--

12 (1) [A] Except as provided under 61 Pa.C.S. § 5902(e.1)

13 (relating to contraband prohibited), a person commits a  
14 misdemeanor of the first degree if he unlawfully introduces  
15 within a detention facility, correctional institution or  
16 mental hospital, or unlawfully provides an inmate thereof

1 with any weapon, tool, implement, or other thing which may be  
2 used for escape.

3 (2) An inmate commits a misdemeanor of the first degree  
4 if he unlawfully procures, makes or otherwise provides  
5 himself with, or unlawfully has in his possession or under  
6 his control, any weapon, tool, implement or other thing which  
7 may be used for escape.

8 \* \* \*

9 Section 2. Section 5902(e) of Title 61 is amended and the  
10 section is amended by adding a subsection to read:

11 § 5902. Contraband prohibited.

12 \* \* \*

13 (e) Weapons.--No weapon or other implement which may be used  
14 to injure an inmate or person or in assisting an inmate to  
15 escape from imprisonment shall:

16 (1) be sold, given away or furnished to an inmate in any  
17 correctional institution or any building appurtenant thereto  
18 or on the land granted to or owned or leased by the  
19 Commonwealth for the use and benefit of inmates;

20 (2) except as provided under subsection (e.1), be  
21 brought into any correctional institution or any building  
22 appurtenant thereto or on to the land granted to or owned or  
23 leased by the Commonwealth for the use and benefit of  
24 inmates; or

25 (3) be sold, given away or furnished, either directly or  
26 indirectly, to an inmate, either in or anywhere outside of  
27 the correctional institution, or be disposed of in such a  
28 manner or in such a place that it may be secured by an inmate  
29 in the correctional institution.

30 (e.1) ~~Correctional officers~~ COMMONWEALTH EMPLOYEES.--

<--

1           (1) The following apply:

2           (i) ~~A correctional officer~~ AN EMPLOYEE OF THE           <--  
3           COMMONWEALTH employed at or assigned to a State  
4           correctional institution may carry or store one lawfully  
5           owned and transported firearm and ammunition in a vehicle  
6           located at a specified location outside of the State  
7           correctional institution upon providing advance written  
8           notice to the chief administrator of the State  
9           correctional institution.

10           (ii) ~~If a correctional officer~~ AN EMPLOYEE OF THE           <--  
11           COMMONWEALTH carries or stores a firearm and ammunition  
12           under subparagraph (i), the ~~correctional officer~~ EMPLOYEE           <--  
13           OF THE COMMONWEALTH shall comply with all applicable DO           <--  
14           ALL OF THE FOLLOWING:

15                   (A) KEEP THE FIREARM SECURED WITH A TRIGGER LOCK  
16                   OR A GUN SAFE.

17                   (B) KEEP THE FIREARM OUT OF PLAIN SIGHT.

18                   (C) COMPLY WITH ALL APPLICABLE laws governing  
19                   the use, possession and carrying of firearms and  
20                   ammunition and all policies of the department.

21           (iii) A chief administrator who has received written  
22           notice under subparagraph (i) from a ~~correctional officer~~           <--  
23           AN EMPLOYEE OF THE COMMONWEALTH may deny or revoke the           <--  
24           ability of the ~~correctional officer~~ EMPLOYEE OF THE           <--  
25           COMMONWEALTH to carry or store a firearm and ammunition  
26           under paragraph (1) in writing.

27           (iv) ~~A correctional officer~~ AN EMPLOYEE OF THE           <--  
28           COMMONWEALTH may not carry or store a firearm under  
29           subparagraph (i) if the vehicle also contains prohibited  
30           ammunition suitable for the firearm.

1           (2) The following words and phrases when used in this  
2 subsection shall have the meanings given to them in this  
3 paragraph unless the context clearly indicates otherwise:

4           "Firearm." A pistol or revolver with a barrel length  
5 less than eight inches as determined by measuring from the  
6 muzzle of the barrel to the face of the closed action or  
7 cylinder, whichever is applicable.

8           "Prohibited ammunition." A bullet or projectile which,  
9 if fired from a firearm as defined in 18 Pa.C.S. § 6102  
10 (relating to definitions) under the test procedure of the  
11 National Institute of Justice for the Ballistic Resistance of  
12 Body Armor published July 2008, is determined to be capable  
13 of penetrating bullet-resistant apparel or body armor meeting  
14 the requirements of Type IIIA of Standard NIJ Standard-  
15 0101.06 as formulated by the United States Department of  
16 Justice.

17           \* \* \*

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