

CRIMES CODE (18 PA.C.S.) - USE OF FORCE IN LAW ENFORCEMENT AND FIREARM
TRACING

Act of Jul. 17, 2007, P.L. 139, No. 41

Cl. 18

Session of 2007

No. 2007-41

SB 623

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement; in theft and related offenses, defining "firearm"; and providing for firearm tracing.

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

Section 1. Section 501 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Corrections officer." A full-time employee assigned to the Department of Corrections whose principal duty is the care, custody and control of inmates of a penal or correctional institution operated by the Department of Corrections.

* * *

Section 2. Section 508(c) of Title 18 is amended to read:
§ 508. Use of force in law enforcement.

* * *

(c) Use of force [to prevent] **regarding** escape.--

(1) A peace officer , **corrections officer** or other person who has an arrested **or convicted** person in his custody is justified in the use of such force to prevent the escape of the [arrested] person from custody as [he] **the officer or other person** would be justified in using **under subsection (a)** if [he] **the officer or other person** were arresting [such] **the** person.

(2) A [guard or other] peace officer **or corrections officer** is justified in the use of **such** force, including deadly force, which [he] **the officer** believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(3) **A corrections officer is justified in the use of such force, which the officer believes to be necessary to**

defend himself or another from bodily harm during the pursuit of the escaped person. However, the officer is justified in using deadly force only when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another or when the officer believes that:

- (i) such force is necessary to prevent the apprehension from being defeated by resistance; and
- (ii) the escaped person has been convicted of committing or attempting to commit a forcible felony, possesses a deadly weapon or otherwise indicates that he will endanger human life or inflict serious bodily injury unless apprehended without delay.

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Section 3. Section 3901 of Title 18 is amended by adding a definition to read:

§ 3901. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

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

* * *

Section 4. Title 18 is amended by adding a section to read:

§ 6127. Firearm tracing.

(a) **Illegal possession.**--Upon recovering a firearm from the possession of anyone under 21 years of age who is not permitted by Federal or State law to possess a firearm, a local law enforcement agency shall use the best available information, including a firearms trace where necessary, to determine how and from where the person under 21 years of age gained possession of the firearm.

(b) **Tracing.**--Local law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives in complying with subsection (a).

(c) **Notification.**--Local law enforcement agencies shall advise the Pennsylvania State Police of all firearms that are recovered in accordance with this section.

Section 5. This act shall take effect in 60 days.

APPROVED--The 17th day of July, A. D. 2007.

EDWARD G. RENDELL