

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 946 Session of
1999

INTRODUCED BY SCHWARTZ, STAPLETON, BODACK, KITCHEN, COSTA,
HUGHES, STOUT, BELAN AND LAVALLE, MAY 5, 1999

REFERRED TO JUDICIARY, MAY 5, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for firearm-free zones.

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

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

7 § 6320. Firearm-free zones.

8 (a) Offense defined.--A person commits a misdemeanor of the
9 first degree if that person possesses a firearm:

10 (1) in any building, or on any grounds within 1,000 feet
11 of; or

12 (2) in any conveyance that provides transportation to or
13 from

14 real property on which is located a public, private or parochial
15 school, a child day-care center, a recreation center or a
16 playground. A person who is convicted of violating this section
17 shall be sentenced to a term of imprisonment of not less than

two years, and such sentence shall be in addition to any other penalty or sentence imposed for any other violation of law.

(b) Authority of court in sentencing.--There shall be no authority for a court to impose on a defendant to which this section is applicable a lesser sentence than provided for in subsection (a), to place the defendant on probation or to suspend sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(c) Appeal by Commonwealth.--If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(d) Defense.--In any prosecution pursuant to this section, it shall be a defense that the weapon is possessed for other lawful purposes by a person who is:

(1) A peace officer as defined in section 501 (relating to definitions).

(2) In a residence or business located within the 1,000-foot perimeter of the real property described in subsection (a).

(3) An individual participating in a school-sanctioned event involving the use of firearms.

(4) Any person engaged in legal hunting or trapping activities.

1 (5) Any person engaged in target shooting or a shooting
2 competition at a range or on that person's property or the
3 property of that person's relative.

4 (6) Any person attending a course on firearm safety.

5 (7) Any person attending a course on hunter safety.

6 (8) Any active or reserve members of the United States
7 Armed Forces or the Pennsylvania National Guard.

8 (9) Any person traveling to or from one of the
9 activities identified in this subsection.

10 (e) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Child day-care center." A facility in which out-of-home
14 care is provided, at any one time, for part of a 24-hour day to
15 seven or more children who are 15 years of age or younger.

16 "Firearm." A weapon that is designed to or may readily be
17 converted to expel any projectile by the action of an explosion
18 or the frame or receiver of any such weapon.

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