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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1985 Session of  
2017

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INTRODUCED BY KINSEY, DONATUCCI, YOUNGBLOOD, WARREN, McCLINTON,  
VAZQUEZ, SCHWEYER, McCARTER, DALEY AND THOMAS,  
DECEMBER 21, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 21, 2017

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in firearms and other dangerous  
3 articles, providing for prohibited conduct during public  
4 demonstrations.

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 § 6107.1. Prohibited conduct during public demonstrations.

10 (a) General rule.--Notwithstanding any other provision of  
11 this chapter or any other law or regulation to the contrary, no  
12 person, other than a person enumerated in section 6106(b)(1),  
13 (2), (3) and (13) (relating to firearms not to be carried  
14 without a license), may:

15 (1) have in the person's possession, or immediate access  
16 to, including in any vehicle, a firearm or other dangerous  
17 article while participating in or attending a public  
18 demonstration held at a public place in this Commonwealth; or

1           (2) have in the person's possession or have in any  
2 vehicle at a point within 1,000 feet of a demonstration at a  
3 public place in this Commonwealth any firearm or other  
4 dangerous article after having been:

5           (i) advised by a law enforcement officer that a  
6 demonstration is taking place at the public place; and

7           (ii) ordered by the law enforcement officer to  
8 vacate the public place until the person is no longer in  
9 possession of any firearm or dangerous article.

10       (b) Exception.--This section shall not apply to a person in  
11 possession of any firearm or other dangerous article in a  
12 private dwelling or place of business.

13       (c) Penalty.--A person who violates this section commits a  
14 felony of the third degree.

15       (d) Definitions.--As used in this section, the following  
16 words and phrases shall have the meanings given to them in this  
17 subsection unless the context clearly indicates otherwise:

18       "Dangerous article." The term shall include any offensive  
19 weapon, as defined under section 908 (relating to prohibited  
20 offensive weapons), and a hatchet, ax, slingshot, nightstick,  
21 mace, pepper spray, iron buckle, baseball bat, ax handle,  
22 chains, crowbar, hammer or other club or bludgeon or any other  
23 weapon or instrument customarily used or intended for probable  
24 use as an offensive weapon.

25       "Firearm." As defined under section 908, whether the firearm  
26 is loaded or unloaded. The term shall include an air rifle or  
27 air pistol.

28       "Law enforcement officer." A duly appointed and acting  
29 Federal, State or local peace officer who, by virtue of the  
30 officer's office or public employment, is vested by law with the

1 duty to maintain public order or to make arrests for offenses or  
2 any person on active State duty under 51 Pa.C.S. § 508 (relating  
3 to active duty for emergency).

4 "Public demonstration." The assembly of two or more persons  
5 for the purpose of picketing, speechmaking, marching, holding  
6 vigils or other form of conduct or civil discourse that has the  
7 effect, intent or propensity to attract other individuals or  
8 onlookers, regardless of whether a political subdivision has  
9 issued a permit authorizing the demonstration.

10 Section 2. This act shall take effect immediately.