

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1603

 Session of
2001

INTRODUCED BY STABACK, BELFANTI, ALLEN, BUXTON, CALTAGIRONE,
CORRIGAN, CRUZ, EACHUS, GRUCELA, HARHAI, HENNESSEY, HORSEY,
LaGROTTA, McCALL, MELIO, NAILOR, ROBINSON, ROONEY, SHANER,
B. SMITH, SOLOBAY, STEELMAN, SURRA, THOMAS, TIGUE, WALKO,
WANSACZ, WASHINGTON AND WOJNAROSKI, MAY 17, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2001

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, providing for paintball guns and~~
3 ~~markers.~~
4 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—
5 CONSOLIDATED STATUTES, PROVIDING FOR UNLAWFUL CARRYING OF
6 PAINTBALL GUNS AND MARKERS IN VEHICLES.

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

9 ~~Section 1. Section 6102 of Title 18 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended by adding definitions to read:~~
11 ~~§ 6102. Definitions.~~

12 ~~Subject to additional definitions contained in subsequent~~
13 ~~provisions of this subchapter which are applicable to specific~~
14 ~~provisions of this subchapter, the following words and phrases,~~
15 ~~when used in this subchapter shall have, unless the context~~
16 ~~clearly indicates otherwise, the meanings given to them in this~~
17 ~~section:~~

18 * * *

1 ~~"Paintball gun." A device designed and manufactured to~~
2 ~~propel, by gas or air, an encapsulated gelatin paintball.~~

3 ~~"Paintball marker." A device designed and manufactured to~~
4 ~~propel, by gas or air, an encapsulated gelatin paintball.~~

5 * * *

6 Section 2. ~~Section 6106.1 of Title 18 is amended by adding a~~
7 ~~subsection to read:~~

8 ~~§ 6106.1. Carrying loaded weapons other than firearms.~~

9 * * *

10 ~~(a.1) Paintball guns and paintball markers.~~

11 ~~(1) Except as set forth in paragraph (2), an individual~~
12 ~~may not carry a paintball gun or a paintball marker in a~~
13 ~~vehicle unless one of the following apply:~~

14 ~~(i) The paintball gun or paintball marker is~~
15 ~~disassembled so that the propellant cannister is separate~~
16 ~~from the rest of the device.~~

17 ~~(ii) The propellant cannister of the paintball gun~~
18 ~~or paintball marker has been emptied of its gas or air~~
19 ~~propellant.~~

20 ~~(2) Paragraph (1) does not apply to a commercial~~
21 ~~paintball field, range or course where passengers are being~~
22 ~~transported by the commercial field, range or course operator~~
23 ~~to and from designated player areas.~~

24 * * *

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

26 SECTION 1. TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED
27 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

28 § 2707.1. PAINTBALL GUNS AND PAINTBALL MARKERS.

29 (A) UNLAWFUL CARRYING IN VEHICLE.--

30 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AN INDIVIDUAL

1 MAY NOT CARRY A PAINTBALL GUN OR A PAINTBALL MARKER IN A
2 VEHICLE UNLESS ONE OF THE FOLLOWING APPLY:

3 (I) THE PAINTBALL GUN OR PAINTBALL MARKER IS
4 DISASSEMBLED SO THAT THE PROPELLANT CANNISTER IS SEPARATE
5 FROM THE REST OF THE DEVICE AND THE DEVICE IS EMPTY OF
6 ENCAPSULATED GELATIN PAINTBALLS.

7 (II) THE PROPELLANT CANNISTER OF THE PAINTBALL GUN
8 OR PAINTBALL MARKER HAS BEEN EMPTIED OF ITS GAS OR AIR
9 PROPELLANT AND THE DEVICE IS EMPTY OF ENCAPSULATED
10 GELATIN PAINTBALLS.

11 (2) PARAGRAPH (1) DOES NOT APPLY TO A COMMERCIAL
12 PAINTBALL FIELD, RANGE OR COURSE WHERE PASSENGERS ARE BEING
13 TRANSPORTED BY THE COMMERCIAL FIELD, RANGE OR COURSE OPERATOR
14 TO AND FROM DESIGNATED PLAYER AREAS.

15 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A
16 SUMMARY OFFENSE.

17 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
18 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
19 SUBSECTION:

20 "PAINTBALL GUN." A DEVICE DESIGNED AND MANUFACTURED TO
21 PROPEL, BY GAS OR AIR, AN ENCAPSULATED GELATIN PAINTBALL.

22 "PAINTBALL MARKER." A DEVICE DESIGNED AND MANUFACTURED TO
23 PROPEL, BY GAS OR AIR, AN ENCAPSULATED GELATIN PAINTBALL.

24 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.