

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3006 Session of
2002

INTRODUCED BY FREEMAN, M. WRIGHT, FRANKEL, CURRY, BELFANTI,
D. EVANS, HORSEY, JOSEPHS, LAUGHLIN, LESCOVITZ, MELIO,
PISTELLA, J. WILLIAMS AND YOUNGBLOOD, NOVEMBER 25, 2002

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 2002

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes,
3 providing for the offense of possession of firearms or other
4 dangerous weapons in municipal facility; and authorizing
5 ordinances to prohibit possession of firearms or other
6 dangerous weapons in municipal facilities.

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

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:

11 § 914. Possession of firearm or other dangerous weapon in
12 municipal facility.

13 (a) Offense defined.--A person commits an offense if he:

14 (1) knowingly possesses a firearm or other dangerous
15 weapon in a municipal facility or knowingly causes a firearm
16 or other dangerous weapon to be present in a municipal
17 facility in violation of an ordinance adopted under 53
18 Pa.C.S. § 1371 (relating to possession of firearm or other
19 dangerous weapon in municipal facility); or

1 (2) knowingly possesses a firearm or other dangerous
2 weapon in a municipal facility in violation of an ordinance
3 adopted under 53 Pa.C.S. § 1371 with the intent that the
4 firearm or other dangerous weapon be used in the commission
5 of a crime or knowingly causes a firearm or other dangerous
6 weapon to be present in a municipal facility with the intent
7 that the firearm or other dangerous weapon be used in the
8 commission of a crime.

9 (b) Grading.--

10 (1) Except as otherwise provided in paragraph (3), an
11 offense under subsection (a)(1) is a misdemeanor of the third
12 degree.

13 (2) An offense under subsection (a)(2) is a misdemeanor
14 of the first degree.

15 (3) An offense under subsection (a)(1) is a summary
16 offense if the person was carrying a firearm under section
17 6106(b) (relating to firearms not to be carried without a
18 license) or 6109 (relating to licenses) and failed to check
19 the firearm in a locker or similar facility made available by
20 the municipality prior to entering the municipal facility.

21 (c) Exceptions.--Subsection (a) shall not apply to:

22 (1) The lawful performance of official duties by an
23 officer, agent or employee of the United States, the
24 Commonwealth or a political subdivision who is authorized by
25 law to engage in or supervise the prevention, detection,
26 investigation or prosecution of any violation of law.

27 (2) The lawful performance of official duties by a
28 municipal official.

29 (3) The carrying of rifles and shotguns by instructors
30 and participants in a course of instruction provided by the

Pennsylvania Game Commission under 34 Pa.C.S. § 2704
(relating to eligibility for license).

(4) Associations of veteran soldiers and their
auxiliaries or members of organized armed forces of the
United States or the Commonwealth, including reserve
components, when engaged in the performance of ceremonial
duties with municipal approval.

(d) Posting of notice.--No person shall be convicted of an
offense under subsection (a)(1) with respect to a municipal
facility, if the notice required under 53 Pa.C.S. § 1371 was not
posted at each public entrance to the building containing a
municipal facility and at the municipal facility unless the
person had actual notice of the provisions of subsection (a).

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

"Dangerous weapon." A bomb, grenade, blackjack, sandbag,
metal knuckles, dagger, knife (the blade of which is exposed in
an automatic way by switch, push-button, spring mechanism or
otherwise) or other implement for the infliction of serious
bodily injury which serves no common lawful purpose.

"Firearm." Any weapon, including a starter gun, which will
or is designed to expel a projectile or projectiles by the
action of an explosion, expansion of gas or escape of gas. The
term does not include any device designed or used exclusively
for the firing of stud cartridges, explosive rivets or similar
industrial ammunition.

"Municipal facility." A premises owned, leased or controlled
by a municipality.

Section 2. Chapter 13 of Title 53 is amended by adding a

1 subchapter to read:

2 SUBCHAPTER E

3 ORDINANCES

4 Sec.

5 1371. Possession of firearm or other dangerous weapon in
6 municipal facility.

7 § 1371. Possession of firearm or other dangerous weapon in
8 municipal facility.

9 (a) General rule.--A municipality may adopt an ordinance
10 that prohibits any person from possessing a firearm or other
11 dangerous weapon in a municipal facility or causing a firearm or
12 other dangerous weapon to be present in a municipal facility.

13 (b) Penalties.--A person who violates an ordinance adopted
14 under this section is subject to the provisions of 18 Pa.C.S. §
15 914 (relating to possession of firearm or other dangerous weapon
16 in municipal facility).

17 (c) Exceptions.--No ordinance adopted under this section
18 shall apply to:

19 (1) The lawful performance of official duties by an
20 officer, agent or employee of the United States, the
21 Commonwealth or a political subdivision who is authorized by
22 law to engage in or supervise the prevention, detection,
23 investigation or prosecution of any violation of law.

24 (2) The lawful performance of official duties by a
25 municipal official.

26 (3) The carrying of rifles and shotguns by instructors
27 and participants in a course of instruction provided by the
28 Pennsylvania Game Commission under 34 Pa.C.S. § 2704
29 (relating to eligibility for license).

30 (4) Associations of veteran soldiers and their

1 auxiliaries or members of organized armed forces of the
2 United States or the Commonwealth, including reserve
3 components, when engaged in the performance of ceremonial
4 duties with municipal approval.

5 (d) Posting of notice.--In any municipality that adopts an
6 ordinance under subsection (a), notice of the provisions of
7 subsections (a) and (e) shall be posted conspicuously at each
8 public entrance to each building containing a municipal facility
9 and each municipal facility.

10 (e) Facilities for checking firearms or other dangerous
11 weapons.--Each governing body that adopts an ordinance under
12 subsection (a) shall make available at or within the building
13 containing a municipal facility, lockers or similar facilities
14 at no charge or cost for the temporary checking of firearms by
15 persons carrying firearms or for the checking of other dangerous
16 weapons that are not otherwise prohibited by law. Any individual
17 checking a firearm, dangerous weapon or an item deemed to be a
18 dangerous weapon at a municipal facility must be issued a
19 receipt. Notice of the location of the lockers or similar
20 facilities shall be posted as required under subsection (d).

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

24 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,
25 metal knuckles, dagger, knife (the blade of which is exposed in
26 an automatic way by switch, push-button, spring mechanism or
27 otherwise) or other implement for the infliction of serious
28 bodily injury which serves no common lawful purpose.

29 "Firearm." Any weapon, including a starter gun, which will
30 or is designed to expel a projectile or projectiles by the

1 action of an explosion, expansion of gas or escape of gas. The
2 term does not include any device designed or used exclusively
3 for the firing of stud cartridges, explosive rivets or similar
4 industrial ammunition.

5 "Municipal facility." A premises owned, leased or controlled
6 by a municipality.

7 Section 3. This act shall take effect in 60 days.