

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 805

Session of  
1985

INTRODUCED BY MAYERNIK, PETRONE, DeLUCA, SEVENTY, STABACK,  
JOHNSON, POTT, GANNON, ANGSTADT, VROON, ARTY, MARKOSEK,  
STEVENS, PETRARCA, F. E. TAYLOR, BOOK, OLASZ, KOSINSKI,  
CIVERA, FOX, RIEGER, DONATUCCI, RAYMOND, WOGAN, PERZEL,  
J. J. TAYLOR, DEAL AND NOYE, MARCH 26, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 13, 1985

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for prohibited  
3 offensive weapons.

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

6 Section 1. Section 908(B)(1) AND (d) of Title 18 of the <—  
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 908. Prohibited offensive weapons.

9 \* \* \*

10 (B) EXCEPTIONS.-- <—

11 (1) IT IS A DEFENSE UNDER THIS SECTION FOR THE DEFENDANT  
12 TO PROVE BY A PREPONDERANCE OF EVIDENCE THAT HE POSSESSED OR  
13 DEALT WITH THE WEAPON SOLELY AS A CURIO OR IN A DRAMATIC  
14 PERFORMANCE, [OR THAT, WITH THE EXCEPTION OF A BOMB, GRENADE  
15 OR INCENDIARY DEVICE, HE COMPLIED WITH THE NATIONAL FIREARMS  
16 ACT (26 U.S.C. § 5801 ET SEQ.),] OR THAT HE POSSESSED IT

1 BRIEFLY IN CONSEQUENCE OF HAVING FOUND IT OR TAKEN IT FROM AN  
2 AGGRESSOR, OR UNDER CIRCUMSTANCES SIMILARLY NEGATING ANY  
3 INTENT OR LIKELIHOOD THAT THE WEAPON WOULD BE USED  
4 UNLAWFULLY.

5 \* \* \*

6 (d) Exemptions.--The use and possession of blackjacks by the  
7 following persons in the course of their duties are exempt from  
8 this section:

9 (1) Police officers, as defined by and who meet the  
10 requirements of the act of June 18, 1974 (P.L.359, No.120),  
11 referred to as the Municipal Police Education and Training  
12 Law.

13 (2) Police officers of first class cities who have  
14 successfully completed training which is substantially  
15 equivalent to the program under the Municipal Police  
16 Education and Training Law.

17 (3) Pennsylvania State Police officers.

18 (4) Sheriffs ~~and~~ deputy sheriffs ~~and campus police~~ of <—  
19 the various counties who have satisfactorily met the  
20 requirements of the Municipal Police Education and Training  
21 Law.

22 (5) Police officers employed by the Commonwealth who  
23 have satisfactorily met the requirements of the Municipal  
24 Police Education and Training Law.

25 (6) Deputy sheriffs with adequate training as determined  
26 by the Pennsylvania Commission on Crime and Delinquency.

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