

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1686 Session of
2005

INTRODUCED BY STAIRS, BELFANTI, CALTAGIRONE, CREIGHTON,
DENLINGER, FABRIZIO, FAIRCHILD, GEIST, GODSHALL, HARRIS,
HENNESSEY, LEH, McILHATTAN, PETRARCA, SHANER, STABACK, SURRA,
GERGELY, HARPER AND ROSS, JUNE 8, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 1, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the ~~offense of~~ <—
3 OFFENSES OF PAINTBALL GUNS AND PAINTBALL MARKERS, CRIMINAL <—
4 MISCHIEF AND sale and use of air rifles.

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

7 ~~Section 1. Section 6304(g) of Title 18 of the Pennsylvania~~ <—
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 2707.2, 3304(A) AND 6304(G) OF TITLE 18 <—
10 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 2707.2. PAINTBALL GUNS AND PAINTBALL MARKERS.

12 (A) UNLAWFUL CARRYING IN VEHICLE.--

13 (1) EXCEPT AS SET FORTH IN PARAGRAPH (2), AN INDIVIDUAL
14 MAY NOT CARRY A PAINTBALL GUN OR A PAINTBALL MARKER IN A
15 VEHICLE ON A HIGHWAY UNLESS [ONE OF THE FOLLOWING APPLY:

16 (I) THE PAINTBALL GUN OR PAINTBALL MARKER IS

17 DISASSEMBLED SO THAT THE PROPELLANT CANISTER IS SEPARATE

1 FROM THE REST OF THE DEVICE AND THE DEVICE IS EMPTY OF
2 ENCAPSULATED GELATIN PAINTBALLS.

3 (II) THE PROPELLANT CANISTER OF THE PAINTBALL GUN OR
4 PAINTBALL MARKER HAS BEEN EMPTIED OF ITS GAS OR AIR
5 PROPELLANT AND THE DEVICE IS EMPTY OF ENCAPSULATED
6 GELATIN PAINTBALLS.] THE DEVICE IS EMPTY OF ENCAPSULATED
7 GELATIN PAINTBALLS AND THE PROPELLANT SOURCE OR CANISTER
8 ON THE PAINTBALL GUN OR PAINTBALL MARKER IS DISABLED OR
9 TURNED OFF.

10 (1.1) AN INDIVIDUAL MAY NOT CARRY PAINTBALLS IN A
11 VEHICLE ON A HIGHWAY UNLESS THE PAINTBALLS ARE STORED IN A
12 SEPARATE AND SEALED CONTAINER.

13 (2) [PARAGRAPH (1) DOES] PARAGRAPHS (1) AND (1.1) DO NOT
14 APPLY TO A COMMERCIAL PAINTBALL FIELD, RANGE OR COURSE WHERE
15 PASSENGERS ARE BEING TRANSPORTED BY THE COMMERCIAL FIELD,
16 RANGE OR COURSE OPERATOR TO AND FROM DESIGNATED PLAYER AREAS.

17 (A.1) UNLAWFUL DISCHARGE OF PAINTBALL GUN OR PAINTBALL
18 MARKER.--AN INDIVIDUAL MAY NOT DISCHARGE OR FIRE A PAINTBALL GUN
19 OR PAINTBALL MARKER AT A PERSON WHO IS NOT PARTICIPATING IN
20 PAINTBALL GAMES OR PAINTBALL-RELATED RECREATIONAL ACTIVITIES.

21 (A.2) UNLAWFUL SALE OF A PAINTBALL GUN OR PAINTBALL MARKER
22 TO MINOR.--A PERSON MAY NOT INTENTIONALLY AND KNOWINGLY SELL A
23 PAINTBALL GUN OR PAINTBALL MARKER TO AN INDIVIDUAL UNDER 18
24 YEARS OF AGE UNLESS:

25 (1) THE PARENT OR LEGAL GUARDIAN OF THE INDIVIDUAL IS
26 PRESENT; OR

27 (2) THE PERSON CONTACTS THE PARENT OR LEGAL GUARDIAN OF
28 THE INDIVIDUAL PRIOR TO THE SALE.

29 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A
30 SUMMARY OFFENSE.

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

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

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

§ 3304. CRIMINAL MISCHIEF.

(A) OFFENSE DEFINED.--A PERSON IS GUILTY OF CRIMINAL MISCHIEF IF HE:

(1) DAMAGES TANGIBLE PROPERTY OF ANOTHER INTENTIONALLY, RECKLESSLY, OR BY NEGLIGENCE IN THE EMPLOYMENT OF FIRE, EXPLOSIVES, OR OTHER DANGEROUS MEANS LISTED IN SECTION 3302(A) OF THIS TITLE (RELATING TO CAUSING OR RISKING CATASTROPHE);

(2) INTENTIONALLY OR RECKLESSLY TAMPERS WITH TANGIBLE PROPERTY OF ANOTHER SO AS TO ENDANGER PERSON OR PROPERTY;

(3) INTENTIONALLY OR RECKLESSLY CAUSES ANOTHER TO SUFFER PECUNIARY LOSS BY DECEPTION OR THREAT;

(4) INTENTIONALLY DEFACES OR OTHERWISE DAMAGES TANGIBLE PUBLIC PROPERTY OR TANGIBLE PROPERTY OF ANOTHER WITH GRAFFITI BY USE OF ANY AEROSOL SPRAY-PAINT CAN, BROAD-TIPPED INDELIBLE MARKER OR SIMILAR MARKING DEVICE; [OR]

(5) INTENTIONALLY DAMAGES REAL OR PERSONAL PROPERTY OF ANOTHER[.]; OR

(6) INTENTIONALLY DEFACES PERSONAL, PRIVATE OR PUBLIC PROPERTY BY DISCHARGING A PAINTBALL GUN OR PAINTBALL MARKER AT THAT PROPERTY.

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§ 6304. Sale and use of air rifles.

1 * * *

2 (g) Definitions.--As used in this section the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Air [rifles] rifle." Any air gun, air pistol, spring gun,
6 spring pistol, B-B gun, or any implement that is not a firearm,
7 which impels a pellet of any kind with a force that can
8 reasonably be expected to cause bodily harm. The term does not
9 include a paintball gun or paintball marker as defined in
10 section 2707.2 (relating to paintball guns and paintball
11 markers).

12 "Dealer." Any person engaged in the business of selling at
13 retail or renting any air rifles.

14 Section 2. This act shall take effect in 60 days.