

Allegheny County Sportsmen's League, Inc.

CELEBRATING 80 YEARS OF ENHANCING CONSERVATION OF PENNSYLVANIA'S OUTDOOR RESOURCES
THE VOICE OF 200,000 LICENSED HUNTERS AND FISHERMEN IN ALLEGHENY COUNTY



ACSL on the Web at www.acslpa.org

Member: National Rifle Association
National Shooting Sports Foundation
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Ms. Lisa Michel, Solicitor
Allegheny County Sheriff's Office
564 Forbes Avenue Suite 1113
Pittsburgh, PA 15219

Dear Solicitor Michel:

We write to express grave concern about the current practices of the Allegheny County Sheriff's office in regard to the inability/unwillingness to provide lockers 'at or within' the Allegheny County Courthouse for lawfully carried firearms. The current policy and practice is in violation of, explicitly clear Pennsylvania law.

We are experiencing a wide range of complaints regarding your policies that are essentially creating an 'unlawful victim disarmament zone'.

The reason for this letter is to communicate with you, in the strongest possible terms, the importance of changing these policies to comply with current Pennsylvania Law and the official position of the Allegheny County Sportsmen's League on this matter. We respect the need for security however we are also cognizant of the constitutional and legal rights, and needs, of citizens to carry firearms for self-defense. Title 18, section 913 governs how governments must deal with citizens who lawfully carry firearms.

For your convenience, I have attached copies of current Pennsylvania law (Title 18, Section 913) on this matter for your records. As you can see the description of the court facility is clear and unambiguous. Therefore lockers or secure storage boxes **must be provided to ALL citizens** who will frequent these facilities not just police officers.

The law states in pertinent part:

§913. Possession of Firearm or Other Dangerous Weapon in Court Facility.

(d) **Posting of notice.**--*Notice of the provisions of subsections (a) and (e) shall be posted conspicuously at each public entrance to each courthouse* or other building containing a court facility and each court facility, and no person shall be convicted of an offense under subsection (a)(1) with respect to a court facility if the notice was not so posted at each public entrance to the courthouse or other building containing a court

facility and at the court facility unless the person had actual notice of the provisions of subsection (a).
(e) *Facilities for checking firearms or other dangerous weapons.*--**EACH COUNTY shall make available at or within the building containing a court facility by July 1, 2002, lockers or similar facilities at no charge or cost for the temporary checking of firearms** by persons carrying firearms under section 6106(b) or 6109 or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility **must be issued a receipt**. Notice of the location of the facility shall be posted as required under subsection (d).

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

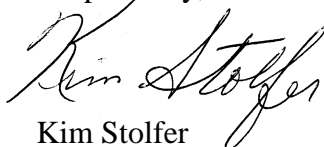
"*Court facility.*" The **courtroom of a court of record**; a courtroom of a community court; the courtroom of a **magisterial district judge**; a courtroom of the Philadelphia Municipal Court; a courtroom of the Pittsburgh Magistrates Court; a courtroom of the Traffic Court of Philadelphia; judge's chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices of court clerks, the district attorney, the sheriff and probation and parole officers; and any adjoining corridors.

For your convenience, I have attached copies of current Pennsylvania law (Title 18, Section 913) on this matter for your records. As you can see the description of the court facility is clear and unambiguous. Therefore lockers or secure storage boxes **must be provided to ALL citizens** who will frequent these facilities not just police officers.

While the requirements, and the effective date, for secure storage boxes or lockers was changed by Senate bill 167 of 1999, the law is clear that this opportunity must be provided no later than July 1st 2002 to **all law abiding citizens**.

We look forward to working with you on this matter and would gladly provide whatever resources we have available to assist you with coming to an appropriate and lawful decision. Thank you in advance for your consideration of our position and we await your official reply.

Respectfully,



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§913. Possession of Firearm or Other Dangerous Weapon in Court Facility.

(a) Offense defined.--A person commits an offense if he:

(1) knowingly possesses a firearm or other dangerous weapon in a court facility or knowingly causes a firearm or other dangerous weapon to be present in a court facility; or

(2) knowingly possesses a firearm or other dangerous weapon in a court facility with the intent that the firearm or other dangerous weapon be used in the commission of a crime or knowingly causes a firearm or other dangerous weapon to be present in a court facility with the intent that the firearm or other dangerous weapon be used in the commission of a crime.

(b) Grading.--

(1) Except as otherwise provided in paragraph (3), an offense under subsection (a)(1) is a misdemeanor of the third degree.

(2) An offense under subsection (a)(2) is a misdemeanor of the first degree.

(3) An offense under subsection (a)(1) is a summary offense if the person was carrying a firearm under section 6106(b) (relating to firearms not to be carried without a license) or 6109 (relating to licenses) and failed to check the firearm under subsection (e) prior to entering the court facility.

(c) Exceptions.--Subsection (a) shall not apply to:

(1) The lawful performance of official duties by an officer, agent or employee of the United States, the Commonwealth or a political subdivision who is authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of any violation of law.

(2) The lawful performance of official duties by a court official.

(3) The carrying of rifles and shotguns by instructors and participants in a course of instruction provided by the Pennsylvania Game Commission under 34 Pa.C.S. § 2704 (relating to eligibility for license).

(4) Associations of veteran soldiers and their auxiliaries or members of organized armed forces of the United States or the Commonwealth, including reserve components, when engaged in the performance of ceremonial duties with county approval.

(5) The carrying of a dangerous weapon or firearm unloaded and in a secure wrapper by an attorney who seeks to employ the dangerous weapon or firearm as an exhibit or as a demonstration and who possesses written authorization from the court to bring the dangerous weapon or firearm into the court facility.

(d) Posting of notice.--Notice of the provisions of subsections (a) and (e) shall be posted conspicuously at each public entrance to each courthouse or other building containing a court facility and each court facility, and no person shall be convicted of an offense under subsection (a)(1) with respect to a court facility if the notice was not so posted at each public entrance to the courthouse or other building containing a court facility and at the court facility unless the person had actual notice of the provisions of subsection (a).

(e) Facilities for checking firearms or other dangerous weapons.--Each county shall make available at or within the building containing a court facility by July 1, 2002, lockers or similar facilities at no charge or cost for the temporary checking of firearms by persons carrying firearms under section 6106(b) or 6109 or for the checking of other dangerous weapons that are not otherwise prohibited by law. Any individual checking a firearm, dangerous weapon or an item deemed to be a dangerous weapon at a court facility must be issued a receipt. Notice of the location of the facility shall be posted as required under subsection (d).

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

"Court facility." The courtroom of a court of record; a courtroom of a community court; the courtroom of a magisterial district judge; a courtroom of the Philadelphia Municipal Court; a courtroom of the Pittsburgh Magistrates Court; a courtroom of the Traffic Court of Philadelphia; judge's chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices of court clerks, the district attorney, the sheriff and probation and parole officers; and any adjoining corridors.

"Dangerous weapon." A bomb, grenade, blackjack, sandbag, metal knuckles, dagger, knife (the blade of which is exposed in an automatic way by switch, push-button, spring mechanism or otherwise) or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

"Firearm." Any weapon, including a starter gun, which will or is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas. The term does not include any device designed or used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

(June 13, 1995, 1st Sp.Sess., P.L.1024, No.17, eff. 120 days; Nov. 22, 1995, P.L.621, No.66, eff. imd.; Dec. 15, 1999, P.L.915, No.59, eff. 60 days; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended the def. of "court facility" in subsec. (f). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1999 Amendment. Act 59 amended subsec. (e).

1995 Amendments. Act 17, 1st Sp.Sess., added section 913 and Act 66 amended subsecs. (c) and (e). See the preamble to Act 17, 1st Sp.Sess., in the appendix to this title for special provisions relating to legislative purpose.