

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1444 Session of  
2000

INTRODUCED BY O'PAKE, TARTAGLIONE, COSTA, STAPLETON, WILLIAMS,  
HART, MELLOW, PICCOLA, SCHWARTZ, BOSCOLA, KASUNIC and MUSTO,  
MAY 8, 2000

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 20, 2000

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for probable cause  
3 arrests in domestic violence cases; DEFINING THE OFFENSE OF  
4 BOMB THREATS; PROVIDING FOR PROBABLE CAUSE ARRESTS IN  
5 MISDEMEANOR SEX OFFENSES; AND FURTHER PROVIDING FOR SALE OR  
6 TRANSFER OF FIREARMS, FOR FIREARMS BACKGROUND CHECK ADVISORY  
7 COMMITTEE AND FOR THE DEFINITION OF "BOTTLE CLUBS."

<—

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

10 Section 1. Section 2711(a) of Title 18 of the Pennsylvania  
11 Consolidated Statutes is amended to read:

12 § 2711. Probable cause arrests in domestic violence cases.

13 (a) General rule.--A police officer shall have the same  
14 right of arrest without a warrant as in a felony whenever he has  
15 probable cause to believe the defendant has violated section  
16 2504 (relating to involuntary manslaughter), 2701 (relating to  
17 simple assault), 2702(a)(3), (4) and (5) (relating to aggravated  
18 assault) [or], 2705 (relating to recklessly endangering another

1 person), 2706 (relating to terroristic threats) or 2709(b)  
2 (relating to harassment and stalking) against [his spouse or  
3 other person with whom he resides or has formerly resided] a  
4 family or household member although the offense did not take  
5 place in the presence of the police officer. A police officer  
6 may not arrest a person pursuant to this section without first  
7 observing recent physical injury to the victim or other  
8 corroborative evidence. For the purposes of this subsection, the  
9 term "family or household member" has the meaning given that  
10 term in 23 Pa.C.S. § 6102 (relating to definitions).

11 \* \* \*

12 ~~Section 2. This act shall take effect in 60 days.~~ <—

13 SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ: <—

14 § 2715. BOMB THREATS.

15 (A) OFFENSE DEFINED.--A PERSON WHO INTENTIONALLY:

16 (1) PLACES OR SETS A BOMB;

17 (2) CAUSES THE PLACEMENT OR SETTING OF A BOMB;

18 (3) REPORTS WITHOUT FACTUAL BASIS OF KNOWLEDGE THE  
19 EXISTENCE OR POTENTIAL EXISTENCE OF A BOMB; OR

20 (4) THREATENS BY ANY MEANS THE PLACEMENT OR SETTING OF A  
21 BOMB;

22 COMMITTS AN OFFENSE UNDER THIS SECTION. A SEPARATE OFFENSE SHALL  
23 OCCUR FOR EACH PLACEMENT OR SETTING OF A BOMB OR EACH THREAT TO  
24 PLACE OR SET A BOMB.

25 (B) PENALTY.--AN OFFENSE UNDER THIS SECTION SHALL BE GRADED  
26 AS FOLLOWS:

27 (1) A MISDEMEANOR OF THE FIRST DEGREE FOR A FIRST  
28 OFFENSE; OR

29 (2) A FELONY OF THE THIRD DEGREE FOR A SECOND OR  
30 SUBSEQUENT OFFENSE.

1     (C) EMERGENCY RESPONSE COSTS.--IN ADDITION TO ANY FINES,  
2     FEES, COSTS OR RESTITUTION PROVIDED FOR BY LAW, THE COURT MAY  
3     ORDER A PERSON CONVICTED UNDER THIS SECTION TO REIMBURSE THE  
4     STATE, COUNTY OR MUNICIPAL CORPORATION FOR THE COSTS INCURRED  
5     INCIDENT TO A BOMB THREAT FOR EMERGENCY RESPONSE RESOURCES  
6     REASONABLY NECESSARY TO PROTECT LIFE AND PROPERTY.

7     (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "BOMB"  
8     MEANS AN EXPLOSIVE DEVICE USED FOR UNLAWFUL PURPOSES.

9     § 3108. PROBABLE CAUSE ARRESTS IN MISDEMEANOR SEXUAL OFFENSES.

10    A POLICE OFFICER SHALL HAVE THE SAME RIGHT OF ARREST WITHOUT  
11    A WARRANT AS IN A FELONY WHENEVER HE HAS PROBABLE CAUSE TO  
12    BELIEVE THE DEFENDANT HAS VIOLATED SECTION 3126 (RELATING TO  
13    INDECENT ASSAULT), 3127 (RELATING TO INDECENT EXPOSURE) OR 5901  
14    (RELATING TO OPEN LEWDNESS) ALTHOUGH THE OFFENSE DID NOT TAKE  
15    PLACE IN THE PRESENCE OF THE POLICE OFFICER. A POLICE OFFICER  
16    MAY NOT ARREST A PERSON PURSUANT TO THIS SECTION WITHOUT FIRST  
17    DIRECTLY SPEAKING WITH THE VICTIM OR EYEWITNESSES TO THE  
18    OFFENSE.

19    SECTION 3. SECTIONS 6111(J) AND 6126(D) AND (E) OF TITLE 18  
20    ARE AMENDED TO READ:

21    § 6111. SALE OR TRANSFER OF FIREARMS.

22    \* \* \*

23    (J) EXEMPTION.--THE PROVISIONS OF SUBSECTIONS (A) AND (B)  
24    SHALL NOT APPLY TO SALES [OF FIREARMS AS DEFINED IN SECTION  
25    6102] BETWEEN FEDERAL FIREARMS LICENSEES.

26    § 6126. FIREARMS BACKGROUND CHECK ADVISORY COMMITTEE.

27    \* \* \*

28    (D) CHAIRPERSON.--THE [GOVERNOR SHALL APPOINT THE]  
29    CHAIRPERSON OF THE ADVISORY COMMITTEE SHALL BE SELECTED BY THE  
30    VOTE OF THE MAJORITY OF THE MEMBERS OF THE ADVISORY COMMITTEE.

1 IN THE EVENT THAT NO MAJORITY EXISTS IN FAVOR OF ONE MEMBER AS  
2 CHAIRPERSON, THEN THE GOVERNOR SHALL APPOINT THE CHAIRPERSON OF  
3 THE ADVISORY COMMITTEE.

4 (E) EXPIRATION.--THIS SECTION SHALL EXPIRE [JULY 1, 2001, OR  
5 AT THE END OF TWO YEARS FOLLOWING THE IMPLEMENTATION OF THE  
6 INSTANT RECORDS CHECK, WHICHEVER IS SOONER] NOVEMBER 30, 2002.

7 SECTION 4. THE DEFINITION OF "BOTTLE CLUB" IN SECTION  
8 7329(C) OF TITLE 18 IS AMENDED TO READ:

9 § 7329. PROHIBITION OF CERTAIN TYPES OF ENTERTAINMENT ON BOTTLE  
10 CLUB PREMISES.

11 \* \* \*

12 (C) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
13 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
14 SUBSECTION:

15 "BOTTLE CLUB." AN ESTABLISHMENT OPERATED FOR PROFIT OR  
16 PECUNIARY GAIN, WHICH HAS A CAPACITY FOR THE ASSEMBLAGE OF 20 OR  
17 MORE PERSONS AND IN WHICH ALCOHOLIC LIQUORS, ALCOHOL OR MALT OR  
18 BREWED BEVERAGES [ARE NOT LEGALLY SOLD BUT WHERE ALCOHOLIC  
19 LIQUORS, ALCOHOL OR MALT OR BREWED BEVERAGES ARE EITHER PROVIDED  
20 BY THE OPERATOR OR AGENTS OR EMPLOYEES OF THE OPERATOR FOR  
21 CONSUMPTION ON THE PREMISES OR] ARE BROUGHT INTO [OR KEPT AT]  
22 THE ESTABLISHMENT BY THE PATRONS OR PERSONS ASSEMBLING THERE FOR  
23 USE AND CONSUMPTION. THE TERM SHALL NOT INCLUDE A LICENSEE UNDER  
24 THE ACT OF APRIL 12, 1951 (P.L.90, NO.21), KNOWN AS THE LIQUOR  
25 CODE, OR ANY ORGANIZATION AS SET FORTH IN SECTION 6 OF THE ACT  
26 OF DECEMBER 19, 1990 (P.L.1200, NO.202), KNOWN AS THE  
27 SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES ACT.

28 \* \* \*

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

30 (1) THE AMENDMENT OF THE DEFINITION OF "BOTTLE CLUB" IN

1       18 PA.C.S. § 7329(C) SHALL TAKE EFFECT IMMEDIATELY.

2           (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

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