

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 623 Session of 2007

INTRODUCED BY GREENLEAF, BOSCOLA, RAFFERTY, STACK, BROWNE, O'PAKE, PUNT, TOMLINSON, WAUGH, FOLMER, RHOADES, ERICKSON, LOGAN, WOZNIAK AND WONDERLING, MARCH 21, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 6, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining "corrections officer"; and <—
3 further providing for use of force in law enforcement; IN <—
4 THEFT AND RELATED OFFENSES, DEFINING "FIREARM"; AND PROVIDING
5 FOR FIREARM TRACING.

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

8 Section 1. Section 501 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 501. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this chapter which are applicable to specific
13 provisions of this chapter, the following words and phrases,
14 when used in this chapter shall have, unless the context clearly
15 indicates otherwise, the meanings given to them in this section:

16 * * *

17 "Corrections officer." A full-time employee assigned to the
18 Department of Corrections whose principal duty is the care,

1 custody and control of inmates of a penal or correctional
2 institution operated by the Department of Corrections.

3 * * *

4 Section 2. Section 508(c) of Title 18 is amended to read:

5 § 508. Use of force in law enforcement.

6 * * *

7 (c) Use of force [to prevent] regarding escape.--

8 (1) A peace officer, corrections officer or other person
9 who has an arrested or convicted person in his custody is
10 justified in the use of such force to prevent the escape of
11 the [arrested] person from custody as [he] the officer or
12 other person would be justified in using under subsection (a)
13 if [he] the officer or other person were arresting [such] the
14 person.

15 (2) A [guard or other] peace officer or corrections
16 officer is justified in the use of such force, including
17 deadly force, which [he] the officer believes to be necessary
18 to prevent the escape from a correctional institution of a
19 person whom the officer believes to be lawfully detained in
20 such institution under sentence for an offense or awaiting
21 trial or commitment for an offense.

22 (3) A corrections officer is justified in the use of
23 such force, which the officer believes to be necessary to
24 defend himself or another from bodily harm during the pursuit
25 of the escaped person. However, the officer is justified in
26 using deadly force only when the officer believes that such
27 force is necessary to prevent death or serious bodily injury
28 to himself or another, or when the officer believes that:

29 (i) such force is necessary to prevent the
30 apprehension from being defeated by resistance; and

1 (ii) the escaped person has been convicted of
2 committing or attempting to commit a forcible felony,
3 possesses a deadly weapon, or otherwise indicates that he
4 will endanger human life or inflict serious bodily injury
5 unless apprehended without delay.

6 * * *

7 SECTION 3. SECTION 3901 OF TITLE 18 IS AMENDED BY ADDING A <—
8 DEFINITION TO READ:

9 § 3901. DEFINITIONS.

10 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
11 PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO SPECIFIC
12 PROVISIONS OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES WHEN
13 USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY
14 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

15 * * *

16 "FIREARM." ANY WEAPON THAT IS DESIGNED TO OR MAY READILY BE
17 CONVERTED TO EXPEL ANY PROJECTILE BY THE ACTION OF AN EXPLOSIVE
18 OR THE FRAME OR RECEIVER OF ANY SUCH WEAPON.

19 * * *

20 SECTION 4. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:
21 § 6127. FIREARM TRACING.

22 (A) ILLEGAL POSSESSION.--UPON RECOVERING A FIREARM FROM THE
23 POSSESSION OF ANYONE UNDER 21 YEARS OF AGE WHO IS NOT PERMITTED
24 BY FEDERAL OR STATE LAW TO POSSESS A FIREARM, A LOCAL LAW
25 ENFORCEMENT AGENCY SHALL USE THE BEST AVAILABLE INFORMATION,
26 INCLUDING A FIREARMS TRACE WHERE NECESSARY, TO DETERMINE HOW AND
27 FROM WHERE THE PERSON UNDER 21 YEARS OF AGE GAINED POSSESSION OF
28 THE FIREARM.

29 (B) TRACING.--LOCAL LAW ENFORCEMENT SHALL USE THE NATIONAL
30 TRACING CENTER OF THE FEDERAL BUREAU OF ALCOHOL, TOBACCO AND

1 FIREARMS IN COMPLYING WITH SUBSECTION (A).

2 (C) NOTIFICATION.--LOCAL LAW ENFORCEMENT AGENCIES SHALL
3 ADVISE THE PENNSYLVANIA STATE POLICE OF ALL FIREARMS THAT ARE
4 RECOVERED IN ACCORDANCE WITH THIS SECTION.

5 (D) REGISTRY.--THE PENNSYLVANIA STATE POLICE SHALL MAINTAIN
6 A REGISTRY OF ALL INFORMATION REPORTED IN ACCORDANCE WITH THIS
7 SECTION.

8 Section 3 5. This act shall take effect in 60 days.

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