

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 544

Session of
1979

INTRODUCED BY O'PAKE, REIBMAN, FUMO, MELLOW, JUBELIRER,
LEWIS, TILGHMAN, LYNCH, MESSINGER, HOPPER, LOEPER,
ORLANDO, MOORE, PECORA, STAPLETON, HESS, CORMAN, DWYER,
PRICE, O'CONNELL, GEKAS, GREENLEAF, ANDREWS, GURZENDA AND
HAGER, MARCH 27, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 13, 1980

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further PROVIDING CRIMINAL PENALTIES <—
3 FOR CARRYING WEAPONS ON SCHOOL PROPERTY AND defining
4 aggravated assault and increasing the grading for certain
5 types of aggravated assault on a second and subsequent
6 conviction AND AUTHORIZING PROSECUTION FOR OBSCENITY <—
7 VIOLATIONS WHETHER OR NOT THE ACTIVITY IS ENJOINED.

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

10 SECTION 1. TITLE 18, ACT OF NOVEMBER 25, 1970 (P.L.707, <—
11 NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES IS
12 AMENDED BY ADDING A SECTION TO READ:

13 § 912. POSSESSION OF WEAPON ON SCHOOL PROPERTY.

14 (A) DEFINITION.--NOTWITHSTANDING THE DEFINITION OF "WEAPON"
15 IN SECTION 907, "WEAPON" FOR PURPOSES OF THIS SECTION SHALL
16 INCLUDE BUT NOT BE LIMITED TO ANY KNIFE, CUTTING INSTRUMENT,
17 CUTTING TOOL, NUNCHACKU STICK, FIREARM, SHOTGUN, RIFLE, AND ANY
18 OTHER TOOL, INSTRUMENT OR IMPLEMENT CAPABLE OF INFLECTING

1 SERIOUS BODILY INJURY.

2 (B) OFFENSE DEFINED.--A PERSON COMMITS A MISDEMEANOR OF THE
3 FIRST DEGREE IF HE POSSESSES A WEAPON IN THE BUILDINGS OF, ON
4 THE GROUNDS OF, OR IN ANY CONVEYANCE PROVIDING TRANSPORTATION TO
5 OR FROM ANY ELEMENTARY OR SECONDARY PUBLICLY-FUNDED EDUCATIONAL
6 INSTITUTION, ANY ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED
7 BY THE DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY
8 PAROCHIAL SCHOOL.

9 (C) DEFENSE.--IT SHALL BE A DEFENSE THAT THE WEAPON IS
10 POSSESSED AND USED IN CONJUNCTION WITH A LAWFUL SUPERVISED
11 SCHOOL ACTIVITY OR COURSE OR IS POSSESSED FOR OTHER LAWFUL
12 PURPOSE.

13 Section ± 2. Section 2702 AND SUBSECTION (H) OF SECTION 5903 <—
14 of Title 18, ~~act of November 25, 1970 (P.L.707, No.230), known~~ <—
15 ~~as the Pennsylvania Consolidated Statutes, is~~ ARE amended to <—
16 read:

17 § 2702. Aggravated assault.

18 (a) Offense defined.--A person is guilty of aggravated
19 assault if he:

20 (1) attempts to cause serious bodily injury to another,
21 or causes such injury intentionally, knowingly or recklessly
22 under circumstances manifesting extreme indifference to the
23 value of human life;

24 (2) attempts to cause or intentionally, knowingly or
25 recklessly causes serious bodily injury to a police officer
26 making or attempting to make a lawful arrest;

27 (3) attempts to cause or intentionally or knowingly
28 causes bodily injury to a police officer making or attempting
29 to make a lawful arrest; [or]

30 (4) attempts to cause or intentionally or knowingly

causes bodily injury to another with a deadly weapon; or
(5) attempts to cause or intentionally or knowingly
causes bodily injury to a teaching staff member, school board
member, ~~or~~ other employee OR STUDENT of any elementary or
secondary publicly funded educational institution, any
elementary or secondary private school licensed by the
Department of Education or any elementary or secondary
parochial school while acting in the scope of his or her
employment or because of his or her employment relationship
to the school.

(b) Grading.--Aggravated assault under [paragraphs]
subsections (a)(1) and (a)(2) of this section is a felony of the
second degree. Aggravated assault under [paragraphs] subsections
(a)(3), [and] (a)(4) and (a)(5) of this section is a misdemeanor
of the first degree. Whenever any person has been previously
convicted or adjudicated a delinquent in this Commonwealth for
the offense set forth in subsection (a)(5), a subsequent
~~allegation~~ PETITION, indictment or information of aggravated
assault under subsection (a)(5) shall be classified as a felony
of the third degree.

§ 5903. OBSCENE AND OTHER SEXUAL MATERIALS.

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(H) CRIMINAL PROSECUTION [FOR ENJOINED ACTIVITIES].--

(1) ANY PERSON WHO VIOLATES SUBSECTION (A) OR (F) [AS TO
THE MATTERS ENJOINED PURSUANT TO SUBSECTION (G) COMMITS] IS
GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE.

(2) ANY PERSON WHO VIOLATES SUBSECTION (C) OR (D) [AS TO
MATTERS ENJOINED PURSUANT TO SUBSECTION (G) COMMITS] IS
GUILTY OF A MISDEMEANOR OF THE FIRST DEGREE.

(3) ELEMENTS OF THE OFFENSE SHALL BE DETERMINED DE NOVO

1 AT THE CRIMINAL PROCEEDING AND FINDINGS MADE IN THE EQUITY
2 ACTION SHALL NOT BE BINDING IN THE CRIMINAL PROCEEDINGS.

3 * * *

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

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