

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3018 Session of
1994

INTRODUCED BY GLADECK, FICHTER, MARSICO, TRELLO, LaGROTTA,
D. W. SNYDER, E. Z. TAYLOR, LAUB, CORNELL, DENT, RUBLEY,
J. TAYLOR, CORRIGAN, L. I. COHEN, CARONE, TOMLINSON, DEMPSEY,
SAURMAN, TRUE, BUNT, PICCOLA, NAILOR, McGEEHAN, LEH,
CHADWICK, EGOLF, ADOLPH, RAYMOND, FARMER AND SERAFINI,
SEPTEMBER 27, 1994

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 27, 1994

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, adding provisions relating to deadly weapons;
4 further providing for offenses committed with firearms; and
5 providing penalties.

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 sections to read:

10 § 6302.1. Possession of deadly weapon by minor.

11 (a) Offense defined.--Except as provided in subsection (b),
12 it shall be unlawful for any minor 17 years of age or younger to
13 possess, purchase, attempt to purchase, lease or attempt to
14 lease any deadly weapon.

15 (b) Exception.--The provision of subsection (a) shall not
16 apply to any minor who, while under the supervision and
17 instruction of a person 21 years of age or older, is:

1 (1) engaged in lawful hunting or trapping pursuant to a
2 valid license issued to such person or is going to or from a
3 hunting area or preserve, as long as the weapons are unloaded
4 while being transported;

5 (2) engaged in practice or firearms educational class in
6 the use of a firearm or target shooting at an established
7 range or any other area where the discharge of a firearm is
8 not prohibited or going to or from such range or area;

9 (3) engaged in an organized competition involving the
10 use of a firearm or participating in or practicing for a
11 performance by an organized group as determined by the
12 Federal Internal Revenue Service which uses firearms as a
13 part of performance; or

14 (4) on the real property under the control of the
15 minor's parent or legal guardian and has the permission of
16 the parent or guardian to possess the firearm.

17 (c) Penalty.--Any minor who is convicted of a violation of
18 subsection (a) is guilty of a misdemeanor of the first degree.
19 Any minor who is adjudicated delinquent for a violation of this
20 section shall be ineligible for probation. The court shall order
21 the minor to an institution, youth development center or other
22 facility for delinquent minors pursuant to 42 Pa.C.S. §
23 6352(a)(3) (relating to disposition of delinquent child).

24 § 6302.2. Parental liability for possession of deadly weapon by
25 minor.

26 Any parent or guardian of a minor adjudicated delinquent or
27 convicted for a violation of section 6302.1 (relating to
28 possession of deadly weapon by minor) who intentionally,
29 knowingly, recklessly or negligently failed to make reasonable
30 efforts to prevent the offense shall be guilty of a misdemeanor

1 of the first degree and be sentenced to pay a mandatory fine of
2 \$2,500. Where the court determines a parent or guardian is
3 unable to pay the fine, the court may order the attachment of
4 any governmental benefit received by the parent or guardian to
5 satisfy the fine.

6 Section 2. Section 6355 of Title 42 is amended by adding a
7 subsection to read:

8 § 6355. Transfer to criminal proceedings.

9 * * *

10 (e.1) Offenses committed with firearms.--Where the petition
11 alleges conduct which if proven would constitute voluntary
12 manslaughter, rape, involuntary deviate sexual intercourse,
13 aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2)
14 (relating to aggravated assault) or robbery as defined in 18
15 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or
16 an attempt to commit any of these crimes, if the child possessed
17 a firearm during the commission of the offense, the court shall
18 require the offense to be prosecuted under the criminal law and
19 procedures.

20 * * *

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