

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1272 Session of 1997

INTRODUCED BY OLIVER, GODSHALL, CALTAGIRONE, REBER, DONATUCCI,
McCALL, BISHOP, RIEGER, L. I. COHEN, YOUNGBLOOD, CURRY,
PETRONE, STABACK, TRELLO, ITKIN, JOSEPHS, LEDERER, MELIO,
M. COHEN, GIGLIOTTI, WASHINGTON, ROEBUCK, SHANER, BUNT,
RAYMOND, TRICH, PRESTON, A. H. WILLIAMS AND SAINATO,
APRIL 9, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 13, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the possession
3 of weapons on school property.

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

6 Section 1. Section 912 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 912. Possession of weapon on school property.

9 (a) Definition.--Notwithstanding the definition of "weapon"
10 in section 907 (relating to possessing instruments of crime),
11 "weapon" for purposes of this section shall include but not be
12 limited to any knife, cutting instrument, cutting tool, nun-
13 chuck stick, firearm, shotgun, rifle and any other tool,
14 instrument or implement capable of inflicting serious bodily
15 injury.

16 (b) Offense defined.--A person commits a misdemeanor of the

1 first degree if he possesses a weapon in the buildings of, on
2 the grounds of, or in any conveyance providing transportation to
3 or from any elementary or secondary publicly-funded educational
4 institution, any elementary or secondary private school licensed
5 by the Department of Education or any elementary or secondary
6 parochial school.

7 ~~(b.1) Firearms. If a person commits an offense under~~ <—
8 ~~subsection (b) while in the possession of a firearm as defined~~
9 ~~in section 6102 (relating to definitions), that offense~~
10 ~~constitutes a felony of the third degree.~~

11 (B.1) FIREARMS.-- <—

12 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A PERSON WHO
13 COMMITTS AN OFFENSE UNDER SUBSECTION (B) WHILE IN THE
14 POSSESSION OF A FIREARM AS DEFINED IN SECTION 6102 (RELATING
15 TO DEFINITIONS), COMMITTS A FELONY OF THE THIRD DEGREE.

16 (2) A PERSON WHO COMMITTS AN OFFENSE UNDER SUBSECTION (B)
17 WHILE IN THE POSSESSION OF A FIREARM AS DEFINED IN SECTION
18 6102 AND WHO IS OTHERWISE ELIGIBLE TO POSSESS A VALID LICENSE
19 AS DEFINED IN SECTION 6102 (RELATING TO FIREARMS NOT TO BE
20 CARRIED WITHOUT A LICENSE), COMMITTS A MISDEMEANOR OF THE
21 FIRST DEGREE.

22 (c) Defense.--It shall be a defense that the weapon is
23 possessed and used in conjunction with a lawful supervised
24 school activity or course or is possessed for other lawful
25 purpose.

26 Section 2. This act shall take effect immediately.