

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 218 Session of  
1999

INTRODUCED BY OLIVER, GODSHALL, McCALL, ORIE, DONATUCCI,  
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JANUARY 28, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 6, 1999

## 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, ~~for terroristic threats and~~ <—  
4 ~~for institutional vandalism; and further providing for~~ <—  
5 ~~restriction on operating privileges.~~

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

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

10 § 912. Possession of weapon on school property.

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

1 injury.

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

9 (b.1) Firearms.--

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

14 (2) A person who commits an offense under subsection (b)  
15 while in the possession of a firearm as defined in section  
16 6102 and who is otherwise eligible to possess a valid license  
17 as defined in section 6109 (relating to licenses), commits a  
18 misdemeanor of the first degree.

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

23 Section 2. ~~Sections 2706 and 3307 of Title 18 are~~ SECTION <—  
24 3307 OF TITLE 18 IS amended by adding subsections to read:

25 ~~§ 2706. Terroristic threats.~~ <—

26 ~~\* \* \*~~

27 ~~(d) School terroristic threats. The school superintendent~~  
28 ~~or chief administrator shall report terroristic threats of~~  
29 ~~violent acts occurring within school grounds to local law~~  
30 ~~enforcement officers.~~

§ 3307. Institutional vandalism.

\* \* \*

(c) Action to recover compensatory damages.--

(1) A board of school directors of a school district owning property shall maintain a civil action to recover compensatory damages not exceeding \$50,000 plus court costs from the offender, or, if the offender is a minor, the parent or legal guardian of the minor who willfully damages property belonging to the school district or who commits acts against the school district cognizable as an offense under subsection (a)(3) as it relates to a school or educational facility. A finding of willful destruction of property shall not be dependent upon:

- (i) a prior finding that the offender, if a minor, is delinquent or a dependent child; or
- (ii) the offender's conviction of any criminal offense.

(2) If a court renders a judgment in favor of a board of school directors of a school district under this subsection, the court shall order full restitution unless the board and the offender or the parent or legal guardian of the minor agree that the offender or the minor and the parent or legal guardian will perform community service in lieu of full payment of the judgment.

(3) If an agreement is reached under paragraph (2), the court shall order the offender or the minor and the parent or the legal guardian to perform community service in lieu of providing full payment of the judgment. In the order, the court shall specify the amount to be paid by the offender or the minor and the parent or legal guardian, the type and

number of hours of community service to be performed and any other conditions necessary to carry out the order.

(d) Action to recover damages.--

(1) Where the damages to school property exceed \$1,000 from an incident of vandalism and if the offender has willfully or recklessly damaged school district property or has willfully or recklessly committed acts against school district property cognizable as an offense under subsection (a)(3), as it relates to a school or educational facility, then unless a legally binding settlement agreement has been entered into between the parties assuring that restitution will be made, the board of school directors of the school district owning the damaged property shall institute a civil action to recover compensatory damages not exceeding \$50,000 plus court costs and attorney fees from the offender or from the parents or legal guardian of the offender if the offender is a minor. A finding of willful damage shall not be dependent upon:

(i) a prior finding that the offender, if a minor, is delinquent or is a dependent child; or

(ii) the offender's conviction of any prior criminal offense.

(2) If a court renders a judgment under this subsection in favor of a board of school directors of a school district, the court shall order full restitution unless the board and the offender or the parent or legal guardian of the minor agree that the offender, or the minor and the parent or legal guardian, will perform community service in lieu of full payment of the judgment.

(3) If an agreement for community service is reached

1 under paragraph (2), the court shall order the offender, and  
2 in the case of a minor offender may also order the parents or  
3 legal guardian of the minor offender, to make payment of  
4 money and to perform such community service as has been  
5 agreed to by the parties as equating to full restitution. In  
6 the order, the court:

7 (i) shall specify the amount to be paid by the  
8 offender, or by the minor offender and the parents or  
9 legal guardian, and the number of hours of community  
10 service to be performed;

11 (ii) may designate a specific type of community  
12 service or delegate the service to an established  
13 community service program; and

14 (iii) may specify any other conditions necessary to  
15 carry out the order.

16 (4) Where the damages to school property are \$1,000 or  
17 less, the board of school directors of the school district  
18 owning the damaged property may institute a civil action to  
19 recover compensatory damages and the liability of a parent or  
20 legal guardian for the actions of a minor offender shall be  
21 premised upon the provisions of 23 Pa.C.S. Ch. 55 (relating  
22 to liability for tortious acts of children). Notwithstanding  
23 the provisions of 23 Pa.C.S. § 5505(b) (relating to monetary  
24 limits of liability), for amounts in excess of \$1,000, the  
25 liability of a parent or legal guardian for the actions of a  
26 minor offender shall be premised upon a finding that the  
27 parent or legal guardian failed to exercise reasonable and  
28 diligent supervision of the minor, which would likely have  
29 prevented the occurrence of the damage.

30 Section 3. Section 6310.4(a) of Title 18 is amended to read: <—

1 ~~§ 6310.4. Restriction of operating privileges.~~

2 ~~(a) General rule. Whenever a person is convicted or is~~  
3 ~~adjudicated delinquent or is admitted to any preadjudication~~  
4 ~~program for a violation of section 2706 (relating to terroristic~~  
5 ~~threats), 3307 (relating to institutional vandalism), 6307~~  
6 ~~(relating to misrepresentation of age to secure liquor or malt~~  
7 ~~or brewed beverages), 6308 (relating to purchase, consumption,~~  
8 ~~possession or transportation of liquor or malt or brewed~~  
9 ~~beverages) or 6310.3 (relating to carrying a false~~  
10 ~~identification card), the court, including a court not of record~~  
11 ~~if it is exercising jurisdiction pursuant to 42 Pa.C.S. §~~  
12 ~~1515(a) (relating to jurisdiction and venue), shall order the~~  
13 ~~operating privilege of the person suspended. A copy of the order~~  
14 ~~shall be transmitted to the Department of Transportation.~~

15 ~~\*\*\*~~

16 Section 4 3. This act shall take effect as follows: <—

17 (1) The amendment of 18 Pa.C.S. §§ ~~2706, 3307 and 6310.4~~ <—

18 § 3307 shall take effect in 60 days. <—

19 (2) The remainder of this act shall take effect

20 immediately.