

CRIMES CODE (18 PA.C.S.) AND PRISONS AND PAROLE CODE (61
PA.C.S.) - WEAPONS OR IMPLEMENTS FOR ESCAPE AND CONTRABAND
PROHIBITED

Act of Oct. 24, 2018, P.L. 749, No. 123
Session of 2018
No. 2018-123

Cl. 18

HB 2476

AN ACT

Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in obstructing governmental operations, further providing for weapons or implements for escape; and, in miscellaneous provisions, further providing for contraband prohibited.

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

Section 1. Section 5122(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5122. Weapons or implements for escape.

(a) Offenses defined.--

(1) [A] **Except as provided under 61 Pa.C.S. § 5902(e.1) (relating to contraband prohibited)**, a person commits a misdemeanor of the first degree if he unlawfully introduces within a detention facility, correctional institution or mental hospital, or unlawfully provides an inmate thereof with any weapon, tool, implement, or other thing which may be used for escape.

(2) An inmate commits a misdemeanor of the first degree if he unlawfully procures, makes or otherwise provides himself with, or unlawfully has in his possession or under his control, any weapon, tool, implement or other thing which may be used for escape.

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Section 2. Section 5902(e) of Title 61 is amended and the section is amended by adding a subsection to read:

§ 5902. Contraband prohibited.

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(e) Weapons.--No weapon or other implement which may be used to injure an inmate or person or in assisting an inmate to escape from imprisonment shall:

(1) be sold, given away or furnished to an inmate in any correctional institution or any building appurtenant thereto or on the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates;

(2) **except as provided under subsection (e.1)**, be brought into any correctional institution or any building appurtenant thereto or on to the land granted to or owned or leased by the Commonwealth for the use and benefit of inmates; or

(3) be sold, given away or furnished, either directly or indirectly, to an inmate, either in or anywhere outside of the correctional institution, or be disposed of in such a manner or in such a place that it may be secured by an inmate in the correctional institution.

(e.1) Commonwealth employees.--

(1) **The following apply:**

(i) An employee of the Commonwealth employed at or assigned to a State correctional institution may carry or store one lawfully owned and transported firearm and ammunition in a vehicle located at a specified location outside of the State correctional institution upon providing advance written notice to the chief administrator of the State correctional institution.

(ii) If an employee of the Commonwealth carries or stores a firearm and ammunition under subparagraph (i), the employee of the Commonwealth shall do all of the following:

(A) Keep the firearm secured with a trigger lock or a gun safe.

(B) Keep the firearm out of plain sight.

(C) Comply with all applicable laws governing the use, possession and carrying of firearms and ammunition and all policies of the department.

(iii) A chief administrator who has received written notice under subparagraph (i) from an employee of the Commonwealth may deny or revoke the ability of the employee of the Commonwealth to carry or store a firearm and ammunition under this paragraph in writing.

(iv) An employee of the Commonwealth may not carry or store a firearm under subparagraph (i) if the vehicle also contains prohibited ammunition suitable for the firearm.

(2) The following words and phrases when used in this subsection shall have the meanings given to them in this paragraph unless the context clearly indicates otherwise:

"Firearm." A pistol or revolver with a barrel length less than eight inches as determined by measuring from the muzzle of the barrel to the face of the closed action or cylinder, whichever is applicable.

"Prohibited ammunition." A bullet or projectile which, if fired from a firearm as defined in 18 Pa.C.S. § 6102 (relating to definitions) under the test procedure of the National Institute of Justice for the Ballistic Resistance of Body Armor published July 2008, is determined to be capable of penetrating bullet-resistant apparel or body armor meeting the requirements of Type IIIA of Standard NIJ Standard- 0101.06 as formulated by the United States Department of Justice.

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

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF