

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 713 Session of 1991

INTRODUCED BY TANGRETTI, MAYERNIK, HERMAN, MARKOSEK, MARSICO, JOHNSON, GEIST, NAILOR, ITKIN, KUKOVICH, FAIRCHILD, SCHEETZ, CAPPABIANCA, FLEAGLE, E. Z. TAYLOR, BATTISTO, NOYE, CARLSON, PESCI, ROBINSON, SCHULER, M. N. WRIGHT, MELIO, JOSEPHS, DALEY, COY, VEON, TRELLO, KOSINSKI, HAGARTY, GIGLIOTTI, KRUSZEWSKI, BELARDI, OLASZ, MIHALICH, STURLA, SAURMAN, STABACK, STAIRS, PRESTON, CIVERA, FARGO, MICHLOVIC, STISH, KING AND TELEK, MARCH 13, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, AUGUST 2, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, FURTHER PROVIDING FOR A PROHIBITED
3 OFFENSIVE WEAPONS EXEMPTION FOR LIQUOR CONTROL ENFORCEMENT
4 OFFICERS; AND prohibiting the possession of a firearm or
5 other dangerous weapon in a court facility.

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

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

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10 SECTION 1. SECTION 908(D) OF TITLE 18 OF THE PENNSYLVANIA
11 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:

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12 § 908. PROHIBITED OFFENSIVE WEAPONS.

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14 (D) EXEMPTIONS.--THE USE AND POSSESSION OF BLACKJACKS BY THE
15 FOLLOWING PERSONS IN THE COURSE OF THEIR DUTIES ARE EXEMPT FROM
16 THIS SECTION:

1 (1) POLICE OFFICERS, AS DEFINED BY AND WHO MEET THE
2 REQUIREMENTS OF THE ACT OF JUNE 18, 1974 (P.L.359, NO.120),
3 REFERRED TO AS THE MUNICIPAL POLICE EDUCATION AND TRAINING
4 LAW.

5 (2) POLICE OFFICERS OF FIRST CLASS CITIES WHO HAVE
6 SUCCESSFULLY COMPLETED TRAINING WHICH IS SUBSTANTIALLY
7 EQUIVALENT TO THE PROGRAM UNDER THE MUNICIPAL POLICE
8 EDUCATION AND TRAINING LAW.

9 (3) PENNSYLVANIA STATE POLICE OFFICERS.

10 (4) SHERIFFS AND DEPUTY SHERIFFS OF THE VARIOUS COUNTIES
11 WHO HAVE SATISFACTORILY MET THE REQUIREMENTS OF THE MUNICIPAL
12 POLICE EDUCATION AND TRAINING LAW.

13 (5) POLICE OFFICERS EMPLOYED BY THE COMMONWEALTH WHO
14 HAVE SATISFACTORILY MET THE REQUIREMENTS OF THE MUNICIPAL
15 POLICE EDUCATION AND TRAINING LAW.

16 (6) DEPUTY SHERIFFS WITH ADEQUATE TRAINING AS DETERMINED
17 BY THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY.

18 (7) LIQUOR CONTROL BOARD AGENTS WHO HAVE SATISFACTORILY
19 MET THE REQUIREMENTS OF THE MUNICIPAL POLICE EDUCATION AND
20 TRAINING LAW.

21 (8) LIQUOR CONTROL ENFORCEMENT OFFICERS WHO HAVE
22 SUCCESSFULLY COMPLETED THE LIQUOR CONTROL ENFORCEMENT
23 TRAINING PROGRAM AS PROVIDED BY THE PENNSYLVANIA STATE
24 POLICE.

25 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

26 § 913. Possession of firearm or other dangerous weapon in court
27 facility.

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

29 (1) knowingly possesses a firearm or other dangerous
30 weapon in a court facility or knowingly causes a firearm or

1 other dangerous weapon to be present in a court facility; or

2 (2) knowingly possesses a firearm or other dangerous
3 weapon in a court facility with the intent that the firearm
4 or other dangerous weapon be used in the commission of a
5 crime or knowingly causes a firearm or other dangerous weapon
6 to be present in a court facility with the intent that the
7 firearm or other dangerous weapon be used in the commission
8 of a crime.

9 (b) Grading.--

10 (1) Except as otherwise provided in paragraph (3), an
11 offense under subsection (a)(1) is a misdemeanor of the third
12 degree.

13 (2) An offense under subsection (a)(2) is a misdemeanor
14 of the first degree.

15 (3) An offense under subsection (a)(1) is a summary
16 offense if the person was carrying a firearm pursuant to
17 section 6106(b) (relating to firearms not to be carried
18 without license) or section 6109 (relating to licenses) and
19 failed to check the firearm under subsection (e) prior to
20 entering the court facility.

21 (c) Exceptions.--Subsection (a) shall not apply:

22 (1) To the lawful performance of official duties by an
23 officer, agent or employee of the United States, the
24 Commonwealth or a political subdivision who is authorized by
25 law to engage in or supervise the prevention, detection,
26 investigation or prosecution of any violation of law.

27 (2) To the lawful performance of official duties by a
28 court official.

29 (3) TO THE CARRYING OF RIFLES AND SHOTGUNS BY
30 INSTRUCTORS AND PARTICIPANTS IN A COURSE OF INSTRUCTION

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1 PROVIDED BY THE PENNSYLVANIA GAME COMMISSION UNDER 34 PA.C.S.
2 § 2704 (RELATING TO ELIGIBILITY FOR LICENSE).

3 (d) Posting of notice.--Notice of the provisions of
4 subsection (a) shall be posted conspicuously at each public
5 entrance to each courthouse or other building containing a court
6 facility and each court facility, and no person shall be
7 convicted of an offense under subsection (a) with respect to a
8 court facility if the notice was not so posted at the courthouse
9 or other building containing a court facility and at the court
10 facility, unless the person had actual notice of the provisions
11 of subsection (a).

12 (e) Facilities for checking firearms.--Each county shall
13 make available at or near the main entrance to the courthouse,
14 lockers or similar facilities for the temporary checking of
15 firearms by persons LAWFULLY carrying firearms pursuant to ←
16 section 6106(b) or 6109.

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

20 "Court facility." The courtroom of a court of record; a
21 courtroom of a community court; the courtroom of a district
22 justice; a courtroom of the Philadelphia Municipal Court; a
23 courtroom of the Pittsburgh Magistrates Court; a courtroom of
24 the Traffic Court of Philadelphia; judge's chambers; witness
25 room; jury deliberation rooms; attorney conference rooms;
26 prisoner holding cells; offices of court clerks, the district
27 attorney, the sheriff and probation and parole officers; and any
28 adjoining corridors.

29 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,
30 metal knuckles, dagger, knife, razor or cutting instrument, the

1 blade of which is exposed in an automatic way by switch, push-
2 button, spring mechanism, or otherwise, or other implement for
3 the infliction of serious bodily injury which serves no common
4 lawful purpose.

5 "Firearm." Any weapon, including a starter gun, which will
6 or is designed to expel a projectile or projectiles by the
7 action of an explosion, expansion of gas or escape of gas. Such
8 term shall not include any device designed or used exclusively
9 for the firing of stud cartridges, explosive rivets or similar
10 industrial ammunition.

11 Section 2 3. This act shall take effect in 60 days.

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