

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1340

 Session of
1981

INTRODUCED BY ITKIN, IRVIS, MANDERINO, KUKOVICH, MICHLOVIC,
PISTELLA, PRATT, MORRIS, CAWLEY, PERZEL, BELFANTI, ALDEN,
FLECK AND COLAFELLA, APRIL 28, 1981

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 14, 1982

AN ACT

1 ~~Prohibiting~~ AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE <—
2 PENNSYLVANIA CONSOLIDATED STATUTES, PROHIBITING certain
3 paramilitary training.

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

6 ~~Section 1. Definitions.~~ <—

7 ~~The following words and phrases when used in this act shall~~
8 ~~have, unless the context clearly indicates otherwise, the~~
9 ~~meanings given to them in this section:~~

10 ~~"Civil disorder." Any public disturbance involving acts of~~
11 ~~violence by assemblages of three or more persons, which causes~~
12 ~~an immediate danger of or results in damage or injury to the~~
13 ~~property or person of any other individual.~~

14 ~~"Explosive or incendiary device." Includes:~~

15 ~~(1) dynamite and all other forms of high explosives;~~

16 ~~(2) any explosive bomb, grenade, missile or similar~~
17 ~~device; and~~

1 ~~(3) any incendiary bomb or grenade, fire bomb or similar~~
2 ~~device, including any device which:~~

3 ~~(i) consists of or includes a breakable container~~
4 ~~including a flammable liquid or compound and a wick~~
5 ~~composed of any material which, when ignited, is capable~~
6 ~~of igniting such flammable liquid or compound; and~~

7 ~~(ii) can be carried or thrown by one individual~~
8 ~~acting alone.~~

9 ~~"Firearm." Any weapon which is designed to or may readily be~~
10 ~~converted to expel any projectile by the action of an explosive;~~
11 ~~or the frame or receiver of any such weapon.~~

12 ~~"Law enforcement officer." Any officer or employee of the~~
13 ~~United States, any state, any political subdivision of a state~~
14 ~~or the District of Columbia and such term shall specifically~~
15 ~~include, but shall not be limited to, members of the National~~
16 ~~Guard, as defined in 10 U.S.C. § 101(9), members of the~~
17 ~~organized militia of any state or territory of the United~~
18 ~~States, the Commonwealth of Puerto Rico or the District of~~
19 ~~Columbia, not included within the definition of National Guard~~
20 ~~as defined by 10 U.S.C. § 101(9) and members of the Armed Forces~~
21 ~~of the United States.~~

22 ~~Section 2. Prohibited training.~~

23 ~~(a) Whoever teaches or demonstrates to any other person the~~
24 ~~use, application or making of any firearm, explosive or~~
25 ~~incendiary device or technique capable of causing injury or~~
26 ~~death to persons, knowing or having reason to know or intending~~
27 ~~that same will be unlawfully employed for use in, or in~~
28 ~~furtherance of, a civil disorder commits a misdemeanor and~~
29 ~~shall, upon conviction thereof, be sentenced to pay a fine not~~
30 ~~to exceed \$5,000 or to a term of imprisonment not to exceed five~~

1 years, or both.

2 ~~(b) Whoever assembles with one or more persons for the~~
3 ~~purpose of training with, practicing with or being instructed in~~
4 ~~the use of any firearm, explosive or incendiary device or~~
5 ~~technique capable of causing injury or death to persons,~~
6 ~~intending to employ unlawfully the same for use in or in~~
7 ~~furtherance of a civil disorder commits a misdemeanor and shall,~~
8 ~~upon conviction thereof, be sentenced to pay a fine not to~~
9 ~~exceed \$5,000, or to a term of imprisonment not to exceed five~~
10 ~~years, or both.~~

11 ~~Section 3. Exemptions.~~

12 ~~Nothing contained in this act shall make unlawful any act of~~
13 ~~any law enforcement officer which is performed in the lawful~~
14 ~~performance of his official duties.~~

15 ~~Section 4. Effective date.~~

16 ~~This act shall take effect immediately.~~

17 SECTION 1. TITLE 18, ACT OF NOVEMBER 25, 1970 (P.L.707, <—
18 NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, IS
19 AMENDED BY ADDING A SECTION TO READ:

20 § 5515. PROHIBITING OF PARAMILITARY TRAINING.

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

24 "CIVIL DISORDER." ANY PUBLIC DISTURBANCE INVOLVING ACTS OF
25 VIOLENCE BY ASSEMBLAGES OF THREE OR MORE PERSONS, WHICH CAUSES
26 AN IMMEDIATE DANGER OF OR RESULTS IN DAMAGE OR INJURY TO THE
27 PROPERTY OR PERSON OF ANY OTHER INDIVIDUAL.

28 "EXPLOSIVE OR INCENDIARY DEVICE." INCLUDES:

29 (1) DYNAMITE AND ALL OTHER FORMS OF HIGH EXPLOSIVES;

30 (2) ANY EXPLOSIVE BOMB, GRENADE, MISSILE OR SIMILAR

1 DEVICE; AND

2 (3) ANY INCENDIARY BOMB OR GRENADE, FIRE BOMB OR SIMILAR
3 DEVICE, INCLUDING ANY DEVICE WHICH:

4 (I) CONSISTS OF OR INCLUDES A BREAKABLE CONTAINER
5 INCLUDING A FLAMMABLE LIQUID OR COMPOUND AND A WICK
6 COMPOSED OF ANY MATERIAL WHICH, WHEN IGNITED, IS CAPABLE
7 OF IGNITING SUCH FLAMMABLE LIQUID OR COMPOUND; AND

8 (II) CAN BE CARRIED OR THROWN BY ONE INDIVIDUAL
9 ACTING ALONE.

10 "FIREARM." ANY WEAPON WHICH IS DESIGNED TO OR MAY READILY BE
11 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE;
12 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

13 "LAW ENFORCEMENT OFFICER." ANY OFFICER OR EMPLOYEE OF THE
14 UNITED STATES, ANY STATE, ANY POLITICAL SUBDIVISION OF A STATE
15 OR THE DISTRICT OF COLUMBIA AND SUCH TERM SHALL SPECIFICALLY
16 INCLUDE, BUT SHALL NOT BE LIMITED TO, MEMBERS OF THE NATIONAL
17 GUARD, AS DEFINED IN 10 U.S.C. § 101(9), MEMBERS OF THE
18 ORGANIZED MILITIA OF ANY STATE OR TERRITORY OF THE UNITED
19 STATES, THE COMMONWEALTH OF PUERTO RICO OR THE DISTRICT OF
20 COLUMBIA, NOT INCLUDED WITHIN THE DEFINITION OF NATIONAL GUARD
21 AS DEFINED BY 10 U.S.C. § 101(9) AND MEMBERS OF THE ARMED FORCES
22 OF THE UNITED STATES.

23 (B) PROHIBITED TRAINING.--

24 (1) WHOEVER TEACHES OR DEMONSTRATES TO ANY OTHER PERSON
25 THE USE, APPLICATION OR MAKING OF ANY FIREARM, EXPLOSIVE OR
26 INCENDIARY DEVICE OR TECHNIQUE CAPABLE OF CAUSING INJURY OR
27 DEATH TO PERSONS, KNOWING OR HAVING REASON TO KNOW OR
28 INTENDING THAT SAME WILL BE UNLAWFULLY EMPLOYED FOR USE IN,
29 OR IN FURTHERANCE OF, A CIVIL DISORDER COMMITS A MISDEMEANOR
30 OF THE FIRST DEGREE.

1 (2) WHOEVER ASSEMBLES WITH ONE OR MORE PERSONS FOR THE
2 PURPOSE OF TRAINING WITH, PRACTICING WITH OR BEING INSTRUCTED
3 IN THE USE OF ANY FIREARM, EXPLOSIVE OR INCENDIARY DEVICE OR
4 TECHNIQUE CAPABLE OF CAUSING INJURY OR DEATH TO PERSONS,
5 INTENDING TO EMPLOY UNLAWFULLY THE SAME FOR USE IN OR IN
6 FURTHERANCE OF A CIVIL DISORDER COMMITS A MISDEMEANOR OF THE
7 FIRST DEGREE.

8 (C) EXEMPTIONS.--NOTHING CONTAINED IN THIS ACT SHALL MAKE
9 UNLAWFUL ANY ACT OF ANY LAW ENFORCEMENT OFFICER WHICH IS
10 PERFORMED IN THE LAWFUL PERFORMANCE OF HIS OFFICIAL DUTIES.

11 (D) EXCLUDED ACTIVITIES.--NOTHING CONTAINED IN THE ACT SHALL
12 MAKE UNLAWFUL ANY ACTIVITY OF THE GAME COMMISSION, FISH
13 COMMISSION, OR ANY LAW ENFORCEMENT AGENCY, OR ANY HUNTING CLUB,
14 RIFLE CLUB, RIFLE RANGE, PISTOL RANGE, SHOOTING RANGE OR OTHER
15 PROGRAM INTENDED TO TEACH THE SAFE HANDLING OR USE OF FIREARMS,
16 ARCHERY EQUIPMENT OR OTHER WEAPONS OR TECHNIQUES EMPLOYED IN
17 CONNECTION WITH LAWFUL SPORTS OR OTHER LAWFUL ACTIVITIES.

18 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.