

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1878 Session of 2009

INTRODUCED BY KILLION, BARRAR, BRENNAN, CHRISTIANA, DALLY, DePASQUALE, FAIRCHILD, GALLOWAY, GINGRICH, GODSHALL, GROVE, HARHART, HENNESSEY, MAJOR, MANN, MARKOSEK, MARSHALL, MICOZZIE, MUSTIO, O'NEILL, PASHINSKI, REICHLLEY, SAYLOR, SIPTROTH, SOLOBAY, STEVENSON, R. TAYLOR, TRUE, VULAKOVICH, YUDICHAK, CIVERA AND SONNEY, JULY 22, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 9, 2009

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing FOR DEFINITIONS, AND
3 for the offenses of possession of weapons, AND aggravated
4 assault, criminal trespass and solicitation of minors at
5 private residential 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 SECTION 1. SECTION 103 OF TITLE 18 OF THE PENNSYLVANIA
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:



13 § 103. DEFINITIONS.

14 SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT
15 PROVISIONS OF THIS TITLE WHICH ARE APPLICABLE TO SPECIFIC
16 PROVISIONS OF THIS PART, THE FOLLOWING WORDS AND PHRASES WHEN
17 USED IN THIS TITLE SHALL HAVE, UNLESS THE CONTEXT CLEARLY

1 INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:

2 \* \* \*

3 "PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION." A FACILITY,  
4 OTHER THAN ONE OPERATED BY A GOVERNMENT AGENCY WHICH PROVIDES  
5 JUVENILES WHO ARE LEGALLY COMMITTED TO THE INSTITUTION OR  
6 LEGALLY COMMITTED TO A DAY TREATMENT PROGRAM AT THE INSTITUTION  
7 UNDER A PROCEEDING CONDUCTED UNDER 42 PA.C.S. CH. 63 (RELATING  
8 TO JUVENILE MATTERS), EDUCATIONAL SERVICES AS PART OF A  
9 REHABILITATIVE PACKAGE, FUNDED, AT LEAST IN PART, THROUGH  
10 CONTRACTUAL AGREEMENTS WITH THE COUNTY IN WHICH EACH CHILD IS A  
11 RESIDENT, WHERE THE INSTITUTION RECEIVED AN AMOUNT PER DIEM FOR  
12 EACH CHILD WHO IS LEGALLY COMMITTED TO THE INSTITUTION OR  
13 LEGALLY COMMITTED TO A DAY TREATMENT PROGRAM AT THE INSTITUTION  
14 FROM THE COUNTY.

15 \* \* \*

16 SECTION 2. SECTIONS 912(B), 2702(A) AND (C) AND 3503(D) OF  
17 TITLE 18 ARE AMENDED TO READ:

18 § 912. Possession of weapon on school property.

19 \* \* \*

20 (b) Offense defined.--A person commits a misdemeanor of the  
21 first degree if he possesses a weapon in the buildings of, on  
22 the grounds of, or in any conveyance providing transportation to  
23 or from any elementary or secondary publicly-funded educational  
24 institution, any elementary or secondary private school licensed  
25 by the Department of Education or any elementary or secondary  
26 parochial school or private residential rehabilitative  
27 institution.

28 \* \* \*

29 § 2702. Aggravated assault.

30 (a) Offense defined.--A person is guilty of aggravated

1 assault if he:

2 (1) attempts to cause serious bodily injury to another,  
3 or causes such injury intentionally, knowingly or recklessly  
4 under circumstances manifesting extreme indifference to the  
5 value of human life;

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

12 (3) attempts to cause or intentionally or knowingly  
13 causes bodily injury to any of the officers, agents,  
14 employees or other persons enumerated in subsection (c), in  
15 the performance of duty;

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

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

28 (6) attempts by physical menace to put any of the  
29 officers, agents, employees or other persons enumerated in  
30 subsection (c), while in the performance of duty, in fear of

1 imminent serious bodily injury; or

2 (7) uses tear or noxious gas as defined in section  
3 2708(b) (relating to use of tear or noxious gas in labor  
4 disputes) or uses an electric or electronic incapacitation  
5 device against any officer, employee or other person  
6 enumerated in subsection (c) while acting in the scope of his  
7 employment.

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 magisterial district judge.
- 11 (24) A constable.
- 12 (25) A deputy constable.
- 13 (26) A psychiatric aide.
- 14 (27) A teaching staff member, a school board member or  
15 other employee, including a student employee, of any  
16 elementary or secondary publicly funded educational  
17 institution, any elementary or secondary private school  
18 licensed by the Department of Education [or], any elementary  
19 or secondary parochial school or private residential  
20 rehabilitative institution while acting in the scope of his  
21 or her employment or because of his or her employment  
22 relationship to the school.
- 23 (28) Governor.
- 24 (29) Lieutenant Governor.
- 25 (30) Auditor General.
- 26 (31) State Treasurer.
- 27 (32) Member of the General Assembly.
- 28 (33) An employee of the Department of Environmental  
29 Protection.
- 30 (34) An individual engaged in the private detective

1 business as defined in section 2(a) and (b) of the act of  
2 August 21, 1953 (P.L.1273, No.361), known as The Private  
3 Detective Act of 1953.

4 (35) An employee or agent of a county children and youth  
5 social service agency or of the legal representative of such  
6 agency.

7 (36) A public utility employee or an employee of an  
8 electric cooperative.

9 \* \* \*

10 § 3503. Criminal trespass.

11 \* \* \*

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

19 ~~§ 6317. Drug free school zones.~~ ←

20 ~~(a) General rule. A person 18 years of age or older who is~~  
21 ~~convicted in any court of this Commonwealth of a violation of~~  
22 ~~section 13(a)(14) or (30) of the act of April 14, 1972 (P.L.233,~~  
23 ~~No.64), known as The Controlled Substance, Drug, Device and~~  
24 ~~Cosmetic Act, shall, if the delivery or possession with intent~~  
25 ~~to deliver of the controlled substance occurred within 1,000~~  
26 ~~feet of the real property on which is located a public, private~~  
27 ~~or parochial school, private residential rehabilitative~~  
28 ~~institution or a college or university or within 250 feet of the~~  
29 ~~real property on which is located a recreation center or~~  
30 ~~playground or on a school bus, be sentenced to a minimum~~

1 ~~sentence of at least two years of total confinement,~~  
2 ~~notwithstanding any other provision of this title, The~~  
3 ~~Controlled Substance, Drug, Device and Cosmetic Act or other~~  
4 ~~statute to the contrary. The maximum term of imprisonment shall~~  
5 ~~be four years for any offense:~~

6 ~~(1) subject to this section; and~~

7 ~~(2) for which The Controlled Substance, Drug, Device and~~  
8 ~~Cosmetic Act provides for a maximum term of imprisonment of~~  
9 ~~less than four years.~~

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

15 ~~\* \* \*~~

16 ~~§ 6319. Solicitation of minors to traffic drugs.~~

17 ~~\* \* \*~~

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

24 Section 2 3. This act shall take effect in 60 days.

