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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 536 Session of  
2023

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INTRODUCED BY BOSCOLA, HAYWOOD, COLLETT, COMMITTA, SANTARSIERO,  
KANE, FONTANA, KEARNEY, TARTAGLIONE AND COSTA, MARCH 28, 2023

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REFERRED TO JUDICIARY, MARCH 28, 2023

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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 municipal building.

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 municipal building.

11 (a) Offense defined.--If the governing body of a  
12 municipality adopts an ordinance which prohibits the possession  
13 of a firearm or other dangerous weapon in a municipal building,  
14 a person commits an offense if the person:

15 (1) knowingly possesses a firearm or other dangerous  
16 weapon in a municipal building or knowingly causes a firearm  
17 or other dangerous weapon to be present in a municipal  
18 building; or

19 (2) knowingly possesses a firearm or other dangerous

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

7 (b) Grading.--

8 (1) Except as otherwise provided in paragraph (3), an  
9 offense under subsection (a) (1) is a misdemeanor of the third  
10 degree.

11 (2) An offense under subsection (a) (2) is a misdemeanor  
12 of the first degree.

13 (3) An offense under subsection (a) (1) is a summary  
14 offense if the person was carrying a firearm under section  
15 6106(b) (relating to firearms not to be carried without a  
16 license) or 6109 (relating to licenses) and failed to check  
17 the firearm under subsection (e) prior to entering the  
18 municipal building.

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

20 (1) The lawful performance of official duties by an  
21 officer, agent or employee of the United States, the  
22 Commonwealth or a political subdivision who is authorized by  
23 law to engage in or supervise the prevention, detection,  
24 investigation or prosecution of any violation of law.

25 (2) The lawful performance of official duties by a  
26 municipal official.

27 (3) The carrying of rifles and shotguns by instructors  
28 and participants in a course of instruction provided by the  
29 Pennsylvania Game Commission under 34 Pa.C.S. § 2704  
30 (relating to eligibility for license).

1           (4) Associations of veteran soldiers and their  
2           auxiliaries or members of organized armed forces of the  
3           United States or the Commonwealth, including reserve  
4           components, when engaged in the performance of ceremonial  
5           duties with municipal approval.

6           (5) The carrying of a dangerous weapon or firearm  
7           unloaded and in a secure wrapper by an attorney who seeks to  
8           employ the dangerous weapon or firearm as an exhibit or as a  
9           demonstration and who possesses written authorization from  
10           the municipality to bring the dangerous weapon or firearm  
11           into the municipal building.

12           (d) Posting of notice.--Notice of the provisions of  
13           subsections (a) and (e) shall be posted conspicuously at each  
14           public entrance to each municipal building, and no person shall  
15           be convicted of an offense under subsection (a)(1) with respect  
16           to a municipal building if the notice was not posted at each  
17           public entrance to the municipal building unless the person had  
18           actual notice of the provisions of subsection (a).

19           (e) Facilities for checking firearms or other dangerous  
20           weapons.--Within 30 days of the adoption of the ordinance under  
21           subsection (a), each municipality shall make available at or  
22           within the municipal building lockers or similar facilities at  
23           no charge or cost for the temporary checking of firearms by  
24           persons carrying firearms under section 6106(b) or 6109 or for  
25           the checking of other dangerous weapons that are not otherwise  
26           prohibited by law. A person checking a firearm, dangerous weapon  
27           or an item deemed to be a dangerous weapon at a municipal  
28           building shall be issued a receipt. Notice of the location of  
29           the facility shall be posted as required under subsection (d).

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

1 words and phrases shall have the meanings given to them in this  
2 subsection unless the context clearly indicates otherwise:

3 "Dangerous weapon." A bomb, an explosive or incendiary  
4 device or material when possessed with intent to use or to  
5 provide such material to commit an offense, graded as a  
6 misdemeanor of the third degree or higher, grenade, blackjack,  
7 sandbag, metal knuckles, dagger, knife (the blade of which is  
8 exposed in an automatic way by switch, push-button, spring  
9 mechanism or otherwise) or other implement for the infliction of  
10 serious bodily injury which serves no common lawful purpose.

11 "Firearm." Any weapon, including a starter gun, which will  
12 or is designed to expel a projectile or projectiles by the  
13 action of an explosion, expansion of gas or escape of gas. The  
14 term does not include any device designed or used exclusively  
15 for the firing of stud cartridges, explosive rivets or similar  
16 industrial ammunition.

17 "Municipal building." The meeting place of the governing  
18 body of a municipality.

19 "Municipality." A county, city, borough, incorporated town,  
20 township or home rule municipality.

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