
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2129 Session of
2021

INTRODUCED BY RABB, LEE, FIEDLER, PARKER, KINSEY, OTTEN, SANCHEZ
AND SIMS, DECEMBER 2, 2021

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 2, 2021

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, providing for prohibition on law
3 enforcement use of chemical weapons.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 9

9 PROHIBITION ON LAW ENFORCEMENT USE

10 OF CHEMICAL WEAPONS

11 Sec.

12 901. Scope of chapter.

13 902. Definitions.

14 903. Prohibition on use of chemical weapons.

15 § 901. Scope of chapter.

16 This chapter relates to the prohibition on law enforcement
17 use of chemical weapons.

18 § 902. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Chemical weapon." The following:

5 (1) Tear or noxious gas as defined in 18 Pa.C.S. §
6 2708(b) (relating to use of tear or noxious gas in labor
7 disputes), including chlorobenzalmalononitrile or oleoresin
8 capsicum.

9 (2) Mace.

10 (3) Pepper balls.

11 (4) Pepper spray.

12 (5) Any other crowd control agent composed of chemical
13 compounds intended to incapacitate an individual or cause
14 pain, discomfort or any other form of harm to an individual.

15 "Crowd control." Directing the manner in which the public
16 gathers together at a planned or impromptu event and moves at
17 and around the event terrain.

18 "Kinetic impact projectiles." An item shot from a type of
19 gun, launcher or other projectile weapon used for crowd control
20 by law enforcement, including, but not limited to:

21 (1) Rubber or plastic bullets.

22 (2) Bean bag rounds.

23 (3) Sponge rounds.

24 (4) Pellet rounds.

25 (5) Any other similar item used by law enforcement.

26 "Law enforcement agency." Any of the following:

27 (1) The Pennsylvania State Police.

28 (2) The Pennsylvania Capitol Police.

29 (3) The Harrisburg International Airport Police.

30 (4) An airport authority police department.

1 (5) A county park police force under section 2511(b) of
2 the act of August 9, 1955 (P.L.323, No.130), known as The
3 County Code.

4 (6) A public agency of a political subdivision having
5 general police powers and charged with making arrests in
6 connection with the enforcement of the criminal or traffic
7 laws, including the sheriff's office in a county of the
8 second class.

9 (7) A campus police or university police department.

10 (8) A railroad or street railway police department.

11 (9) Any other individual or entity authorized to
12 exercise peace officer powers within this Commonwealth.

13 "Peace officer." As defined in 18 Pa.C.S. § 501 (relating to
14 definitions).

15 § 903. Prohibition on use of chemical weapons.

16 (a) Prohibition.--Except as provided under subsection (b), a
17 law enforcement agency or peace officer may not do the
18 following:

19 (1) Use, deploy or threaten to use or deploy kinetic
20 impact projectiles into a crowd or gathering of individuals
21 for any reason or as a means to control the activity or
22 movement of a gathering of individuals.

23 (2) Use, deploy or threaten to use or deploy a chemical
24 weapon in any situation.

25 (b) Exception.--A law enforcement agency or peace officer
26 may use pepper spray if the following conditions are met:

27 (1) An individual is actively combative, physically
28 threatening and ignoring or resisting the verbal commands and
29 warnings of a peace officer.

30 (2) The behavior of the individual is causing imminent

1 danger of injury or death to a peace officer or another
2 individual.

3 (3) The peace officer has given at least two verbal
4 warnings to the individual that the peace officer will use
5 pepper spray if the individual does not cease the behavior
6 which has placed a peace officer or another individual in
7 imminent danger of injury or death.

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