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## ***PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION***

### **PRESIDENT**

D. PETER JOHNSON  
Union County

September 15, 2014

### **VICE PRESIDENT**

RISA VETRI FERMAN  
Montgomery County

Honorable Mike Folmer  
Chairman, Education Committee  
Main Capitol, Room 170  
Senate Box 203048  
Harrisburg, PA 17120-3048

### **SECRETARY-TREASURER**

DAVID J. ARNOLD, JR.  
Lebanon County

### **IMMEDIATE-PAST PRESIDENT**

DAVID J. FREED  
Cumberland County

### **RE: 18 Pa. C.S. § 912, Possession of Weapons on School Property**

Dear Senator Folmer:

### **EXECUTIVE COMMITTEE**

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Berks County

RICHARD A. GOLDINGER  
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This letter is in response to Senator White's inquiry regarding 18 Pa C.S. § 912, the state statute regarding possession of weapons on school property. Through his staff, Senator White had asked whether we believe the statute needed to be amended in any way. We very much appreciate the opportunity to provide you our views on this statute and whether any amendments are necessary.

As an initial matter, the purpose of this letter is not to make any policy recommendations on the issues that surround this statute. Instead, we wanted to provide some technical guidance on the matters that ought to be considered during the Committee's examination of the statute.

As you know, 18 Pa.C.S. § 912 makes it a first degree misdemeanor to possess a weapon "in the buildings of, on the grounds of, or in any conveyance providing transportation to or from any" school. The statute provides a defense in cases where the weapon is possessed in conjunction with a lawful supervised school activity or course or if the weapon is possessed "for other lawful purpose."

### **LEGISLATIVE CHAIR**

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Dauphin County

### **EXECUTIVE DIRECTOR**

RICHARD W. LONG

We believe that the statute is sufficiently clear to permit us to prosecute those that bring weapons onto campus so long as their activity does not fall under the defense section of the law. We are, however, aware that questions have been raised about the clarity of the defense section, in particular the meaning of the phrase "for other lawful purpose." When questions are raised about the meaning of certain words in a statute, we believe it is appropriate to consider whether additional clarity should be provided.

But in this instance, there is another layer that is relevant. The federal Gun-Free School Zones Act, 18 U.S.C. § 922, prohibits anyone from knowingly possessing a firearm that affects interstate commerce in a school zone. The Act does not apply to those licensed by their state or locality to possess a firearm, if the firearm is unloaded and in a locked container, or if the firearm is possessed for use in a program approved by a school. This Act was enacted after Pennsylvania's 18 Pa.C.S. § 912, and the two statutes complement each other. Any consideration of changes to state law must always take into account the requirements under federal law as well.

We look forward to continuing to work with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Peter Johnson", followed by a horizontal line.

D. Peter Johnson, President  
Pennsylvania District Attorneys Association