

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1286 Session of
2002

INTRODUCED BY ORIE, JANUARY 31, 2002

REFERRED TO JUDICIARY, JANUARY 31, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definition of
3 "offensive weapons"; and providing for use or possession of
4 electric or electronic incapacitation devices.

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

7 Section 1. The definition of "offensive weapons" in section
8 908(c) of Title 18 of the Pennsylvania Consolidated Statutes is
9 amended to read:

10 § 908. Prohibited offensive weapons.

11 * * *

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

15 * * *

16 "Offensive weapons." Any bomb, grenade, machine gun, sawed-
17 off shotgun with a barrel less than 18 inches, firearm specially
18 made or specially adapted for concealment or silent discharge,

1 any blackjack, sandbag, metal knuckles, dagger, knife, razor or
2 cutting instrument, the blade of which is exposed in an
3 automatic way by switch, push-button, spring mechanism, or
4 otherwise, any stun gun, stun baton, taser or other electric or
5 electronic weapon, or other implement for the infliction of
6 serious bodily injury which serves no common lawful purpose.

7 * * *

8 Section 2. Title 18 is amended by adding a section to read:

9 § 908.1. Possession or use of electric or electronic
10 incapacitation devices.

11 (a) Offense defined.--Except as provided in subsections (b)
12 and (d), a person commits an offense if he possesses or uses an
13 electric or electronic incapacitation device or weapon on a law
14 enforcement officer or another person with the intent to commit
15 a crime.

16 (b) Authorized possession.--

17 (1) A person may possess or use an electric or
18 electronic incapacitation device in the exercise of
19 reasonable force in defense of the person or the person's
20 property only if the electronic incapacitation device is
21 labeled with or accompanied by clearly written instructions
22 as to its use and the dangers involved in its use.

23 (2) This subsection shall not apply to:

24 (i) A person under 18 years of age.

25 (ii) A person prohibited from possessing a firearm
26 pursuant to section 6105 (relating to persons not to
27 possess, use, manufacture, control, sell or transfer
28 firearms).

29 (c) Grading.--An offense under subsection (a) shall
30 constitute a felony of the second degree if the actor acted with

1 the intent to commit a felony, otherwise an offense under this
2 section shall be graded as a misdemeanor of the first degree.

3 (d) Exceptions.--Nothing in this section shall prohibit the
4 possession of or use by or the sale or furnishing of any
5 electric or electronic incapacitation device to a law
6 enforcement agency, peace officer, the National Guard or
7 reserves or a member of the National Guard or reserves for use
8 in official duties.

9 (e) Definition.--As used in this section, "electric or
10 electronic incapacitation device" means a portable device which
11 is designed or intended by the manufacturer to be used,
12 offensively or defensively, to temporarily immobilize or
13 incapacitate persons by means of electric pulse or current,
14 including devices operating by means of carbon dioxide
15 propellant. This term does not include cattle prods, electric
16 fences or other electric devices when used in agricultural,
17 animal husbandry or food production activities.

18 Section 3. This act shall take effect immediately.