

No. 1983-78

AN ACT

SB 206

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for prohibited offensive weapons; permitting the use and possession of blackjacks by certain police officers, sheriffs and deputy sheriffs; further providing for an exception relating to antique firearms; and further providing for institutional vandalism.

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

Section 1. Section 908 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 908. Prohibited offensive weapons.

(a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) [Exception.—] *Exceptions.*—

(1) It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(2) *This section does not apply to police forensic firearms experts or police forensic firearms laboratories. Also exempt from this section are forensic firearms experts or forensic firearms laboratories operating in the ordinary course of business and engaged in lawful operation who notify in writing, on an annual basis, the chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county in which they are located, of the possession, type and use of offensive weapons.*

(c) Definition.—As used in this section “offensive weapon” means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

(d) *Exemptions.—The use and possession of blackjacks by the following persons in the course of their duties are exempt from this section:*

(1) *Police officers, as defined by and who meet the requirements of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.*

(2) *Police officers of first class cities who have successfully completed training which is substantially equivalent to the program under the Municipal Police Education and Training Law.*

(3) *Pennsylvania State Police officers.*

(4) *Sheriffs and deputy sheriffs of the various counties who have satisfactorily met the requirements of the Municipal Police Education and Training Law.*

(5) *Police officers employed by the Commonwealth who have satisfactorily met the requirements of the Municipal Police Education and Training Law.*

Section 2. Section 3307 of Title 18 is amended to read:

§ 3307. Institutional vandalism.

(a) Offenses defined.—A person commits the offense of institutional vandalism if he knowingly desecrates, as defined in section 5509 (relating to desecration of venerated objects), vandalizes, defaces or otherwise damages:

(1) any church, synagogue or other facility or place used for religious worship or other religious purposes;

(2) any cemetery, mortuary or other facility used for the purpose of burial or memorializing the dead;

(3) any school, educational facility [or], community center *or juvenile detention center*;

(4) the grounds adjacent to and owned or occupied by any facility set forth in paragraph (1), (2) or (3); or

(5) any personal property located in any facility set forth in paragraph (1), (2) or (3).

(b) Grading.—An offense under this section is a felony of the third degree if the actor causes pecuniary loss in excess of \$5,000. Pecuniary loss includes the cost of repair or replacement of the property affected. Otherwise, institutional vandalism is a misdemeanor of the second degree.

Section 3. Section 6118(b) of Title 18 is amended to read:

§ 6118. Antique firearms.

* * *

(b) Exception.—Subsection (a) shall not apply to the extent that such antique firearms, reproductions or replicas of firearms are concealed weapons as provided in section 6106 (relating to firearms not to be carried without a license), *nor shall it apply to the provisions of section 6105 (relating to former convict not to own a firearm, etc.) if such antique firearms, reproductions or replicas of firearms are suitable for use.*

* * *

Section 4. This act shall take effect immediately.

APPROVED—The 20th day of December, A. D. 1983.

DICK THORNBURGH