
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 839 Session of
2019

INTRODUCED BY HUGHES, STREET, SANTARSIERO, FONTANA, KEARNEY,
TARTAGLIONE, FARNESE, HAYWOOD, COSTA AND BLAKE,
AUGUST 26, 2019

REFERRED TO JUDICIARY, AUGUST 26, 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.--The following apply:

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 their
22 auxiliaries or members of the armed forces of the United
23 States or the Commonwealth, including reserve components,
24 when engaged in the performance of ceremonial duties with
25 county approval.

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

30 (e) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection:

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

6 (1) A bomb.

7 (2) An explosive or incendiary device.

8 (3) A grenade.

9 (4) A blackjack.

10 (5) Metal knuckles.

11 (6) A dagger.

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

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

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

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

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

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