

No. 27

AN ACT

SB 425

Amending the act of June 24, 1939 (P.L.872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," defining "firearm" as used in the provisions relating to minimum penalties when crimes of violence are committed by persons having deadly weapons in their possession.

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

Section 1. Section 416, act of June 24, 1939 (P.L.872), known as "The Penal Code," amended July 30, 1968 (Act No. 227), is amended to read:

Section 416. Carrying Deadly Weapons.—(a) Whoever carries any firearm, slungshot, handy-billy, dirk-knife, razor or any other deadly weapon, concealed upon his person, or any knife, razor or cutting instrument, the blade of which can be exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, with the intent therewith unlawfully and maliciously to do injury to any other person, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500), or undergo imprisonment not exceeding one (1) year, or both.

The jury trying the case may infer such intent from the fact the defendant carried such weapon.

(b) Whoever is convicted of committing a crime of violence, which for the purposes of this section means murder, rape, robbery, burglary, entering a building with intent to commit a crime therein, kidnapping or participation in riot and during the commission thereof had in his possession a firearm shall, in addition to the penalties prescribed by law, be sentenced to undergo imprisonment for not less than five (5) years and not more than ten (10) years.

(c) *As used in this section, the term "firearm" means an instrument used in the propulsion of shot, shell, bullet or any other object by the action of gunpowder exploded, explosive powder or the expansion of gas therein.*

APPROVED—The 25th day of February, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 27.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.