
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1764 Session of
2019

INTRODUCED BY BULLOCK, JOHNSON-HARRELL, DONATUCCI, FREEMAN,
ULLMAN, SHUSTERMAN, DAWKINS, YOUNGBLOOD, KIRKLAND, McCLINTON,
SCHLOSSBERG, SANCHEZ, MADDEN, VITALI, KIM, ZABEL, FRANKEL,
WARREN AND SCHWEYER, AUGUST 30, 2019

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 30, 2019

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

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

6 (b) Grading.--

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

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

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

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

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

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

25 (d) Private recreation area.--Nothing in this section shall
26 be construed to restrict the rights of the owners 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 unless the context clearly indicates otherwise:

2 "Dangerous weapon." Any of the following when possessed with
3 intent to use or to provide to another 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 or material.

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 will or
17 is designed to expel a projectile by the action of an explosion,
18 expansion of gas or escape of gas. The term does not include a
19 device designed or used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial ammunition.

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

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

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