

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 439 Session of
2003

INTRODUCED BY RUFFING, WALKO, COLEMAN, CASORIO, CORRIGAN, COSTA,
CREIGHTON, CRUZ, HARHAI, HENNESSEY, JOSEPHS, KELLER, MELIO,
PISTELLA, PRESTON, SOLOBAY, STABACK, TANGRETTI, J. TAYLOR AND
THOMAS, FEBRUARY 25, 2003

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 25, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, prohibiting firearms and offensive
3 weapons on bottle club premises; and prescribing a penalty.

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

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

8 § 7331. Firearms and offensive weapons on bottle club premises.

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

10 (1) he is a bottle club owner, proprietor, operator,
11 servant, agent or employee of a bottle club and permits on
12 premises used as a bottle club or in any place operated in
13 connection therewith any firearm or offensive weapon; or

14 (2) he possesses a firearm or offensive weapon on the
15 premises of a bottle club or causes a firearm or offensive
16 weapon to be present on the premises of a bottle club.

17 (b) Absolute liability.--With respect to an offense

1 specified in subsection (a), intent, knowledge, recklessness or
2 negligence is not required.

3 (c) Corporate liability.--With respect to an offense
4 specified in subsection (a)(1), a corporation that owns or
5 operates a bottle club is liable for the acts of its servants,
6 agents and employees as permitted by section 307 (relating to
7 liability of organizations and certain related persons).

8 (d) Grading.--

9 (1) A person who violates subsection (a)(1) commits a
10 misdemeanor of the first degree. If a firearm or offensive
11 weapon is used, employed or otherwise operated on the
12 premises of a bottle club, the person who violates subsection
13 (a)(1) commits a felony of the third degree.

14 (2) A person who violates subsection (a)(2) commits a
15 misdemeanor of the first degree.

16 (e) Exceptions.--Subsection (a)(1) and (2) shall not apply
17 to:

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

23 (2) An owner, proprietor, operator, servant, agent or
24 employee who may otherwise lawfully possess a firearm.

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

28 "Bottle club." The term shall have the same meaning given to
29 it in section 7329 (relating to prohibition of certain types of
30 entertainment on bottle club premises).

1 "Firearm." Any weapon which is designed to or may readily be
2 converted to expel any projectile by the action of an explosive,
3 or the frame or receiver of any such weapon.

4 "Offensive weapon." A bomb, grenade, machine gun, sawed-off
5 shotgun with a barrel less than 18 inches, firearm specially
6 made or specially adapted for concealment or silent discharge,
7 any blackjack, sandbag, metal knuckles, dagger, knife, razor or
8 cutting instrument, the blade of which is exposed in an
9 automatic way by switch, push-button, spring mechanism or
10 otherwise, or other implement for the infliction of serious
11 bodily injury which serves no common lawful purpose.

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