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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1907** Session of  
1985

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INTRODUCED BY TRELLO, CHADWICK, CORNELL, FATTAH, MAIALE,  
PETRONE, PRESTON, BOYES, DeLUCA, FOX AND MICHLOVIC,  
NOVEMBER 20, 1985

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REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 20, 1985

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for the categorization of  
3 stun guns as prohibited offensive weapons.

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

6 Section 1. Section 908 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 908. Prohibited offensive weapons.

9 (a) Offense defined.--A person commits a misdemeanor of the  
10 first degree if, except as authorized by law, he makes repairs,  
11 sells, or otherwise deals in, uses, or possesses any offensive  
12 weapon.

13 (b) Exceptions.--

14 (1) It is a defense under this section for the defendant  
15 to prove by a preponderance of evidence that he possessed or  
16 dealt with the weapon solely as a curio or in a dramatic  
17 performance, or that, with the exception of a bomb, grenade  
18 or incendiary device, he complied with the National Firearms

1 Act (26 U.S.C. § 5801 et seq.), or that he possessed it  
2 briefly in consequence of having found it or taken it from an  
3 aggressor, or under circumstances similarly negating any  
4 intent or likelihood that the weapon would be used  
5 unlawfully.

6 (2) This section does not apply to police forensic  
7 firearms experts or police forensic firearms laboratories.  
8 Also exempt from this section are forensic firearms experts  
9 or forensic firearms laboratories operating in the ordinary  
10 course of business and engaged in lawful operation who notify  
11 in writing, on an annual basis, the chief or head of any  
12 police force or police department of a city, and, elsewhere,  
13 the sheriff of a county in which they are located, of the  
14 possession, type and use of offensive weapons.

15 (c) Definition.--As used in this section "offensive weapon"  
16 means any bomb, grenade, machine gun, sawed-off shotgun, stun  
17 gun, firearm specially made or specially adapted for concealment  
18 or silent discharge, any blackjack, sandbag, metal knuckles,  
19 dagger, knife, razor or cutting instrument, the blade of which  
20 is exposed in an automatic way by switch, push-button, spring  
21 mechanism, or otherwise, or other implement for the infliction  
22 of serious bodily injury which serves no common lawful purpose.

23 (d) Exemptions.--The use and possession of blackjacks by the  
24 following persons in the course of their duties are exempt from  
25 this section:

26 (1) Police officers, as defined by and who meet the  
27 requirements of the act of June 18, 1974 (P.L.359, No.120),  
28 referred to as the Municipal Police Education and Training  
29 Law.

30 (2) Police officers of first class cities who have

1 successfully completed training which is substantially  
2 equivalent to the program under the Municipal Police  
3 Education and Training Law.

4 (3) Pennsylvania State Police officers.

5 (4) Sheriffs and deputy sheriffs of the various counties  
6 who have satisfactorily met the requirements of the Municipal  
7 Police Education and Training Law.

8 (5) Police officers employed by the Commonwealth who  
9 have satisfactorily met the requirements of the Municipal  
10 Police Education and Training Law.

11 (6) Deputy sheriffs with adequate training as determined  
12 by the Pennsylvania Commission on Crime and Delinquency.

13 (7) Liquor Control Board agents who have satisfactorily  
14 met the requirements of the Municipal Police Education and  
15 Training Law.

16 (e) Stun guns.--For purposes of this section, the term "stun  
17 gun" means a hand held device capable of pumping electric  
18 charges into individuals. The purpose of this weapon is to  
19 momentarily stun or paralyze an individual by passing an  
20 electrical shock to that individual.

21 Section 2. This act shall take effect immediately.

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