

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1665 Session of
2003

INTRODUCED BY FREEMAN, CURRY, FRANKEL, HORSEY, JAMES, JOSEPHS,
LESCOVITZ, THOMAS, WASHINGTON AND YOUNGBLOOD, JUNE 23, 2003

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 23, 2003

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 53 (Municipalities
2 Generally) of the Pennsylvania Consolidated Statutes,
3 providing for the offense of possession of firearms or other
4 dangerous weapons in municipal facility; and authorizing
5 ordinances to prohibit possession of firearms or other
6 dangerous weapons in municipal facilities.

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

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

11 § 914. Possession of firearm or other dangerous weapon in
12 municipal facility.

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

14 (1) knowingly possesses a firearm or other dangerous
15 weapon in a municipal facility or knowingly causes a firearm
16 or other dangerous weapon to be present in a municipal
17 facility in violation of an ordinance adopted under 53
18 Pa.C.S. § 1371 (relating to possession of firearm or other
19 dangerous weapon in municipal facility); or

20 (2) knowingly possesses a firearm or other dangerous

1 weapon in a municipal facility in violation of an ordinance
2 adopted under 53 Pa.C.S. § 1371 with the intent that the
3 firearm or other dangerous weapon be used in the commission
4 of a crime or knowingly causes a firearm or other dangerous
5 weapon to be present in a municipal facility with the intent
6 that the firearm or other dangerous weapon be used in the
7 commission of a crime.

8 (b) Grading.--

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

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

14 (3) An offense under subsection (a)(1) is a summary
15 offense if the person was carrying a firearm under section
16 6106(b) (relating to firearms not to be carried without a
17 license) or 6109 (relating to licenses) and failed to check
18 the firearm in a locker or similar facility made available by
19 the municipality prior to entering the municipal facility.

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

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

26 (2) The lawful performance of official duties by a
27 municipal official.

28 (3) The carrying of rifles and shotguns by instructors
29 and participants in a course of instruction provided by the
30 Pennsylvania Game Commission under 34 Pa.C.S. § 2704

1 (relating to eligibility for license).

2 (4) Associations of veteran soldiers and their
3 auxiliaries or members of organized armed forces of the
4 United States or the Commonwealth, including reserve
5 components, when engaged in the performance of ceremonial
6 duties with municipal approval.

7 (d) Posting of notice.--No person shall be convicted of an
8 offense under subsection (a)(1) with respect to a municipal
9 facility, if the notice required under 53 Pa.C.S. § 1371 was not
10 posted at each public entrance to the building containing a
11 municipal facility and at the municipal facility unless the
12 person had actual notice of the provisions of subsection (a).

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

16 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,
17 metal knuckles, dagger, knife (the blade of which is exposed in
18 an automatic way by switch, push-button, spring mechanism or
19 otherwise) or other implement for the infliction of serious
20 bodily injury which serves no common lawful purpose.

21 "Firearm." Any weapon, including a starter gun, which will
22 or is designed to expel a projectile or projectiles by the
23 action of an explosion, expansion of gas or escape of gas. The
24 term does not include any device designed or used exclusively
25 for the firing of stud cartridges, explosive rivets or similar
26 industrial ammunition.

27 "Municipal facility." A premises owned, leased or controlled
28 by a municipality.

29 Section 2. Chapter 13 of Title 53 is amended by adding a
30 subchapter to read:

1 SUBCHAPTER E

2 ORDINANCES

3 Sec.

4 1371. Possession of firearm or other dangerous weapon in
5 municipal facility.

6 § 1371. Possession of firearm or other dangerous weapon in
7 municipal facility.

8 (a) General rule.--A municipality may adopt an ordinance
9 that prohibits any person from possessing a firearm or other
10 dangerous weapon in a municipal facility or causing a firearm or
11 other dangerous weapon to be present in a municipal facility.

12 (b) Penalties.--A person who violates an ordinance adopted
13 under this section is subject to the provisions of 18 Pa.C.S. §
14 914 (relating to possession of firearm or other dangerous weapon
15 in municipal facility).

16 (c) Exceptions.--No ordinance adopted under this section
17 shall apply to:

18 (1) The lawful performance of official duties by an
19 officer, agent or employee of the United States, the
20 Commonwealth or a political subdivision who is authorized by
21 law to engage in or supervise the prevention, detection,
22 investigation or prosecution of any violation of law.

23 (2) The lawful performance of official duties by a
24 municipal official.

25 (3) The carrying of rifles and shotguns by instructors
26 and participants in a course of instruction provided by the
27 Pennsylvania Game Commission under 34 Pa.C.S. § 2704
28 (relating to eligibility for license).

29 (4) Associations of veteran soldiers and their
30 auxiliaries or members of organized armed forces of the

1 United States or the Commonwealth, including reserve
2 components, when engaged in the performance of ceremonial
3 duties with municipal approval.

4 (d) Posting of notice.--In any municipality that adopts an
5 ordinance under subsection (a), notice of the provisions of
6 subsections (a) and (e) shall be posted conspicuously at each
7 public entrance to each building containing a municipal facility
8 and each municipal facility.

9 (e) Facilities for checking firearms or other dangerous
10 weapons.--Each governing body that adopts an ordinance under
11 subsection (a) shall make available at or within the building
12 containing a municipal facility, lockers or similar facilities
13 at no charge or cost for the temporary checking of firearms by
14 persons carrying firearms or for the checking of other dangerous
15 weapons that are not otherwise prohibited by law. Any individual
16 checking a firearm, dangerous weapon or an item deemed to be a
17 dangerous weapon at a municipal facility must be issued a
18 receipt. Notice of the location of the lockers or similar
19 facilities shall be posted as required under subsection (d).

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

23 "Dangerous weapon." A bomb, grenade, blackjack, sandbag,
24 metal knuckles, dagger, knife (the blade of which is exposed in
25 an automatic way by switch, push-button, spring mechanism or
26 otherwise) or other implement for the infliction of serious
27 bodily injury which serves no common lawful purpose.

28 "Firearm." Any weapon, including a starter gun, which will
29 or is designed to expel a projectile or projectiles by the
30 action of an explosion, expansion of gas or escape of gas. The

1 term does not include any device designed or used exclusively
2 for the firing of stud cartridges, explosive rivets or similar
3 industrial ammunition.

4 "Municipal facility." A premises owned, leased or controlled
5 by a municipality.

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