
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1725 Session of
2019

INTRODUCED BY DALEY, STURLA, McCLINTON, FREEMAN, FRANKEL,
KINSEY, WEBSTER, SCHLOSSBERG, ULLMAN, CALTAGIRONE, DONATUCCI,
WARREN, SCHWEYER, NEILSON, CEPHAS, SHUSTERMAN, ISAACSON,
SANCHEZ, OTTEN, FITZGERALD, WILLIAMS AND McCARTER,
JULY 22, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JULY 22, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in inchoate crimes, prohibiting the
3 possession of firearm at polling place.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 914. Possession of firearm at polling place.

9 (a) Offense defined.--Except as provided under subsections

10 (c) and (d) (2), a person commits an offense if the person:

11 (1) knowingly possesses a firearm in any building, real
12 property or parking area of a polling place holding an
13 election;

14 (2) knowingly possesses a firearm in any building, real
15 property or parking area of a polling place holding an
16 election with the intent of using the firearm in the
17 commission of a crime; or

1 (3) knowingly causes a firearm to be used in the
2 commission of a crime in any building, real property or
3 parking area of a polling place holding an election.

4 (b) Grading.--The following apply:

5 (1) An offense committed under subsection (a)(1) shall
6 constitute a misdemeanor of the third degree.

7 (2) An offense committed under subsection (a)(2) or (3)
8 shall constitute a misdemeanor of the first degree.

9 (c) Exceptions.--Subsection (a) shall not apply to the
10 lawful performance of official duties by an officer, agent or
11 employee of the Federal Government, the Commonwealth or a
12 political subdivision of the Commonwealth who is authorized to
13 engage in or supervise the prevention, detection, investigation
14 or prosecution of any violation of law.

15 (d) Posting of notice.--The following apply:

16 (1) Notice of the provisions of subsections (a), (b) and
17 (c) shall be posted conspicuously at each public entrance of
18 a building where a polling place is located during an
19 election.

20 (2) A person shall not be convicted of an offense under
21 subsection (a)(1) or (2) if the polling place fails to meet
22 the notice requirements under paragraph (1).

23 (e) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Election." A general, municipal, special or primary
27 election as authorized under the act of June 3, 1937 (P.L.1333,
28 No.320), known as the Pennsylvania Election Code.

29 "Firearm." Any weapon, including a starter gun, which will
30 or is designed to expel a projectile or projectiles by the

1 action of an explosion, expansion of gas or escape of gas. The
2 term does not include any device designed or used exclusively
3 for the firing of stud cartridges, explosive rivets or similar
4 industrial ammunition.

5 "Polling place." The room provided in each election district
6 for voting during an election.

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