

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 145 Session of
1993

INTRODUCED BY TANGRETTI, BAKER, PESCI, REBER, MELIO, KELLER,
MARSICO, MIHALICH, BELARDI, GIGLIOTTI, TIGUE, FAJT, DALEY,
COLAIZZO, MUNDY, LAUGHLIN, CLARK, BATTISTO, BELFANTI,
ROBERTS, SAYLOR, WOZNIAK, OLASZ, BUSH, KASUNIC, HASAY,
McCALL, TRELLO, ROONEY, PISTELLA, STABACK, JOSEPHS, RITTER,
CAPPABIANCA, ARMSTRONG, GEIST, STETLER, DeLUCA, COY, KING,
MAITLAND, ULIANA, YEWIC AND GORDNER, FEBRUARY 1, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 21, 1993

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting the possession of a
3 firearm or other dangerous weapon in a court facility; AND <—
4 FURTHER PROVIDING FOR REGULATIONS ON CRIMINAL HISTORY RECORD
5 INFORMATION.

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

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

10 § 913. Possession of firearm or other dangerous weapon in court
11 facility.

12 (a) Offense defined.--A person commits an offense if he:

13 (1) knowingly possesses a firearm or other dangerous
14 weapon in a court facility or knowingly causes a firearm or
15 other dangerous weapon to be present in a court facility; or

16 (2) knowingly possesses a firearm or other dangerous

1 weapon in a court facility with the intent that the firearm
2 or other dangerous weapon be used in the commission of a
3 crime or knowingly causes a firearm or other dangerous weapon
4 to be present in a court facility with the intent that the
5 firearm or other dangerous weapon be used in the commission
6 of a crime.

7 (b) Grading.--

8 (1) Except as otherwise provided in paragraph (3), an
9 offense under subsection (a)(1) is a misdemeanor of the third
10 degree.

11 (2) An offense under subsection (a)(2) is a misdemeanor
12 of the first degree.

13 (3) An offense under subsection (a)(1) is a summary
14 offense if the person was carrying a firearm under section
15 6106(b) (relating to firearms not to be carried without
16 license) or 6109 (relating to licenses) and failed to check
17 the firearm under subsection (e) prior to entering the court
18 facility.

19 (c) Exceptions.--Subsection (a) shall not apply:

20 (1) To the lawful performance of official duties by an
21 officer, agent or employee of the United States, the
22 Commonwealth or a political subdivision who is authorized by
23 law to engage in or supervise the prevention, detection,
24 investigation or prosecution of any violation of law.

25 (2) To the lawful performance of official duties by a
26 court official.

27 (3) To the carrying of rifles and shotguns by
28 instructors and participants in a course of instruction
29 provided by the Pennsylvania Game Commission under 34 Pa.C.S.
30 § 2704 (relating to eligibility for license).

1 (4) TO ASSOCIATIONS OF VETERAN SOLDIERS AND THEIR
2 AUXILIARIES OR MEMBERS OF ORGANIZED ARMED FORCES OF THE
3 UNITED STATES OR THE COMMONWEALTH, INCLUDING RESERVE
4 COMPONENTS, WHEN ENGAGED IN THE PERFORMANCE OF CEREMONIAL
5 DUTIES WITH COUNTY APPROVAL.

6 (d) Posting of notice.--Notice of the provisions of
7 subsection (a) shall be posted conspicuously at each public
8 entrance to each courthouse or other building containing a court
9 facility and each court facility, and no person shall be
10 convicted of an offense under subsection (a) with respect to a
11 court facility if the notice was not so posted at the courthouse
12 or other building containing a court facility and at the court
13 facility, unless the person had actual notice of the provisions
14 of subsection (a).

15 (e) Facilities for checking firearms.--Each county shall
16 make available at or near the main entrance to the courthouse,
17 lockers or similar facilities for the temporary checking of
18 firearms by persons carrying firearms under section 6106(b) or
19 6109.

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

23 "Court facility." The courtroom of a court of record; a
24 courtroom of a community court; the courtroom of a district
25 justice; a courtroom of the Philadelphia Municipal Court; a
26 courtroom of the Pittsburgh Magistrates Court; a courtroom of
27 the Traffic Court of Philadelphia; judge's chambers; witness
28 room; jury deliberation rooms; attorney conference rooms;
29 prisoner holding cells; offices of court clerks, the district
30 attorney, the sheriff and probation and parole officers; and any

1 adjoining corridors.

2 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,
3 metal knuckles, dagger, knife, razor or cutting instrument, the
4 blade of which is exposed in an automatic way by switch, push-
5 button, spring mechanism or otherwise, or other implement for
6 the infliction of serious bodily injury which serves no common
7 lawful purpose.

8 "Firearm." Any weapon, including a starter gun, which will
9 or is designed to expel a projectile or projectiles by the
10 action of an explosion, expansion of gas or escape of gas. The
11 term shall not include any device designed or used exclusively
12 for the firing of stud cartridges, explosive rivets or similar
13 industrial ammunition.

14 SECTION 2. SECTION 9121(B)(1) OF TITLE 18 IS AMENDED TO
15 READ:

16 § 9121. GENERAL REGULATIONS.

17 * * *

18 (B) DISSEMINATION TO NONCRIMINAL JUSTICE AGENCIES AND
19 INDIVIDUALS.--CRIMINAL HISTORY RECORD INFORMATION SHALL BE
20 DISSEMINATED BY A STATE OR LOCAL POLICE DEPARTMENT TO ANY
21 INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY ONLY UPON REQUEST:

22 (1) A FEE MAY BE CHARGED BY A STATE OR LOCAL POLICE
23 DEPARTMENT FOR EACH REQUEST FOR CRIMINAL HISTORY RECORD
24 INFORMATION BY AN INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY.
25 NO FEE MAY BE CHARGED FOR A REQUEST FOR INFORMATION IN
26 CONNECTION WITH AN INDIVIDUAL WHO IS A MEMBER OF AN
27 INDEPENDENT, NONPROFIT EMERGENCY MEDICAL SERVICE.

28 * * *

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