

No. 2005-85

AN ACT

HB 1686

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of paintball guns and paintball markers, criminal mischief and sale and use of air rifles.

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

Section 1. Sections 2707.2, 3304(a) and 6304(g) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2707.2. Paintball guns and paintball markers.

(a) Unlawful carrying in vehicle.—

[(1) Except as set forth in paragraph (2), an individual may not carry a paintball gun or a paintball marker in a vehicle on a highway unless one of the following apply:

(i) The paintball gun or paintball marker is disassembled so that the propellant canister is separate from the rest of the device and the device is empty of encapsulated gelatin paintballs.

(ii) The propellant canister of the paintball gun or paintball marker has been emptied of its gas or air propellant and the device is empty of encapsulated gelatin paintballs.]

(1.1) Except as set forth in paragraph (2), an individual may not carry a paintball gun or a paintball marker in a vehicle on a highway unless all of the following apply:

(i) The paintball gun or paintball marker is empty of encapsulated gelatin paintballs.

(ii) The propellant source on the paintball gun or paintball marker is disconnected, disabled or turned off.

(iii) The paintballs are stored in a separate and closed container.

(iv) The paintball gun or paintball marker is:

(A) in a secure wrapper;

(B) has a barrel-blocking device installed; or

(C) is not readily or directly accessible from the passenger compartment of the vehicle.

(2) Paragraph [(1)] (1.1) does not apply to a commercial paintball field, range or course where passengers are being transported by the commercial field, range or course operator to and from designated player areas.

(a.1) Unlawful discharge of paintball gun or paintball marker.—An individual may not discharge or fire a paintball gun or paintball marker at a person who is not participating in paintball games or paintball-related recreational activities.

(b) **Penalty.**—A person who violates this section commits a summary offense.

(c) **Definitions.**—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Barrel-blocking device.” *A device which captures or prevents the discharge of an encapsulated gelatin paintball from a paintball gun or paintball marker and meets the specifications of the American Society for Testing Materials (ASTM) F2271-03 (Standard Specification for Paintball Marker Barrel Blocking Devices) or its successor.*

“Paintball gun.” A device designed and manufactured to propel, by gas or air, an encapsulated gelatin paintball.

“Paintball marker.” A device designed and manufactured to propel, by gas or air, an encapsulated gelatin paintball.

§ 3304. Criminal mischief.

(a) **Offense defined.**—A person is guilty of criminal mischief if he:

(1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);

(2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property;

(3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat;

(4) intentionally defaces or otherwise damages tangible public property or tangible property of another with graffiti by use of any aerosol spray-paint can, broad-tipped indelible marker or similar marking device;

[or]

(5) intentionally damages real or personal property of another[.]; or

(6) *intentionally defaces personal, private or public property by discharging a paintball gun or paintball marker at that property.*

§ 6304. Sale and use of air rifles.

(g) **Definitions.**—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Air [rifles] rifle.” Any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm. *The term does not include a paintball gun or paintball marker as defined in section 2707.2 (relating to paintball guns and paintball markers).*

“Dealer.” Any person engaged in the business of selling at retail or renting any air rifles.

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

APPROVED—The 22nd day of December, A.D. 2005.

EDWARD G. RENDELL