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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1107 Session of  
2023

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INTRODUCED BY RABB, KHAN, SANCHEZ AND KRAJEWSKI, MAY 5, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2023

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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.

19 The following words and phrases when used in this chapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 "Chemical weapon." The following:

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

8 (2) Mace.

9 (3) Pepper balls.

10 (4) Pepper spray.

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

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

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

20 (1) Rubber or plastic bullets.

21 (2) Bean bag rounds.

22 (3) Sponge rounds.

23 (4) Pellet rounds.

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

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

26 (1) The Pennsylvania State Police.

27 (2) The Pennsylvania Capitol Police.

28 (3) The Harrisburg International Airport Police.

29 (4) An airport authority police department.

30 (5) A county park police force under section 2511(b) of

1 the act of August 9, 1955 (P.L.323, No.130), known as The  
2 County Code.

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

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

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

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

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

14 § 903. Prohibition on use of chemical weapons.

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

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

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

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

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

29 (2) The behavior of the individual is causing imminent  
30 danger of injury or death to a peace officer or another

1 individual.

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

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