
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 869 Session of
2021

INTRODUCED BY KINSEY, HILL-EVANS, MADDEN, HERRIN, SANCHEZ,
HOHENSTEIN, SCHWEYER, ISAACSON, ROZZI AND PARKER,
MARCH 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2021

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 a 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 a vehicle
2 at a point within 1,000 feet of a demonstration at a public
3 place in this Commonwealth a firearm or other dangerous
4 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 a firearm or dangerous article.

10 (b) Exception.--This section shall not apply to a person in
11 possession of a firearm or other dangerous article in a private
12 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." An offensive weapon, as defined under
19 section 908 (relating to prohibited offensive weapons), a
20 hatchet, ax, slingshot, nightstick, mace, pepper spray, iron
21 buckle, baseball bat, ax handle, chains, crowbar, hammer or
22 other club or bludgeon or any other weapon or instrument
23 customarily used or intended for probable use as an offensive
24 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.