

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1254 Session of
1995

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

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

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 (F) DISPOSITION OF FUNDS.--ANY MONEY REIMBURSED OR RECOVERED
2 UNDER THIS SECTION SHALL BE DEPOSITED IN THE FUND FROM WHICH THE
3 COMMONWEALTH EXPENDED SUCH PUBLIC MONEY.

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

7 "CONVICTED." A FINDING OR VERDICT OF GUILTY, AN ADMISSION OF
8 GUILT OR A PLEA OF NOLO CONTENDERE.

9 "PUBLIC MONEY." ANY MONEY RECEIVED BY THE COMMONWEALTH OR
10 ANY AGENCY OF THE COMMONWEALTH THROUGH TAXES IMPOSED PURSUANT TO
11 THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM
12 CODE OF 1971, AND THROUGH FEES, FINES AND PENALTIES IMPOSED
13 PURSUANT TO THE LAWS OF THIS COMMONWEALTH.

14 "PUBLIC OFFICIAL." ANY PERSON WHO IS REQUIRED TO FILE AN
15 ANNUAL STATEMENT OF FINANCIAL INTERESTS WITH THE STATE ETHICS
16 COMMISSION AS A PUBLIC OFFICIAL OF THE COMMONWEALTH IN
17 ACCORDANCE WITH THE ACT OF OCTOBER 4, 1978 (P.L.883, NO.170),
18 REFERRED TO AS THE PUBLIC OFFICIAL AND EMPLOYEE ETHICS LAW.

19 SECTION 3. SECTION 6301(A) OF TITLE 18 IS AMENDED TO READ:

20 § 6301. CORRUPTION OF MINORS.

21 (A) OFFENSE DEFINED.--

22 (1) WHOEVER, BEING OF THE AGE OF 18 YEARS AND UPWARDS,
23 BY ANY ACT CORRUPTS OR TENDS TO CORRUPT THE MORALS OF ANY
24 MINOR LESS THAN 18 YEARS OF AGE, OR WHO AIDS, ABETS, ENTICES
25 OR ENCOURAGES ANY SUCH MINOR IN THE COMMISSION OF ANY CRIME,
26 OR WHO KNOWINGLY ASSISTS OR ENCOURAGES SUCH MINOR IN
27 VIOLATING HIS OR HER PAROLE OR ANY ORDER OF COURT, [IS GUILTY
28 OF] COMMITTS A MISDEMEANOR OF THE FIRST DEGREE.

29 (2) ANY PERSON WHO KNOWINGLY AIDS, ABETS, ENTICES OR
30 ENCOURAGES A MINOR YOUNGER THAN 18 YEARS OF AGE TO COMMIT

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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