

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1878 Session of
2009

INTRODUCED BY KILLION, BARRAR, BRENNAN, CHRISTIANA, DALLY,
DePASQUALE, FAIRCHILD, GALLOWAY, GINGRICH, GODSHALL, GROVE,
HARHART, HENNESSEY, MAJOR, MANN, MARKOSEK, MARSHALL,
MICOZZIE, MUSTIO, O'NEILL, PASHINSKI, REICHLEY, SAYLOR,
SIPTROTH, SOLOBAY, STEVENSON, R. TAYLOR, TRUE, VULAKOVICH AND
YUDICHAK, JULY 22, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JULY 22, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offenses of
3 possession of weapons, aggravated assault, criminal trespass
4 and solicitation of minors at private residential
5 rehabilitative institutions.

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

8 Section 1. Sections 912(b), 2702(a) and (c), 3503(d),
9 6317(a) and 6319(c) of Title 18 of the Pennsylvania Consolidated
10 Statutes are amended to read:

11 § 912. Possession of weapon on school property.

12 * * *

13 (b) Offense defined.--A person commits a misdemeanor of the
14 first degree if he possesses a weapon in the buildings of, on
15 the grounds of, or in any conveyance providing transportation to
16 or from any elementary or secondary publicly-funded educational
17 institution, any elementary or secondary private school licensed

1 by the Department of Education or any elementary or secondary
2 parochial school or private residential rehabilitative
3 institution.

4 * * *

5 § 2702. Aggravated assault.

6 (a) Offense defined.--A person is guilty of aggravated
7 assault if he:

8 (1) attempts to cause serious bodily injury to another,
9 or causes such injury intentionally, knowingly or recklessly
10 under circumstances manifesting extreme indifference to the
11 value of human life;

12 (2) attempts to cause or intentionally, knowingly or
13 recklessly causes serious bodily injury to any of the
14 officers, agents, employees or other persons enumerated in
15 subsection (c) or to an employee of an agency, company or
16 other entity engaged in public transportation, while in the
17 performance of duty;

18 (3) attempts to cause or intentionally or knowingly
19 causes bodily injury to any of the officers, agents,
20 employees or other persons enumerated in subsection (c), in
21 the performance of duty;

22 (4) attempts to cause or intentionally or knowingly
23 causes bodily injury to another with a deadly weapon;

24 (5) attempts to cause or intentionally or knowingly
25 causes bodily injury to a teaching staff member, school board
26 member or other employee, including a student employee, of
27 any elementary or secondary publicly-funded educational
28 institution, any elementary or secondary private school
29 licensed by the Department of Education [or], any elementary
30 or secondary parochial school or private residential

1 rehabilitative institution while acting in the scope of his
2 or her employment or because of his or her employment
3 relationship to the school;

4 (6) attempts by physical menace to put any of the
5 officers, agents, employees or other persons enumerated in
6 subsection (c), while in the performance of duty, in fear of
7 imminent serious bodily injury; or

8 (7) uses tear or noxious gas as defined in section
9 2708(b) (relating to use of tear or noxious gas in labor
10 disputes) or uses an electric or electronic incapacitation
11 device against any officer, employee or other person
12 enumerated in subsection (c) while acting in the scope of his
13 employment.

14 * * *

15 (c) Officers, employees, etc., enumerated.--The officers,
16 agents, employees and other persons referred to in subsection

17 (a) shall be as follows:

18 (1) Police officer.

19 (2) Firefighter.

20 (3) County adult probation or parole officer.

21 (4) County juvenile probation or parole officer.

22 (5) An agent of the Pennsylvania Board of Probation and
23 Parole.

24 (6) Sheriff.

25 (7) Deputy sheriff.

26 (8) Liquor control enforcement agent.

27 (9) Officer or employee of a correctional institution,
28 county jail or prison, juvenile detention center or any other
29 facility to which the person has been ordered by the court
30 pursuant to a petition alleging delinquency under 42 Pa.C.S.

1 Ch. 63 (relating to juvenile matters).

2 (10) Judge of any court in the unified judicial system.

3 (11) The Attorney General.

4 (12) A deputy attorney general.

5 (13) A district attorney.

6 (14) An assistant district attorney.

7 (15) A public defender.

8 (16) An assistant public defender.

9 (17) A Federal law enforcement official.

10 (18) A State law enforcement official.

11 (19) A local law enforcement official.

12 (20) Any person employed to assist or who assists any
13 Federal, State or local law enforcement official.

14 (21) Emergency medical services personnel.

15 (22) Parking enforcement officer.

16 (23) A magisterial district judge.

17 (24) A constable.

18 (25) A deputy constable.

19 (26) A psychiatric aide.

20 (27) A teaching staff member, a school board member or
21 other employee, including a student employee, of any
22 elementary or secondary publicly funded educational
23 institution, any elementary or secondary private school
24 licensed by the Department of Education [or] any elementary
25 or secondary parochial school or private residential
26 rehabilitative institution while acting in the scope of his
27 or her employment or because of his or her employment
28 relationship to the school.

29 (28) Governor.

30 (29) Lieutenant Governor.

1 (30) Auditor General.

2 (31) State Treasurer.

3 (32) Member of the General Assembly.

4 (33) An employee of the Department of Environmental
5 Protection.

6 (34) An individual engaged in the private detective
7 business as defined in section 2(a) and (b) of the act of
8 August 21, 1953 (P.L.1273, No.361), known as The Private
9 Detective Act of 1953.

10 (35) An employee or agent of a county children and youth
11 social service agency or of the legal representative of such
12 agency.

13 (36) A public utility employee or an employee of an
14 electric cooperative.

15 * * *

16 § 3503. Criminal trespass.

17 * * *

18 (d) Definition.--As used in this section, the term "school
19 grounds" means any building or grounds of any elementary or
20 secondary publicly funded educational institution, any
21 elementary or secondary private school licensed by the
22 Department of Education, any elementary or secondary parochial
23 school, any private residential rehabilitative institution, any
24 certified day-care center or any licensed preschool program.

25 § 6317. Drug-free school zones.

26 (a) General rule.--A person 18 years of age or older who is
27 convicted in any court of this Commonwealth of a violation of
28 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,
29 No.64), known as The Controlled Substance, Drug, Device and
30 Cosmetic Act, shall, if the delivery or possession with intent

1 to deliver of the controlled substance occurred within 1,000
2 feet of the real property on which is located a public, private
3 or parochial school, private residential rehabilitative
4 institution or a college or university or within 250 feet of the
5 real property on which is located a recreation center or
6 playground or on a school bus, be sentenced to a minimum
7 sentence of at least two years of total confinement,
8 notwithstanding any other provision of this title, The
9 Controlled Substance, Drug, Device and Cosmetic Act or other
10 statute to the contrary. The maximum term of imprisonment shall
11 be four years for any offense:

12 (1) subject to this section; and

13 (2) for which The Controlled Substance, Drug, Device and
14 Cosmetic Act provides for a maximum term of imprisonment of
15 less than four years.

16 If the sentencing court finds that the delivery or possession
17 with intent to deliver was to an individual under 18 years of
18 age, then this section shall not be applicable and the offense
19 shall be subject to section 6314 (relating to sentencing and
20 penalties for trafficking drugs to minors).

21 * * *

22 § 6319. Solicitation of minors to traffic drugs.

23 * * *

24 (c) Definition.--As used in this section, the term "drug-
25 free school zone" means the area within 1,000 feet of the real
26 property on which is located a public, private or parochial
27 school, private residential rehabilitative institution or a
28 college or university. The term also includes a school bus or
29 the area within 500 feet of a school bus stop.

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