

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2476 Session of 2018

INTRODUCED BY REED, BARRAR, ROTHMAN, RYAN, M. K. KELLER,
 READSHAW, TOPPER, THOMAS, METCALFE, HAGGERTY, SNYDER,
 ENGLISH, MARSHALL, COX, STAATS, BURNS, GROVE, MILLARD,
 SAYLOR, OBERLANDER, HILL-EVANS, WARD, DeLUCA, SANKEY,
 A. HARRIS, GOODMAN, LAWRENCE AND WATSON, JUNE 8, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 8, 2018

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and
 2 Parole) of the Pennsylvania Consolidated Statutes, in
 3 obstructing governmental operations, further providing for
 4 weapons or implements for escape; and, in miscellaneous
 5 provisions, further providing for contraband prohibited.

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

8 Section 1. Section 5122(a) of Title 18 of the Pennsylvania
 9 Consolidated Statutes is amended to read:

10 § 5122. Weapons or implements for escape.

11 (a) Offenses defined.--

12 (1) [A] Except as provided under 61 Pa.C.S. § 5902(e.1)
 13 (relating to contraband prohibited), a person commits a
 14 misdemeanor of the first degree if he unlawfully introduces
 15 within a detention facility, correctional institution or
 16 mental hospital, or unlawfully provides an inmate thereof
 17 with any weapon, tool, implement, or other thing which may be
 18 used for escape.

1 (2) An inmate commits a misdemeanor of the first degree
2 if he unlawfully procures, makes or otherwise provides
3 himself with, or unlawfully has in his possession or under
4 his control, any weapon, tool, implement or other thing which
5 may be used for escape.

6 * * *

7 Section 2. Section 5902(e) of Title 61 is amended and the
8 section is amended by adding a subsection to read:

9 § 5902. Contraband prohibited.

10 * * *

11 (e) Weapons.--No weapon or other implement which may be used
12 to injure an inmate or person or in assisting an inmate to
13 escape from imprisonment shall:

14 (1) be sold, given away or furnished to an inmate in any
15 correctional institution or any building appurtenant thereto
16 or on the land granted to or owned or leased by the
17 Commonwealth for the use and benefit of inmates;

18 (2) except as provided under subsection (e.1), be
19 brought into any correctional institution or any building
20 appurtenant thereto or on to the land granted to or owned or
21 leased by the Commonwealth for the use and benefit of
22 inmates; or

23 (3) be sold, given away or furnished, either directly or
24 indirectly, to an inmate, either in or anywhere outside of
25 the correctional institution, or be disposed of in such a
26 manner or in such a place that it may be secured by an inmate
27 in the correctional institution.

28 (e.1) Correctional officers.--

29 (1) The following apply:

30 (i) A correctional officer employed at or assigned

1 to a State correctional institution may carry or store
2 one lawfully owned and transported firearm and ammunition
3 in a vehicle located at a specified location outside of
4 the State correctional institution upon providing advance
5 written notice to the chief administrator of the State
6 correctional institution.

7 (ii) If a correctional officer carries or stores a
8 firearm and ammunition under subparagraph (i), the
9 correctional officer shall comply with all applicable
10 laws governing the use, possession and carrying of
11 firearms and ammunition and all policies of the
12 department.

13 (iii) A chief administrator who has received written
14 notice under subparagraph (i) from a correctional officer
15 may deny or revoke the ability of the correctional
16 officer to carry or store a firearm and ammunition under
17 paragraph (1) in writing.

18 (iv) A correctional officer may not carry or store a
19 firearm under subparagraph (i) if the vehicle also
20 contains prohibited ammunition suitable for the firearm.

21 (2) The following words and phrases when used in this
22 subsection shall have the meanings given to them in this
23 paragraph unless the context clearly indicates otherwise:

24 "Firearm." A pistol or revolver with a barrel length
25 less than eight inches as determined by measuring from the
26 muzzle of the barrel to the face of the closed action or
27 cylinder, whichever is applicable.

28 "Prohibited ammunition." A bullet or projectile which,
29 if fired from a firearm as defined in 18 Pa.C.S. § 6102
30 (relating to definitions) under the test procedure of the

1 National Institute of Justice for the Ballistic Resistance of
2 Body Armor published July 2008, is determined to be capable
3 of penetrating bullet-resistant apparel or body armor meeting
4 the requirements of Type IIIA of Standard NIJ Standard-
5 0101.06 as formulated by the United States Department of
6 Justice.

7 * * *

8 Section 3. This act shall take effect in 60 days.