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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1254 Session of  
1995

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INTRODUCED BY SALVATORE, HELFRICK, HART AND BRIGHTBILL,  
OCTOBER 17, 1995

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 18, 1996

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the offense <—  
3 OFFENSES of possessing instruments of crime ~~AND~~; PROVIDING <—  
4 FOR LIABILITY FOR REIMBURSEMENT OF COSTS FOR OUTSIDE COUNSEL;  
5 AND FURTHER PROVIDING FOR CORRUPTION OF MINORS.

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

8 Section 1. ~~Section 907 SECTIONS 907 AND 6301(A)~~ SECTION 907 <—  
9 of Title 18 of the Pennsylvania Consolidated Statutes ~~is~~ ARE IS <—  
10 amended to read:

11 § 907. Possessing instruments of crime.

12 (a) Criminal instruments generally.--A person commits a  
13 misdemeanor of the first degree if he possesses any instrument  
14 of crime with intent to employ it criminally.

15 (b) Possession of weapon.--A person commits a misdemeanor of  
16 the first degree if he possesses a firearm or other weapon  
17 concealed upon his person with intent to employ it criminally.

18 (c) Unlawful body armor.--A person commits a felony of the

1 third degree if in the course of the commission of a felony, or  
2 in the attempt to commit a felony, he uses or wears body armor  
3 or has in his control, custody or possession any body armor.

4 [(c)] (d) Definitions.--As used in this section, the  
5 following words and phrases shall have the meanings given to  
6 them in this subsection:

7 "Body armor." Any protective covering for the body, or parts  
8 thereof, made of any polyaramid fiber or any resin-treated glass  
9 fiber cloth or any material, or combination of materials, made  
10 or designed to prevent, resist, deflect or deter the penetration  
11 thereof by ammunition, knife, cutting or piercing instrument, or  
12 any other weapon.

13 "Instrument of crime." Any of the following:

14 (1) Anything specially made or specially adapted for  
15 criminal use[; or].

16 (2) [anything] Anything commonly used for criminal  
17 purposes and possessed by the actor under circumstances not  
18 manifestly appropriate for lawful uses it may have.

19 "Weapon." Anything readily capable of lethal use and  
20 possessed under circumstances not manifestly appropriate for  
21 lawful uses which it may have. The term includes a firearm which  
22 is not loaded or lacks a clip or other component to render it  
23 immediately operable, and components which can readily be  
24 assembled into a weapon.

25 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <—

26 § 5303. LIABILITY FOR REIMBURSEMENT OF COSTS FOR OUTSIDE  
27 COUNSEL.

28 (A) GENERAL RULE.--A PUBLIC OFFICIAL WHO IS CONVICTED OF A  
29 FELONY OR A MISDEMEANOR UNDER FEDERAL LAW OR UNDER THE LAWS OF  
30 THIS COMMONWEALTH SHALL BE LIABLE FOR AND SHALL REIMBURSE ANY

1 PUBLIC MONEY EXPENDED BY THE COMMONWEALTH TO COVER THE COSTS  
2 INCURRED BY AN AGENCY FOR OUTSIDE COUNSEL TO DEFEND THE  
3 INTERESTS OF THE AGENCY, ITS OTHER EMPLOYEES OR THE CONVICTED  
4 PUBLIC OFFICIAL IN CONNECTION WITH A CRIMINAL INVESTIGATION AND  
5 PROSECUTION OF SUCH PUBLIC OFFICIAL.

6 (B) CONVICTION IN STATE COURT.--WHEN A PUBLIC OFFICIAL IS  
7 CONVICTED OF A FELONY OR MISDEMEANOR IN STATE COURT, THE COURT  
8 SHALL, IN ADDITION TO THE PUNISHMENT PRESCRIBED FOR THE OFFENSE,  
9 ORDER THE PUBLIC OFFICIAL TO REIMBURSE ANY PUBLIC MONEY FOR  
10 WHICH HE IS LIABLE UNDER SUBSECTION (A).

11 (C) CONVICTION IN FEDERAL COURT.--WHEN A PUBLIC OFFICIAL IS  
12 CONVICTED OF A FELONY OR MISDEMEANOR IN A FEDERAL COURT, THE  
13 ATTORNEY GENERAL SHALL INSTITUTE A CIVIL ACTION IN COMMONWEALTH  
14 COURT TO RECOVER THE PUBLIC MONEY FOR WHICH THE PUBLIC OFFICIAL  
15 IS LIABLE UNDER SUBSECTION (A).

16 (D) METHOD OF REIMBURSEMENT.--THE COURT MAY ORDER THE PUBLIC  
17 OFFICIAL TO MAKE REIMBURSEMENT OF PUBLIC MONEY IN A LUMP SUM, BY  
18 MONTHLY INSTALLMENTS OR ACCORDING TO SUCH OTHER SCHEDULE AS THE  
19 COURT MAY DETERMINE APPROPRIATE. THE PERIOD OF TIME DURING WHICH  
20 THE PUBLIC OFFICIAL IS ORDERED TO MAKE SUCH REIMBURSEMENT MAY  
21 EXCEED THE MAXIMUM TERM OF IMPRISONMENT TO WHICH THE PUBLIC  
22 OFFICIAL COULD HAVE BEEN SENTENCED FOR THE CRIME OF WHICH HE WAS  
23 CONVICTED.

24 (E) STATUS OF REIMBURSEMENT.--ANY REIMBURSEMENT OF PUBLIC  
25 MONEY ORDERED BY THE COURT UNDER THIS SECTION SHALL BE A  
26 JUDGMENT IN FAVOR OF THE COMMONWEALTH UPON THE PUBLIC OFFICIAL  
27 OR PROPERTY OF THE PUBLIC OFFICIAL ORDERED TO MAKE  
28 REIMBURSEMENT. THE ATTORNEY GENERAL SHALL BE RESPONSIBLE FOR  
29 ENFORCING SUCH JUDGMENT IN COURTS OF COMPETENT JURISDICTION IN  
30 ACCORDANCE WITH PROVISIONS OF THIS TITLE.



1 TRUANCY COMMITS A SUMMARY OFFENSE. ANY PERSON WHO VIOLATES  
2 THIS PARAGRAPH WITHIN ONE YEAR OF THE DATE OF A FIRST  
3 CONVICTION UNDER THIS SECTION COMMITS A MISDEMEANOR OF THE  
4 THIRD DEGREE. A CONVICTION UNDER THIS PARAGRAPH SHALL NOT,  
5 HOWEVER, CONSTITUTE A PROHIBITION UNDER § 6105 (RELATING TO  
6 PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL, SELL OR  
7 TRANSFER FIREARMS).

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9 Section 2 4. This act shall take effect in 60 days.

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