

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1254

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 28, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offenses of
3 possessing instruments of crime; providing for liability for
4 reimbursement of costs for outside counsel; ~~and~~ further <—
5 providing for corruption of minors; PERMITTING PERSONS TO <—
6 CONSTRUCT, DELIVER, CONVERT OR REPAIR VESSELS EQUIPPED WITH
7 GAMBLING DEVICES; AND IMPOSING A PENALTY.

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

10 Section 1. Section 907 of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 907. Possessing instruments of crime.

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

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

19 (c) Unlawful body armor.--A person commits a felony of the
20 third degree if in the course of the commission of a felony, or

1 in the attempt to commit a felony, he uses or wears body armor
2 or has in his control, custody or possession any body armor.

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

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

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

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

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

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

24 Section 2. Title 18 is amended by adding a section to read:

25 § 5303. Liability for reimbursement of costs for outside
26 counsel.

27 (a) General rule.--A public official who is convicted of a
28 felony or a misdemeanor under Federal law or under the laws of
29 this Commonwealth shall be liable for and shall reimburse any
30 public money expended by the Commonwealth to cover the costs

1 incurred by an agency for outside counsel to defend the
2 ~~interests of the agency, its other employees or the convicted~~
3 public official in connection with a criminal investigation and
4 prosecution of such public official.

5 (b) Conviction in State court.--When a public official is
6 convicted of a felony or misdemeanor in State court, the court
7 shall, in addition to the punishment prescribed for the offense,
8 order the public official to reimburse any public money for
9 which he is liable under subsection (a).

10 (c) Conviction in Federal court.--When a public official is
11 convicted of a felony or misdemeanor in a Federal court, the
12 Attorney General shall institute a civil action in Commonwealth
13 Court to recover the public money for which the public official
14 is liable under subsection (a).

15 (d) Method of reimbursement.--The court may order the public
16 official to make reimbursement of public money in a lump sum, by
17 monthly installments or according to such other schedule as the
18 court may determine appropriate. The period of time during which
19 the public official is ordered to make such reimbursement may
20 exceed the maximum term of imprisonment to which the public
21 official could have been sentenced for the crime of which he was
22 convicted.

23 (e) Status of reimbursement.--Any reimbursement of public
24 money ordered by the court under this section shall be a
25 judgment in favor of the Commonwealth upon the public official
26 or property of the public official ordered to make
27 reimbursement. The Attorney General shall be responsible for
28 enforcing such judgment in courts of competent jurisdiction in
29 accordance with provisions of this title.

30 (f) Disposition of funds.--Any money reimbursed or recovered

1 under this section shall be deposited in the fund from which the
2 Commonwealth expended such public money.

3 (g) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Convicted." A finding or verdict of guilty, an admission of
7 guilt or a plea of nolo contendere.

8 "Public money." Any money received by the Commonwealth or
9 any agency of the Commonwealth through taxes imposed pursuant to
10 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
11 Code of 1971, and through fees, fines and penalties imposed
12 pursuant to the laws of this Commonwealth.

13 "Public official." Any person who is required to file an
14 annual statement of financial interests with the State Ethics
15 Commission as a public official of the Commonwealth in
16 accordance with the act of October 4, 1978 (P.L.883, No.170),
17 referred to as the Public Official and Employee Ethics Law.

18 SECTION 3. SECTION 5513 OF TITLE 18 IS AMENDED BY ADDING A <—
19 SUBSECTION TO READ:

20 § 5513. GAMBLING DEVICES, GAMBLING, ETC.

21 * * *

22 (D) SHIPBUILDING BUSINESS.--NOTWITHSTANDING ANY OTHER
23 PROVISIONS OF THIS SECTION, A PERSON MAY CONSTRUCT, DELIVER,
24 CONVERT OR REPAIR A VESSEL THAT IS EQUIPPED WITH GAMBLING
25 DEVICES IF ALL OF THE FOLLOWING CONDITIONS ARE SATISFIED:

26 (1) THE WORK PERFORMED ON THE VESSEL IS ORDERED BY A
27 CUSTOMER WHO USES OR POSSESSES THE VESSEL OUTSIDE OF THIS
28 COMMONWEALTH IN A LOCALITY WHERE THE USE OR POSSESSION OF THE
29 GAMBLING DEVICES ON THE VESSEL IS LAWFUL.

30 (2) THE WORK PERFORMED ON THE VESSEL THAT IS EQUIPPED

1 WITH GAMBLING DEVICES IS PERFORMED AT A SHIPBUILDING OR
2 REPAIR YARD LOCATED WITHIN A PORT FACILITY UNDER THE
3 JURISDICTION OF ANY PORT AUTHORITY ORGANIZED UNDER THE ACT OF
4 DECEMBER 6, 1972 (P.L.1392, NO.298), KNOWN AS THE THIRD CLASS
5 CITY PORT AUTHORITY ACT.

6 (3) THE PERSON PROVIDES THE OFFICE OF ATTORNEY GENERAL,
7 PRIOR TO THE IMPORTATION OF THE GAMBLING DEVICES INTO THIS
8 COMMONWEALTH, RECORDS THAT ACCOUNT FOR THE GAMBLING DEVICES,
9 INCLUDING THE IDENTIFICATION NUMBER AFFIXED TO EACH GAMBLING
10 DEVICE BY THE MANUFACTURER AND THAT IDENTIFY THE LOCATION
11 WHERE THE GAMBLING DEVICES WILL BE STORED PRIOR TO THE
12 INSTALLATION OF THE GAMBLING DEVICES ON THE VESSEL.

13 (4) THE PERSON STORES THE GAMBLING DEVICES AT A SECURED
14 LOCATION AND PERMITS ANY PERSON AUTHORIZED TO ENFORCE THE
15 GAMBLING LAWS TO INSPECT THE LOCATION WHERE THE GAMBLING
16 DEVICES ARE STORED AND RECORDS RELATING TO THE STORAGE OF THE
17 GAMBLING DEVICES.

18 (5) IF THE PERSON REMOVES USED GAMBLING DEVICES FROM A
19 VESSEL, THE PERSON SHALL PROVIDE THE OFFICE OF ATTORNEY
20 GENERAL OF PENNSYLVANIA WITH AN INVENTORY OF THE USED
21 GAMBLING DEVICES PRIOR TO THEIR REMOVAL FROM THE VESSEL. THE
22 INVENTORY SHALL INCLUDE THE IDENTIFICATION NUMBER AFFIXED TO
23 EACH GAMBLING DEVICE BY THE MANUFACTURER.

24 (6) THE PERSON SUBMITS DOCUMENTATION TO THE OFFICE OF
25 ATTORNEY GENERAL OF PENNSYLVANIA, NO LATER THAN 30 DAYS AFTER
26 THE DATE OF DELIVERY, THAT THE VESSEL EQUIPPED WITH GAMBLING
27 DEVICES HAS BEEN DELIVERED TO THE CUSTOMER WHO ORDERED THE
28 WORK PERFORMED ON THE VESSEL.

29 (7) THE PERSON DOES NOT SELL A GAMBLING DEVICE TO ANY
30 OTHER PERSON EXCEPT TO A CUSTOMER WHO SHALL USE OR POSSESS

1 THE GAMBLING DEVICE OUTSIDE OF THIS COMMONWEALTH IN A
2 LOCALITY WHERE THE USE OR POSSESSION OF THE GAMBLING DEVICE
3 IS LAWFUL. IF A PERSON SELLS A GAMBLING DEVICE TO SUCH A
4 CUSTOMER, THE PERSON SHALL SUBMIT DOCUMENTATION TO THE OFFICE
5 OF ATTORNEY GENERAL OF PENNSYLVANIA, NO LATER THAN 30 DAYS
6 AFTER THE DATE OF DELIVERY, THAT THE GAMBLING DEVICE HAS BEEN
7 DELIVERED TO THE CUSTOMER.

8 (E) PENALTY.--ANY PERSON WHO FAILS TO PROVIDE RECORDS AS
9 PROVIDED IN SUBSECTION (D) COMMITS A SUMMARY OFFENSE.

10 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM
11 "GAMBLING PLACE" DOES NOT INCLUDE A VESSEL THAT IS IN THE
12 PROCESS OF CONSTRUCTION, DELIVERY, CONVERSION OR REPAIR BY A
13 SHIPBUILDING BUSINESS THAT COMPLIES WITH SUBSECTION (D).

14 Section ~~3~~ 4. Section 6301(a) of Title 18 is amended to read: <—

15 § 6301. Corruption of minors.

16 (a) Offense defined.--

17 (1) Whoever, being of the age of 18 years and upwards,
18 by any act corrupts or tends to corrupt the morals of any
19 minor less than 18 years of age, or who aids, abets, entices
20 or encourages any such minor in the commission of any crime,
21 or who knowingly assists or encourages such minor in
22 violating his or her parole or any order of court, [is guilty
23 of] commits a misdemeanor of the first degree.

24 (2) Any person who knowingly aids, abets, entices or
25 encourages a minor younger than 18 years of age to commit
26 truancy commits a summary offense. Any person who violates
27 this paragraph within one year of the date of a first
28 conviction under this section commits a misdemeanor of the
29 third degree. A conviction under this paragraph shall not,
30 however, constitute a prohibition under § 6105 (relating to

1 persons not to possess, use, manufacture, control, sell or
2 transfer firearms).

3 * * *

4 ~~Section 4. This act shall take effect in 60 days.~~ <—

5 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

6 (1) THE AMENDMENT OF 18 PA.C.S. § 5513 SHALL TAKE EFFECT
7 IMMEDIATELY.

8 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

9 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
10 DAYS.