

No. 1996-98

AN ACT

SB 1254

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offenses of possessing instruments of crime; providing for liability for reimbursement of costs for outside counsel; further providing for corruption of minors; permitting persons to construct, deliver, convert or repair vessels equipped with gambling devices; and imposing a penalty.

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

Section 1. Section 907 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 907. Possessing instruments of crime.

(a) Criminal instruments generally.—A person commits a misdemeanor of the first degree if he possesses any instrument of crime with intent to employ it criminally.

(b) Possession of weapon.—A person commits a misdemeanor of the first degree if he possesses a firearm or other weapon concealed upon his person with intent to employ it criminally.

(c) *Unlawful body armor.*—A person commits a felony of the third degree if in the course of the commission of a felony or in the attempt to commit a felony he uses or wears body armor or has in his control, custody or possession any body armor.

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

“Body armor.” Any protective covering for the body, or parts thereof, made of any polyaramid fiber or any resin-treated glass fiber cloth or any material or combination of materials made or designed to prevent, resist, deflect or deter the penetration thereof by ammunition, knife, cutting or piercing instrument or any other weapon.

“Instrument of crime.” Any of the following:

(1) Anything specially made or specially adapted for criminal use[; or].

(2) [anything] *Anything* commonly used for criminal purposes and possessed by the actor under circumstances not manifestly appropriate for lawful uses it may have.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a clip or other component to render it immediately operable, and components which can readily be assembled into a weapon.

Section 2. Title 18 is amended by adding a section to read:

§ 5303. *Liability for reimbursement of costs for outside counsel.*

(a) *General rule.*—A public official who is convicted of a felony or a misdemeanor under Federal law or under the laws of this Commonwealth shall be liable for and shall reimburse any public money expended by the Commonwealth to cover the costs incurred by an agency for outside counsel to defend the convicted public official in connection with a criminal investigation and prosecution of such public official.

(b) *Conviction in State court.*—When a public official is convicted of a felony or misdemeanor in State court, the court shall, in addition to the punishment prescribed for the offense, order the public official to reimburse any public money for which he is liable under subsection (a).

(c) *Conviction in Federal court.*—When a public official is convicted of a felony or misdemeanor in a Federal court, the Attorney General shall institute a civil action in Commonwealth Court to recover the public money for which the public official is liable under subsection (a).

(d) *Method of reimbursement.*—The court may order the public official to make reimbursement of public money in a lump sum, by monthly installments or according to such other schedule as the court may determine appropriate. The period of time during which the public official is ordered to make such reimbursement may exceed the maximum term of imprisonment to which the public official could have been sentenced for the crime of which he was convicted.

(e) *Status of reimbursement.*—Any reimbursement of public money ordered by the court under this section shall be a judgment in favor of the Commonwealth upon the public official or property of the public official ordered to make reimbursement. The Attorney General shall be responsible for enforcing such judgment in courts of competent jurisdiction in accordance with provisions of this title.

(f) *Disposition of funds.*—Any money reimbursed or recovered under this section shall be deposited in the fund from which the Commonwealth expended such public money.

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

“Convicted.” A finding or verdict of guilty, an admission of guilt or a plea of *nolo contendere*.

“Public money.” Any money received by the Commonwealth or any agency of the Commonwealth through taxes imposed pursuant to the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, and through fees, fines and penalties imposed pursuant to the laws of this Commonwealth.

“Public official.” Any person who is required to file an annual statement of financial interests with the State Ethics Commission as a public official of the Commonwealth in accordance with the act of October

4, 1978 (P.L.883, No.170), referred to as the *Public Official and Employee Ethics Law*.

Section 3. Section 5513 of Title 18 is amended by adding a subsection to read:

§ 5513. Gambling devices, gambling, etc.

* * *

(d) Shipbuilding business.—Notwithstanding any other provisions of this section, a person may construct, deliver, convert or repair a vessel that is equipped with gambling devices if all of the following conditions are satisfied:

(1) The work performed on the vessel is ordered by a customer who uses or possesses the vessel outside of this Commonwealth in a locality where the use or possession of the gambling devices on the vessel is lawful.

(2) The work performed on the vessel that is equipped with gambling devices is performed at a shipbuilding or repair yard located within a port facility under the jurisdiction of any port authority organized under the act of December 6, 1972 (P.L.1392, No.298), known as the Third Class City Port Authority Act.

(3) The person provides the Office of Attorney General, prior to the importation of the gambling devices into this Commonwealth, records that account for the gambling devices, including the identification number affixed to each gambling device by the manufacturer, and that identify the location where the gambling devices will be stored prior to the installation of the gambling devices on the vessel.

(4) The person stores the gambling devices at a secured location and permits any person authorized to enforce the gambling laws to inspect the location where the gambling devices are stored and records relating to the storage of the gambling devices.

(5) If the person removes used gambling devices from a vessel, the person shall provide the Office of Attorney General of Pennsylvania with an inventory of the used gambling devices prior to their removal from the vessel. The inventory shall include the identification number affixed to each gambling device by the manufacturer.

(6) The person submits documentation to the Office of Attorney General of Pennsylvania no later than 30 days after the date of delivery that the vessel equipped with gambling devices has been delivered to the customer who ordered the work performed on the vessel.

(7) The person does not sell a gambling device to any other person except to a customer who shall use or possess the gambling device outside of this Commonwealth in a locality where the use or possession of the gambling device is lawful. If a person sells a gambling device to such a customer, the person shall submit documentation to the Office of Attorney General of Pennsylvania no later than 30 days after the date of delivery that the gambling device has been delivered to the customer.

(e) Penalty.—Any person who fails to provide records as provided in subsection (d) commits a summary offense.

(f) Definitions.—As used in this section, the term “gambling place” does not include a vessel that is in the process of construction, delivery, conversion or repair by a shipbuilding business that complies with subsection (d).

Section 4. Section 6301(a) of Title 18 is amended to read:

§ 6301. Corruption of minors.

(a) Offense defined.—

(1) Whoever, being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any minor less than 18 years of age, or who aids, abets, entices or encourages any such minor in the commission of any crime, or who knowingly assists or encourages such minor in violating his or her parole or any order of court, [is guilty of] commits a misdemeanor of the first degree.

(2) Any person who knowingly aids, abets, entices or encourages a minor younger than 18 years of age to commit truancy commits a summary offense. Any person who violates this paragraph within one year of the date of a first conviction under this section commits a misdemeanor of the third degree. A conviction under this paragraph shall not, however, constitute a prohibition under section 6105 (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

* * *

Section 5. This act shall take effect as follows:

- (1) The amendment of 18 Pa.C.S. § 5513 shall take effect immediately.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED—The 11th day of July, A.D. 1996.

THOMAS J. RIDGE