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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 3006 Session of  
2002

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INTRODUCED BY FREEMAN, M. WRIGHT, FRANKEL, CURRY, BELFANTI,  
D. EVANS, HORSEY, JOSEPHS, LAUGHLIN, LESCOVITZ, MELIO,  
PISTELLA, J. WILLIAMS AND YOUNGBLOOD, NOVEMBER 25, 2002

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 2002

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities  
2 Generally) of the Pennsylvania Consolidated Statutes,  
3 providing for the offense of possession of firearms or other  
4 dangerous weapons in municipal facility; and authorizing  
5 ordinances to prohibit possession of firearms or other  
6 dangerous weapons in municipal facilities.

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

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

11 § 914. Possession of firearm or other dangerous weapon in  
12 municipal facility.

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

14 (1) knowingly possesses a firearm or other dangerous  
15 weapon in a municipal facility or knowingly causes a firearm  
16 or other dangerous weapon to be present in a municipal  
17 facility in violation of an ordinance adopted under 53  
18 Pa.C.S. § 1371 (relating to possession of firearm or other  
19 dangerous weapon in municipal facility); or

1           (2) knowingly possesses a firearm or other dangerous  
2 weapon in a municipal facility in violation of an ordinance  
3 adopted under 53 Pa.C.S. § 1371 with the intent that the  
4 firearm or other dangerous weapon be used in the commission  
5 of a crime or knowingly causes a firearm or other dangerous  
6 weapon to be present in a municipal facility with the intent  
7 that the firearm or other dangerous weapon be used in the  
8 commission of a crime.

9           (b) Grading.--

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

13           (2) An offense under subsection (a)(2) is a misdemeanor  
14 of the first degree.

15           (3) An offense under subsection (a)(1) is a summary  
16 offense if the person was carrying a firearm under section  
17 6106(b) (relating to firearms not to be carried without a  
18 license) or 6109 (relating to licenses) and failed to check  
19 the firearm in a locker or similar facility made available by  
20 the municipality prior to entering the municipal facility.

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

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

27           (2) The lawful performance of official duties by a  
28 municipal official.

29           (3) The carrying of rifles and shotguns by instructors  
30 and participants in a course of instruction provided by the

1 Pennsylvania Game Commission under 34 Pa.C.S. § 2704  
2 (relating to eligibility for license).

3 (4) Associations of veteran soldiers and their  
4 auxiliaries or members of organized armed forces of the  
5 United States or the Commonwealth, including reserve  
6 components, when engaged in the performance of ceremonial  
7 duties with municipal approval.

8 (d) Posting of notice.--No person shall be convicted of an  
9 offense under subsection (a)(1) with respect to a municipal  
10 facility, if the notice required under 53 Pa.C.S. § 1371 was not  
11 posted at each public entrance to the building containing a  
12 municipal facility and at the municipal facility unless the  
13 person had actual notice of the provisions of subsection (a).

14 (e) Definitions.--As used in this section, the following  
15 words and phrases shall have the meanings given to them in this  
16 subsection:

17 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,  
18 metal knuckles, dagger, knife (the blade of which is exposed in  
19 an automatic way by switch, push-button, spring mechanism or  
20 otherwise) or other implement for the infliction of serious  
21 bodily injury which serves no common lawful purpose.

22 "Firearm." Any weapon, including a starter gun, which will  
23 or is designed to expel a projectile or projectiles by the  
24 action of an explosion, expansion of gas or escape of gas. The  
25 term does not include any device designed or used exclusively  
26 for the firing of stud cartridges, explosive rivets or similar  
27 industrial ammunition.

28 "Municipal facility." A premises owned, leased or controlled  
29 by a municipality.

30 Section 2. Chapter 13 of Title 53 is amended by adding a

1 subchapter to read:

2 SUBCHAPTER E

3 ORDINANCES

4 Sec.

5 1371. Possession of firearm or other dangerous weapon in  
6 municipal facility.

7 § 1371. Possession of firearm or other dangerous weapon in  
8 municipal facility.

9 (a) General rule.--A municipality may adopt an ordinance  
10 that prohibits any person from possessing a firearm or other  
11 dangerous weapon in a municipal facility or causing a firearm or  
12 other dangerous weapon to be present in a municipal facility.

13 (b) Penalties.--A person who violates an ordinance adopted  
14 under this section is subject to the provisions of 18 Pa.C.S. §  
15 914 (relating to possession of firearm or other dangerous weapon  
16 in municipal facility).

17 (c) Exceptions.--No ordinance adopted under this section  
18 shall apply to:

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

24 (2) The lawful performance of official duties by a  
25 municipal official.

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

30 (4) Associations of veteran soldiers and their

1 auxiliaries or members of organized armed forces of the  
2 United States or the Commonwealth, including reserve  
3 components, when engaged in the performance of ceremonial  
4 duties with municipal approval.

5 (d) Posting of notice.--In any municipality that adopts an  
6 ordinance under subsection (a), notice of the provisions of  
7 subsections (a) and (e) shall be posted conspicuously at each  
8 public entrance to each building containing a municipal facility  
9 and each municipal facility.

10 (e) Facilities for checking firearms or other dangerous  
11 weapons.--Each governing body that adopts an ordinance under  
12 subsection (a) shall make available at or within the building  
13 containing a municipal facility, lockers or similar facilities  
14 at no charge or cost for the temporary checking of firearms by  
15 persons carrying firearms or for the checking of other dangerous  
16 weapons that are not otherwise prohibited by law. Any individual  
17 checking a firearm, dangerous weapon or an item deemed to be a  
18 dangerous weapon at a municipal facility must be issued a  
19 receipt. Notice of the location of the lockers or similar  
20 facilities shall be posted as required under subsection (d).

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

24 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,  
25 metal knuckles, dagger, knife (the blade of which is exposed in  
26 an automatic way by switch, push-button, spring mechanism or  
27 otherwise) or other implement for the infliction of serious  
28 bodily injury which serves no common lawful purpose.

29 "Firearm." Any weapon, including a starter gun, which will  
30 or is designed to expel a projectile or projectiles by the

1 action of an explosion, expansion of gas or escape of gas. The  
2 term does not include any device designed or used exclusively  
3 for the firing of stud cartridges, explosive rivets or similar  
4 industrial ammunition.

5 "Municipal facility." A premises owned, leased or controlled  
6 by a municipality.

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