

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2816 Session of
2008

INTRODUCED BY KILLION, CREIGHTON, GINGRICH, GODSHALL, HENNESSEY,
MAHER, MICOZZIE, R. MILLER, MOYER, MURT, MYERS, PETRONE,
RAPP, ROCK, SIPTROTH AND SONNEY, OCTOBER 3, 2008

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 3, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offenses of
3 possession of weapons, aggravated assault, criminal trespass
4 and solicitation of minors at private residential
5 rehabilitative institutions.

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

8 Section 1. Sections 912(b), 2702(a) and (c), 3503(d),
9 6317(a) and 6319(c) of Title 18 of the Pennsylvania Consolidated
10 Statutes are amended to read:

11 § 912. Possession of weapon on school property.

12 * * *

13 (b) Offense defined.--A person commits a misdemeanor of the
14 first degree if he possesses a weapon in the buildings of, on
15 the grounds of, or in any conveyance providing transportation to
16 or from any elementary or secondary publicly-funded educational
17 institution, any elementary or secondary private school licensed
18 by the Department of Education or any elementary or secondary
19 parochial school or private residential rehabilitative

1 institution.

2 * * *

3 § 2702. Aggravated assault.

4 (a) Offense defined.--A person is guilty of aggravated
5 assault if he:

6 (1) attempts to cause serious bodily injury to another,
7 or causes such injury intentionally, knowingly or recklessly
8 under circumstances manifesting extreme indifference to the
9 value of human life;

10 (2) attempts to cause or intentionally, knowingly or
11 recklessly causes serious bodily injury to any of the
12 officers, agents, employees or other persons enumerated in
13 subsection (c) or to an employee of an agency, company or
14 other entity engaged in public transportation, while in the
15 performance of duty;

16 (3) attempts to cause or intentionally or knowingly
17 causes bodily injury to any of the officers, agents,
18 employees or other persons enumerated in subsection (c), in
19 the performance of duty;

20 (4) attempts to cause or intentionally or knowingly
21 causes bodily injury to another with a deadly weapon;

22 (5) attempts to cause or intentionally or knowingly
23 causes bodily injury to a teaching staff member, school board
24 member or other employee, including a student employee, of
25 any elementary or secondary publicly-funded educational
26 institution, any elementary or secondary private school
27 licensed by the Department of Education [or], any elementary
28 or secondary parochial school or private residential
29 rehabilitative institution while acting in the scope of his
30 or her employment or because of his or her employment

relationship to the school;

(6) attempts by physical menace to put any of the officers, agents, employees or other persons enumerated in subsection (c), while in the performance of duty, in fear of imminent serious bodily injury; or

(7) uses tear or noxious gas as defined in section 2708(b) (relating to use of tear or noxious gas in labor disputes) or uses an electric or electronic incapacitation device against any officer, employee or other person enumerated in subsection (c) while acting in the scope of his employment.

* * *

(c) Officers, employees, etc., enumerated.--The officers, agents, employees and other persons referred to in subsection (a) shall be as follows:

(1) Police officer.

(2) Firefighter.

(3) County adult probation or parole officer.

(4) County juvenile probation or parole officer.

(5) An agent of the Pennsylvania Board of Probation and Parole.

(6) Sheriff.

(7) Deputy sheriff.

(8) Liquor control enforcement agent.

(9) Officer or employee of a correctional institution, county jail or prison, juvenile detention center or any other facility to which the person has been ordered by the court pursuant to a petition alleging delinquency under 42 Pa.C.S. Ch. 63 (relating to juvenile matters).

(10) Judge of any court in the unified judicial system.

- 1 (11) The Attorney General.
- 2 (12) A deputy attorney general.
- 3 (13) A district attorney.
- 4 (14) An assistant district attorney.
- 5 (15) A public defender.
- 6 (16) An assistant public defender.
- 7 (17) A Federal law enforcement official.
- 8 (18) A State law enforcement official.
- 9 (19) A local law enforcement official.
- 10 (20) Any person employed to assist or who assists any
11 Federal, State or local law enforcement official.
- 12 (21) Emergency medical services personnel.
- 13 (22) Parking enforcement officer.
- 14 (23) A magisterial district judge.
- 15 (24) A constable.
- 16 (25) A deputy constable.
- 17 (26) A psychiatric aide.
- 18 (27) A teaching staff member, a school board member or
19 other employee, including a student employee, of any
20 elementary or secondary publicly funded educational
21 institution, any elementary or secondary private school
22 licensed by the Department of Education [or], any elementary
23 or secondary parochial school or private residential
24 rehabilitative institution while acting in the scope of his
25 or her employment or because of his or her employment
26 relationship to the school.
- 27 (28) Governor.
- 28 (29) Lieutenant Governor.
- 29 (30) Auditor General.
- 30 (31) State Treasurer.

1 (32) Member of the General Assembly.

2 (33) An employee of the Department of Environmental
3 Protection.

4 (34) An individual engaged in the private detective
5 business as defined in section 2(a) and (b) of the act of
6 August 21, 1953 (P.L.1273, No.361), known as The Private
7 Detective Act of 1953.

8 (35) An employee or agent of a county children and youth
9 social service agency or of the legal representative of such
10 agency.

11 (36) A public utility employee or an employee of an
12 electric cooperative.

13 * * *

14 § 3503. Criminal trespass.

15 * * *

16 (d) Definition.--As used in this section, the term "school
17 grounds" means any building or grounds of any elementary or
18 secondary publicly funded educational institution, any
19 elementary or secondary private school licensed by the
20 Department of Education, any elementary or secondary parochial
21 school, any private residential rehabilitative institution, any
22 certified day-care center or any licensed preschool program.

23 § 6317. Drug-free school zones.

24 (a) General rule.--A person 18 years of age or older who is
25 convicted in any court of this Commonwealth of a violation of
26 section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,
27 No.64), known as The Controlled Substance, Drug, Device and
28 Cosmetic Act, shall, if the delivery or possession with intent
29 to deliver of the controlled substance occurred within 1,000
30 feet of the real property on which is located a public, private

1 or parochial school, private residential rehabilitative
2 institution or a college or university or within 250 feet of the
3 real property on which is located a recreation center or
4 playground or on a school bus, be sentenced to a minimum
5 sentence of at least two years of total confinement,
6 notwithstanding any other provision of this title, The
7 Controlled Substance, Drug, Device and Cosmetic Act or other
8 statute to the contrary. The maximum term of imprisonment shall
9 be four years for any offense:

10 (1) subject to this section; and

11 (2) for which The Controlled Substance, Drug, Device and
12 Cosmetic Act provides for a maximum term of imprisonment of
13 less than four years.

14 If the sentencing court finds that the delivery or possession
15 with intent to deliver was to an individual under 18 years of
16 age, then this section shall not be applicable and the offense
17 shall be subject to section 6314 (relating to sentencing and
18 penalties for trafficking drugs to minors).

19 * * *

20 § 6319. Solicitation of minors to traffic drugs.

21 * * *

22 (c) Definition.--As used in this section, the term "drug-
23 free school zone" means the area within 1,000 feet of the real
24 property on which is located a public, private or parochial
25 school, private residential rehabilitative institution or a
26 college or university. The term also includes a school bus or
27 the area within 500 feet of a school bus stop.

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