INTRODUCED BY REED, BARRAR, ROTHMAN, RYAN, M. K. KELLER, READSHAW, TOPPER, THOMAS, METCALFE, HAGGERTY, SNYDER, ENGLISH, MARSHALL, COX, STAATS, BURNS, GROVE, MILLARD, SAYLOR, OBERLANDER, HILL-EVANS, WARD, DeLUCA, SANKEY, A. HARRIS, GOODMAN, LAWRENCE AND WATSON, JUNE 8, 2018

AN ACT

Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, further providing for weapons or implements for escape; and, in miscellaneous provisions, further providing for contraband prohibited.

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

Section 1.  Section 5122(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5122.  Weapons or implements for escape.

(a) Offenses defined.--

(1) Except as provided under 61 Pa.C.S. § 5902(e.1) (relating to contraband prohibited), a person commits a misdemeanor of the first degree if he unlawfully introduces within a detention facility, correctional institution or mental hospital, or unlawfully provides an inmate thereof with any weapon, tool, implement, or other thing which may be used for escape.
An inmate commits a misdemeanor of the first degree if he unlawfully procures, makes or otherwise provides him with, or unlawfully has in his possession or under his control, any weapon, tool, implement or other thing which may be used for escape.

Section 2. Section 5902(e) of Title 61 is amended and the section is amended by adding a subsection to read:

§ 5902. Contraband prohibited.

(e) Weapons.--No weapon or other implement which may be used to injure an inmate or person or in assisting an inmate to escape from imprisonment shall:

(1) be sold, given away or furnished to an inmate in any correctional institution or any building appurtenant thereto or on the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates;

(2) except as provided under subsection (e.1), be brought into any correctional institution or any building appurtenant thereto or on to the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates; or

(3) be sold, given away or furnished, either directly or indirectly, to an inmate, either in or anywhere outside of the correctional institution, or be disposed of in such a manner or in such a place that it may be secured by an inmate in the correctional institution.

(e.1) Correctional officers.--

(1) The following apply:

(i) A correctional officer employed at or assigned
to a State correctional institution may carry or store
one lawfully owned and transported firearm and ammunition
in a vehicle located at a specified location outside of
the State correctional institution upon providing advance
written notice to the chief administrator of the State
correctional institution.

(ii) If a correctional officer carries or stores a
firearm and ammunition under subparagraph (i), the
correctional officer shall comply with all applicable
laws governing the use, possession and carrying of
firearms and ammunition and all policies of the
department.

(iii) A chief administrator who has received written
notice under subparagraph (i) from a correctional officer
may deny or revoke the ability of the correctional
officer to carry or store a firearm and ammunition under
paragraph (1) in writing.

(iv) A correctional officer may not carry or store a
firearm under subparagraph (i) if the vehicle also
contains prohibited ammunition suitable for the firearm.

(2) The following words and phrases when used in this
subsection shall have the meanings given to them in this
paragraph unless the context clearly indicates otherwise:

"Firearm." A pistol or revolver with a barrel length
less than eight inches as determined by measuring from the
muzzle of the barrel to the face of the closed action or
cylinder, whichever is applicable.

"Prohibited ammunition." A bullet or projectile which,
if fired from a firearm as defined in 18 Pa.C.S. § 6102
(refering to definitions) under the test procedure of the
National Institute of Justice for the Ballistic Resistance of Body Armor published July 2008, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIIA of Standard NIJ Standard-0101.06 as formulated by the United States Department of Justice.

* * *

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