
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1272 Session of
1997

INTRODUCED BY OLIVER, GODSHALL, CALTAGIRONE, REBER, DONATUCCI,
McCALL, BISHOP, RIEGER, L. I. COHEN, YOUNGBLOOD, CURRY,
PETRONE, STABACK, TRELLO, ITKIN, JOSEPHS, LEDERER, MELIO,
M. COHEN, GIGLIOTTI, WASHINGTON, ROEBUCK, SHANER, BUNT,
RAYMOND, TRICH, PRESTON, A. H. WILLIAMS AND SAINATO,
APRIL 9, 1997

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
OCTOBER 6, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the possession
3 of weapons on school property; ~~and~~, FOR AGGRAVATED ASSAULT, <—
4 FOR TERRORISTIC THREATS AND FOR INSTITUTIONAL VANDALISM;
5 providing for retaliation against prosecutor or judicial
6 official; AND FURTHER PROVIDING FOR RESTRICTION ON OPERATING <—
7 PRIVILEGES.

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

10 Section 1. ~~Section 912~~ SECTIONS 912 AND 2702(A)(5) AND (C) <—
11 of Title 18 of the Pennsylvania Consolidated Statutes ~~is~~ ARE <—
12 amended to read:

13 § 912. Possession of weapon on school property.

14 (a) Definition.--Notwithstanding the definition of "weapon"
15 in section 907 (relating to possessing instruments of crime),
16 "weapon" for purposes of this section shall include but not be
17 limited to any knife, cutting instrument, cutting tool, nun-

1 chuck stick, firearm, shotgun, rifle and any other tool,
2 instrument or implement capable of inflicting serious bodily
3 injury.

4 (b) Offense defined.--A person commits a misdemeanor of the
5 first degree if he possesses a weapon in the buildings of, on
6 the grounds of, or in any conveyance providing transportation to
7 or from any elementary or secondary publicly-funded educational
8 institution, any elementary or secondary private school licensed
9 by the Department of Education or any elementary or secondary
10 parochial school.

11 (b.1) Firearms.--

12 (1) Except as provided in paragraph (2), a person who
13 commits an offense under subsection (b) while in the
14 possession of a firearm as defined in section 6102 (relating
15 to definitions), commits a felony of the third degree.

16 (2) A person who commits an offense under subsection (b)
17 while in the possession of a firearm as defined in section
18 6102 and who is otherwise eligible to possess a valid license
19 as defined in section 6109 (relating to licenses), commits a
20 misdemeanor of the first degree.

21 (c) Defense.--It shall be a defense that the weapon is
22 possessed and used in conjunction with a lawful supervised
23 school activity or course or is possessed for other lawful
24 purpose.

25 § 2702. AGGRAVATED ASSAULT.

<—

26 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AGGRAVATED
27 ASSAULT IF HE:

28 * * *

29 (5) ATTEMPTS TO CAUSE OR INTENTIONALLY OR KNOWINGLY
30 CAUSES BODILY INJURY TO A [TEACHING STAFF MEMBER,] SCHOOL

1 BOARD MEMBER, OTHER EMPLOYEE OR STUDENT OF ANY ELEMENTARY OR
2 SECONDARY PUBLICLY-FUNDED EDUCATIONAL INSTITUTION, ANY
3 ELEMENTARY OR SECONDARY PRIVATE SCHOOL LICENSED BY THE
4 DEPARTMENT OF EDUCATION OR ANY ELEMENTARY OR SECONDARY
5 PAROCHIAL SCHOOL WHILE ACTING IN THE SCOPE OF HIS OR HER
6 EMPLOYMENT OR BECAUSE OF HIS OR HER EMPLOYMENT RELATIONSHIP
7 TO THE SCHOOL; OR

8 * * *

9 (C) OFFICERS, EMPLOYEES, ETC., ENUMERATED.--THE OFFICERS,
10 AGENTS, EMPLOYEES AND OTHER PERSONS REFERRED TO IN SUBSECTION

11 (A) SHALL BE AS FOLLOWS:

12 (1) POLICE OFFICER.

13 (2) FIREFIGHTER.

14 (3) COUNTY ADULT PROBATION OR PAROLE OFFICER.

15 (4) COUNTY JUVENILE PROBATION OR PAROLE OFFICER.

16 (5) AN AGENT OF THE PENNSYLVANIA BOARD OF PROBATION AND
17 PAROLE.

18 (6) SHERIFF.

19 (7) DEPUTY SHERIFF.

20 (8) LIQUOR CONTROL ENFORCEMENT AGENT.

21 (9) OFFICER OR EMPLOYEE OF A CORRECTIONAL INSTITUTION,
22 COUNTY JAIL OR PRISON, JUVENILE DETENTION CENTER OR ANY OTHER
23 FACILITY TO WHICH THE PERSON HAS BEEN ORDERED BY THE COURT
24 PURSUANT TO A PETITION ALLEGING DELINQUENCY UNDER 42 PA.C.S.
25 CH. 63 (RELATING TO JUVENILE MATTERS).

26 (10) JUDGE OF ANY COURT IN THE UNIFIED JUDICIAL SYSTEM.

27 (11) THE ATTORNEY GENERAL.

28 (12) A DEPUTY ATTORNEY GENERAL.

29 (13) A DISTRICT ATTORNEY.

30 (14) AN ASSISTANT DISTRICT ATTORNEY.

- 1 (15) A PUBLIC DEFENDER.
- 2 (16) AN ASSISTANT PUBLIC DEFENDER.
- 3 (17) A FEDERAL LAW ENFORCEMENT OFFICIAL.
- 4 (18) A STATE LAW ENFORCEMENT OFFICIAL.
- 5 (19) A LOCAL LAW ENFORCEMENT OFFICIAL.
- 6 (20) ANY PERSON EMPLOYED TO ASSIST OR WHO ASSISTS ANY
- 7 FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICIAL.
- 8 (21) EMERGENCY MEDICAL SERVICES PERSONNEL.
- 9 (22) PARKING ENFORCEMENT OFFICER.
- 10 (23) A DISTRICT JUSTICE.
- 11 (24) A CONSTABLE.
- 12 (25) A DEPUTY CONSTABLE.
- 13 (26) A PSYCHIATRIC AIDE.
- 14 (27) A TEACHING STAFF MEMBER.

15 * * *

16 SECTION 2. SECTIONS 2706 AND 3307 OF TITLE 18 ARE AMENDED BY

17 ADDING SUBSECTIONS TO READ:

18 § 2706. TERRORISTIC THREATS.

19 * * *

20 (D) SCHOOL TERRORISTIC THREATS.--THE SCHOOL SUPERINTENDENT

21 OR CHIEF ADMINISTRATOR SHALL REPORT TERRORISTIC THREATS OF

22 VIOLENT ACTS OCCURRING WITHIN SCHOOL GROUNDS TO LOCAL LAW

23 ENFORCEMENT OFFICERS.

24 § 3307. INSTITUTIONAL VANDALISM.

25 * * *

26 ~~(C) ACTION TO RECOVER COMPENSATORY DAMAGES.~~

<—

27 ~~(1) A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT~~

28 ~~OWNING PROPERTY SHALL MAINTAIN A CIVIL ACTION TO RECOVER~~

29 ~~COMPENSATORY DAMAGES NOT EXCEEDING \$50,000 PLUS COURT COSTS~~

30 ~~FROM THE OFFENDER, OR, IF THE OFFENDER IS A MINOR, THE PARENT~~

1 ~~OR LEGAL GUARDIAN OF THE MINOR WHO WILLFULLY DAMAGES PROPERTY~~
2 ~~BELONGING TO THE SCHOOL DISTRICT OR WHO COMMITS ACTS AGAINST~~
3 ~~THE SCHOOL DISTRICT COGNIZABLE AS AN OFFENSE UNDER SUBSECTION~~
4 ~~(A)(3) AS IT RELATES TO A SCHOOL OR EDUCATIONAL FACILITY. A~~
5 ~~FINDING OF WILLFUL DESTRUCTION OF PROPERTY SHALL NOT BE~~
6 ~~DEPENDENT UPON:~~

7 ~~(I) A PRIOR FINDING THAT THE OFFENDER, IF A MINOR,~~
8 ~~IS DELINQUENT OR A DEPENDENT CHILD; OR~~

9 ~~(II) THE OFFENDER'S CONVICTION OF ANY CRIMINAL~~
10 ~~OFFENSE.~~

11 ~~(2) IF A COURT RENDERS A JUDGMENT IN FAVOR OF A BOARD OF~~
12 ~~SCHOOL DIRECTORS OF A SCHOOL DISTRICT UNDER THIS SUBSECTION,~~
13 ~~THE COURT SHALL ORDER FULL RESTITUTION UNLESS THE BOARD AND~~
14 ~~THE OFFENDER OR THE PARENT OR LEGAL GUARDIAN OF THE MINOR~~
15 ~~AGREE THAT THE OFFENDER OR THE MINOR AND THE PARENT OR LEGAL~~
16 ~~GUARDIAN WILL PERFORM COMMUNITY SERVICE IN LIEU OF FULL~~
17 ~~PAYMENT OF THE JUDGMENT.~~

18 ~~(3) IF AN AGREEMENT IS REACHED UNDER PARAGRAPH (2), THE~~
19 ~~COURT SHALL ORDER THE OFFENDER OR THE MINOR AND THE PARENT OR~~
20 ~~THE LEGAL GUARDIAN TO PERFORM COMMUNITY SERVICE IN LIEU OF~~
21 ~~PROVIDING FULL PAYMENT OF THE JUDGMENT. IN THE ORDER, THE~~
22 ~~COURT SHALL SPECIFY THE AMOUNT TO BE PAID BY THE OFFENDER OR~~
23 ~~THE MINOR AND THE PARENT OR LEGAL GUARDIAN, THE TYPE AND~~
24 ~~NUMBER OF HOURS OF COMMUNITY SERVICE TO BE PERFORMED AND ANY~~
25 ~~OTHER CONDITIONS NECESSARY TO CARRY OUT THE ORDER.~~

26 ~~(C) ACTION TO RECOVER DAMAGES.--~~

27 ~~(1) WHERE THE DAMAGES TO SCHOOL PROPERTY EXCEED \$1,000~~
28 ~~FROM AN INCIDENT OF VANDALISM AND IF THE OFFENDER HAS~~
29 ~~WILLFULLY OR RECKLESSLY DAMAGED SCHOOL DISTRICT PROPERTY OR~~
30 ~~HAS WILLFULLY OR RECKLESSLY COMMITTED ACTS AGAINST SCHOOL~~

1 DISTRICT PROPERTY COGNIZABLE AS AN OFFENSE UNDER SUBSECTION
2 (A)(3), AS IT RELATES TO A SCHOOL OR EDUCATIONAL FACILITY,
3 THEN UNLESS A LEGALLY BINDING SETTLEMENT AGREEMENT HAS BEEN
4 ENTERED INTO BETWEEN THE PARTIES ASSURING THAT RESTITUTION
5 WILL BE MADE, THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL
6 DISTRICT OWNING THE DAMAGED PROPERTY SHALL INSTITUTE A CIVIL
7 ACTION TO RECOVER COMPENSATORY DAMAGES NOT EXCEEDING \$50,000
8 PLUS COURT COSTS AND ATTORNEY FEES FROM THE OFFENDER OR FROM
9 THE PARENTS OR LEGAL GUARDIAN OF THE OFFENDER IF THE OFFENDER
10 IS A MINOR. A FINDING OF WILLFUL DAMAGE SHALL NOT BE
11 DEPENDENT UPON:

12 (I) A PRIOR FINDING THAT THE OFFENDER, IF A MINOR,
13 IS DELINQUENT OR IS A DEPENDENT CHILD; OR

14 (II) THE OFFENDER'S CONVICTION OF ANY PRIOR CRIMINAL
15 OFFENSE.

16 (2) IF A COURT RENDERS A JUDGMENT UNDER THIS SUBSECTION
17 IN FAVOR OF A BOARD OF SCHOOL DIRECTORS OF A SCHOOL DISTRICT,
18 THE COURT SHALL ORDER FULL RESTITUTION UNLESS THE BOARD AND
19 THE OFFENDER OR THE PARENT OR LEGAL GUARDIAN OF THE MINOR
20 AGREE THAT THE OFFENDER, OR THE MINOR AND THE PARENT OR LEGAL
21 GUARDIAN, WILL PERFORM COMMUNITY SERVICE IN LIEU OF FULL
22 PAYMENT OF THE JUDGMENT.

23 (3) IF AN AGREEMENT FOR COMMUNITY SERVICE IS REACHED
24 UNDER PARAGRAPH (2), THE COURT SHALL ORDER THE OFFENDER, AND
25 IN THE CASE OF A MINOR OFFENDER MAY ALSO ORDER THE PARENTS OR
26 LEGAL GUARDIAN OF THE MINOR OFFENDER, TO MAKE PAYMENT OF
27 MONEY AND TO PERFORM SUCH COMMUNITY SERVICE AS HAS BEEN
28 AGREED TO BY THE PARTIES AS EQUATING TO FULL RESTITUTION. IN
29 THE ORDER, THE COURT:

30 (I) SHALL SPECIFY THE AMOUNT TO BE PAID BY THE

1 OFFENDER, OR BY THE MINOR OFFENDER AND THE PARENTS OR
2 LEGAL GUARDIAN, AND THE NUMBER OF HOURS OF COMMUNITY
3 SERVICE TO BE PERFORMED;

4 (II) MAY DESIGNATE A SPECIFIC TYPE OF COMMUNITY
5 SERVICE OR DELEGATE THE SERVICE TO AN ESTABLISHED
6 COMMUNITY SERVICE PROGRAM; AND

7 (III) MAY SPECIFY ANY OTHER CONDITIONS NECESSARY TO
8 CARRY OUT THE ORDER.

9 (4) WHERE THE DAMAGES TO SCHOOL PROPERTY ARE \$1,000 OR
10 LESS, THE BOARD OF SCHOOL DIRECTORS OF THE SCHOOL DISTRICT
11 OWNING THE DAMAGED PROPERTY MAY INSTITUTE A CIVIL ACTION TO
12 RECOVER COMPENSATORY DAMAGES AND THE LIABILITY OF A PARENT OR
13 LEGAL GUARDIAN FOR THE ACTIONS OF A MINOR OFFENDER SHALL BE
14 PREMISED UPON THE PROVISIONS OF 23 PA.C.S. CH. 55 (RELATING
15 TO LIABILITY FOR TORTIOUS ACTS OF CHILDREN). NOTWITHSTANDING
16 THE PROVISIONS OF 23 PA.C.S. § 5505(B) (RELATING TO MONETARY
17 LIMITS OF LIABILITY), FOR AMOUNTS IN EXCESS OF \$1,000, THE
18 LIABILITY OF A PARENT OR LEGAL GUARDIAN FOR THE ACTIONS OF A
19 MINOR OFFENDER SHALL BE PREMISED UPON A FINDING THAT THE
20 PARENT OR LEGAL GUARDIAN FAILED TO EXERCISE REASONABLE AND
21 DILIGENT SUPERVISION OF THE MINOR, WHICH WOULD LIKELY HAVE
22 PREVENTED THE OCCURRENCE OF THE DAMAGE.

23 Section ~~2~~ 3. Title 18 is amended by adding a section to
24 read:

25 § 4953.1. Retaliation against prosecutor or judicial official.

26 (a) Offense defined.--A person commits an offense if he
27 harms or attempts to harm another or the tangible property of
28 another by any unlawful act in retaliation for anything lawfully
29 done in the official capacity of a prosecutor or judicial
30 official.

1 (b) Grading.--The offense is a felony of the second degree
2 if:

3 (1) The actor employs force, violence or deception, or
4 attempts or threatens to employ force, violence or deception,
5 upon the prosecutor or judicial official or, with the
6 requisite intent or knowledge, upon any other person.

7 (2) The actor's conduct is in furtherance of a
8 conspiracy to retaliate against a prosecutor or judicial
9 official.

10 (3) The actor solicits another to or accepts or agrees
11 to accept any pecuniary or other benefit to retaliate against
12 a prosecutor or judicial official.

13 (4) The actor has suffered any prior conviction for any
14 violation of this title or any predecessor law hereto, or has
15 been convicted, under any Federal statute or statute of any
16 other state, of an act which would be a violation of this
17 title if committed in this Commonwealth.

18 (5) The actor causes property damage or loss in excess
19 of \$1,000.

20 Otherwise the offense is a misdemeanor of the first degree.

21 (c) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection:

24 "Judicial official." Any person who is a:

25 (1) judge of the court of common pleas;

26 (2) judge of the Commonwealth Court;

27 (3) judge of the Superior Court;

28 (4) justice of the Supreme Court;

29 (5) district justice;

30 (6) judge of the Pittsburgh Magistrate's Court;

1 IMMEDIATELY.