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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1272 Session of  
1997

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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

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AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 29, 1998

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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; ~~and~~, FOR AGGRAVATED ASSAULT, <—  
4 FOR TERRORISTIC THREATS AND FOR INSTITUTIONAL VANDALISM;  
5 providing for retaliation against prosecutor or judicial  
6 official; AND FURTHER PROVIDING FOR RESTRICTION ON OPERATING <—  
7 PRIVILEGES.

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

10 Section 1. ~~Section 912~~ SECTIONS 912 AND 2702(A)(5) AND (C) <—  
11 of Title 18 of the Pennsylvania Consolidated Statutes ~~is~~ ARE <—  
12 amended to read:

13 § 912. Possession of weapon on school property.

14 (a) Definition.--Notwithstanding the definition of "weapon"  
15 in section 907 (relating to possessing instruments of crime),  
16 "weapon" for purposes of this section shall include but not be  
17 limited to any knife, cutting instrument, cutting tool, nun-

1 chuck stick, firearm, shotgun, rifle and any other tool,  
2 instrument or implement capable of inflicting serious bodily  
3 injury.

4 (b) Offense defined.--A person commits a misdemeanor of the  
5 first degree if he possesses a weapon in the buildings of, on  
6 the grounds of, or in any conveyance providing transportation to  
7 or from any elementary or secondary publicly-funded educational  
8 institution, any elementary or secondary private school licensed  
9 by the Department of Education or any elementary or secondary  
10 parochial school.

11 (b.1) Firearms.--

12 (1) Except as provided in paragraph (2), a person who  
13 commits an offense under subsection (b) while in the  
14 possession of a firearm as defined in section 6102 (relating  
15 to definitions), commits a felony of the third degree.

16 (2) A person who commits 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 6109 (relating to licenses), commits a  
20 misdemeanor of the first degree.

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

25 § 2702. AGGRAVATED ASSAULT.

<—

26 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED  
27 ASSAULT IF HE:

28 \* \* \*

29 (5) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY  
30 CAUSES BODILY INJURY TO A [TEACHING STAFF MEMBER,] SCHOOL

1 BOARD MEMBER, OTHER EMPLOYEE OR STUDENT OF ANY ELEMENTARY OR  
2 SECONDARY PUBLICLY-FUNDED EDUCATIONAL INSTITUTION, ANY  
3 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE  
4 DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY  
5 PAROCHIAL SCHOOL WHILE ACTING IN THE SCOPE OF HIS OR HER  
6 EMPLOYMENT OR BECAUSE OF HIS OR HER EMPLOYMENT RELATIONSHIP  
7 TO THE SCHOOL; OR

8 \* \* \*

9 (C) OFFICERS, EMPLOYEES, ETC., ENUMERATED.--THE OFFICERS,  
10 AGENTS, EMPLOYEES AND OTHER PERSONS REFERRED TO IN SUBSECTION

11 (A) SHALL BE AS FOLLOWS:

12 (1) POLICE OFFICER.

13 (2) FIREFIGHTER.

14 (3) COUNTY ADULT PROBATION OR PAROLE OFFICER.

15 (4) COUNTY JUVENILE PROBATION OR PAROLE OFFICER.

16 (5) AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION AND  
17 PAROLE.

18 (6) SHERIFF.

19 (7) DEPUTY SHERIFF.

20 (8) LIQUOR CONTROL ENFORCEMENT AGENT.

21 (9) OFFICER OR EMPLOYEE OF A CORRECTIONAL INSTITUTION,  
22 COUNTY JAIL OR PRISON, JUVENILE DETENTION CENTER OR ANY OTHER  
23 FACILITY TO WHICH THE PERSON HAS BEEN ORDERED BY THE COURT  
24 PURSUANT TO A PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S.  
25 CH. 63 (RELATING TO JUVENILE MATTERS).

26 (10) JUDGE OF ANY COURT IN THE UNIFIED JUDICIAL SYSTEM.

27 (11) THE ATTORNEY GENERAL.

28 (12) A DEPUTY ATTORNEY GENERAL.

29 (13) A DISTRICT ATTORNEY.

30 (14) AN ASSISTANT DISTRICT ATTORNEY.

1           (15) A PUBLIC DEFENDER.  
2           (16) AN ASSISTANT PUBLIC DEFENDER.  
3           (17) A FEDERAL LAW ENFORCEMENT OFFICIAL.  
4           (18) A STATE LAW ENFORCEMENT OFFICIAL.  
5           (19) A LOCAL LAW ENFORCEMENT OFFICIAL.  
6           (20) ANY PERSON EMPLOYED TO ASSIST OR WHO ASSISTS ANY  
7 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICIAL.  
8           (21) EMERGENCY MEDICAL SERVICES PERSONNEL.  
9           (22) PARKING ENFORCEMENT OFFICER.  
10          (23) A DISTRICT JUSTICE.  
11          (24) A CONSTABLE.  
12          (25) A DEPUTY CONSTABLE.  
13          (26) A PSYCHIATRIC AIDE.  
14          (27) A TEACHING STAFF MEMBER.

15          \* \* \*

16          SECTION 2. SECTIONS 2706 AND 3307 OF TITLE 18 ARE AMENDED BY  
17 ADDING SUBSECTIONS TO READ:

18          § 2706. TERRORISTIC THREATS.

19          \* \* \*

20          (D) SCHOOL TERRORISTIC THREATS.--THE SCHOOL SUPERINTENDENT  
21 OR CHIEF ADMINISTRATOR SHALL REPORT TERRORISTIC THREATS OF  
22 VIOLENT ACTS OCCURRING WITHIN SCHOOL GROUNDS TO LOCAL LAW  
23 ENFORCEMENT OFFICERS.

24          § 3307. INSTITUTIONAL VANDALISM.

25          \* \* \*

26          (C) ACTION TO RECOVER COMPENSATORY DAMAGES.--

27                 (1) A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT  
28 OWNING PROPERTY SHALL MAINTAIN A CIVIL ACTION TO RECOVER  
29 COMPENSATORY DAMAGES NOT EXCEEDING \$50,000 PLUS COURT COSTS  
30 FROM THE OFFENDER, OR, IF THE OFFENDER IS A MINOR, THE PARENT

1 OR LEGAL GUARDIAN OF THE MINOR WHO WILLFULLY DAMAGES PROPERTY  
2 BELONGING TO THE SCHOOL DISTRICT OR WHO COMMITS ACTS AGAINST  
3 THE SCHOOL DISTRICT COGNIZABLE AS AN OFFENSE UNDER SUBSECTION  
4 (A)(3) AS IT RELATES TO A SCHOOL OR EDUCATIONAL FACILITY. A  
5 FINDING OF WILLFUL DESTRUCTION OF PROPERTY SHALL NOT BE  
6 DEPENDENT UPON:

7 (I) A PRIOR FINDING THAT THE OFFENDER, IF A MINOR,  
8 IS DELINQUENT OR A DEPENDENT CHILD; OR

9 (II) THE OFFENDER'S CONVICTION OF ANY CRIMINAL  
10 OFFENSE.

11 (2) IF A COURT RENDERS A JUDGMENT IN FAVOR OF A BOARD OF  
12 SCHOOL DIRECTORS OF A SCHOOL DISTRICT UNDER THIS SUBSECTION,  
13 THE COURT SHALL ORDER FULL RESTITUTION UNLESS THE BOARD AND  
14 THE OFFENDER OR THE PARENT OR LEGAL GUARDIAN OF THE MINOR  
15 AGREE THAT THE OFFENDER OR THE MINOR AND THE PARENT OR LEGAL  
16 GUARDIAN WILL PERFORM COMMUNITY SERVICE IN LIEU OF FULL  
17 PAYMENT OF THE JUDGMENT.

18 (3) IF AN AGREEMENT IS REACHED UNDER PARAGRAPH (2), THE  
19 COURT SHALL ORDER THE OFFENDER OR THE MINOR AND THE PARENT OR  
20 THE LEGAL GUARDIAN TO PERFORM COMMUNITY SERVICE IN LIEU OF  
21 PROVIDING FULL PAYMENT OF THE JUDGMENT. IN THE ORDER, THE  
22 COURT SHALL SPECIFY THE AMOUNT TO BE PAID BY THE OFFENDER OR  
23 THE MINOR AND THE PARENT OR LEGAL GUARDIAN, THE TYPE AND  
24 NUMBER OF HOURS OF COMMUNITY SERVICE TO BE PERFORMED AND ANY  
25 OTHER CONDITIONS NECESSARY TO CARRY OUT THE ORDER.

26 Section 2 3. Title 18 is amended by adding a section to

27 read:

28 § 4953.1. Retaliation against prosecutor or judicial official.

29 (a) Offense defined.--A person commits an offense if he  
30 harms or attempts to harm another or the tangible property of

another by any unlawful act in retaliation for anything lawfully  
done in the official capacity of a prosecutor or judicial  
official.

(b) Grading.--The offense is a felony of the second degree  
if:

(1) The actor employs force, violence or deception, or  
attempts or threatens to employ force, violence or deception,  
upon the prosecutor or judicial official or, with the  
requisite intent or knowledge, upon any other person.

(2) The actor's conduct is in furtherance of a  
conspiracy to retaliate against a prosecutor or judicial  
official.

(3) The actor solicits another to or accepts or agrees  
to accept any pecuniary or other benefit to retaliate against  
a prosecutor or judicial official.

(4) The actor has suffered any prior conviction for any  
violation of this title or any predecessor law hereto, or has  
been convicted, under any Federal statute or statute of any  
other state, of an act which would be a violation of this  
title if committed in this Commonwealth.

(5) The actor causes property damage or loss in excess  
of \$1,000.

Otherwise the offense is a misdemeanor of the first degree.

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

"Judicial official." Any person who is a:

(1) judge of the court of common pleas;

(2) judge of the Commonwealth Court;

(3) judge of the Superior Court;

1       (4) justice of the Supreme Court;  
2       (5) district justice;  
3       (6) judge of the Pittsburgh Magistrate's Court;  
4       (7) judge of the Philadelphia Municipal Court;  
5       (8) judge of the Traffic Court of Philadelphia; or  
6       (9) master appointed by a judge of a court of common  
7       pleas.

8       "Prosecutor." Any person who is:

9       (1) an Attorney General;  
10       (2) a deputy attorney general;  
11       (3) a district attorney; or  
12       (4) an assistant district attorney.

13       ~~Section 3. This act shall take effect immediately.~~       <—

14       SECTION 4. SECTION 6310.4(A) OF TITLE 18 IS AMENDED TO READ:       <—

15       § 6310.4. RESTRICTION OF OPERATING PRIVILEGES.

16       (A) GENERAL RULE.--WHENEVER A PERSON IS CONVICTED OR IS  
17       ADJUDICATED DELINQUENT OR IS ADMITTED TO ANY PREADJUDICATION  
18       PROGRAM FOR A VIOLATION OF SECTION 2706 (RELATING TO TERRORISTIC  
19       THREATS), 3307 (RELATING TO INSTITUTIONAL VANDALISM), 6307  
20       (RELATING TO MISREPRESENTATION OF AGE TO SECURE LIQUOR OR MALT  
21       OR BREWED BEVERAGES), 6308 (RELATING TO PURCHASE, CONSUMPTION,  
22       POSSESSION OR TRANSPORTATION OF LIQUOR OR MALT OR BREWED  
23       BEVERAGES) OR 6310.3 (RELATING TO CARRYING A FALSE  
24       IDENTIFICATION CARD), THE COURT, INCLUDING A COURT NOT OF RECORD  
25       IF IT IS EXERCISING JURISDICTION PURSUANT TO 42 PA.C.S. §  
26       1515(A) (RELATING TO JURISDICTION AND VENUE), SHALL ORDER THE  
27       OPERATING PRIVILEGE OF THE PERSON SUSPENDED. A COPY OF THE ORDER  
28       SHALL BE TRANSMITTED TO THE DEPARTMENT OF TRANSPORTATION.

29       \* \* \*

30       SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1           (1) THE AMENDMENT OF 18 PA.C.S. §§ 2702, 2706, 3307 AND  
2           6310.4 SHALL TAKE EFFECT IN 60 DAYS.  
3           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
4           IMMEDIATELY.