

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 239 Session of 2021

INTRODUCED BY HUGHES, SANTARSIERO, KEARNEY, TARTAGLIONE, STREET,
COSTA AND COMMITTA, FEBRUARY 16, 2021

REFERRED TO JUDICIARY, FEBRUARY 16, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in inchoate crimes, providing for the
3 offense of possession of firearm or other dangerous weapon in
4 public recreation area.

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

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

9 § 914. Possession of firearm or other dangerous weapon in
10 public recreation area.

11 (a) Offense defined.--A person commits an offense if the
12 person:

13 (1) knowingly possesses a firearm or other dangerous
14 weapon in a public recreation area or knowingly causes a
15 firearm or other dangerous weapon to be present in a public
16 recreation area; or

17 (2) knowingly possesses a firearm or other dangerous
18 weapon in a public recreation area with the intent that the
19 firearm or other dangerous weapon be used in the commission

1 of a crime or knowingly causes a firearm or other dangerous
2 weapon to be present in a public recreation area with the
3 intent that the firearm or other dangerous weapon be used in
4 the commission of a crime.

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

6 (1) An offense under subsection (a)(1) is a misdemeanor
7 of the third degree.

8 (2) An offense under subsection (a)(2) is a misdemeanor
9 of the first degree.

10 (c) Exceptions.--Subsection (a) shall not apply to:

11 (1) The lawful performance of official duties by an
12 officer, agent or employee of the United States, the
13 Commonwealth or a political subdivision who is authorized by
14 law to engage in or supervise the prevention, detection,
15 investigation or prosecution of a violation of law.

16 (2) The carrying of rifles and shotguns by instructors
17 and participants in a course of instruction provided by the
18 Pennsylvania Game Commission under 34 Pa.C.S. § 2704
19 (relating to eligibility for license).

20 (3) Associations of veteran soldiers and their
21 auxiliaries or members of the armed forces of the United
22 States or the Commonwealth, including reserve components,
23 when engaged in the performance of ceremonial duties with
24 county approval.

25 (d) Private recreation area.--Nothing in this section may be
26 construed to restrict the rights of the owner of a private
27 recreation area to implement policies relating to dangerous
28 weapons on a private recreation area.

29 (e) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection:

2 "Dangerous weapon." Any of the following when possessed with
3 intent to use or to provide the material to commit an offense
4 graded as a misdemeanor of the third degree or higher:

5 (1) A bomb.

6 (2) An explosive or incendiary device.

7 (3) A grenade.

8 (4) A blackjack.

9 (5) Metal knuckles.

10 (6) A dagger.

11 (7) A knife, the blade of which is exposed in an
12 automatic way by switch, push-button, spring mechanism or
13 otherwise.

14 (8) Any other implement for the infliction of serious
15 bodily injury which serves no common lawful purpose.

16 "Firearm." A weapon, including a starter gun, which is
17 designed to expel a projectile or projectiles by the action of
18 an explosion, expansion of gas or escape of gas. The term does
19 not include a device designed or used exclusively for the firing
20 of stud cartridges, explosive rivets or similar industrial
21 ammunition.

22 "Private recreation area." A park, recreation center or pool
23 owned or operated by a private entity.

24 "Public recreation area." A public park, recreation center
25 or a pool owned or operated by a political subdivision.

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