
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 827 Session of
2013

INTRODUCED BY REGAN, O'NEILL, HEFFLEY, MILLARD, BIZZARRO,
SWANGER, STEPHENS, MAJOR, BISHOP, GINGRICH, CUTLER, KORTZ,
MARSICO, QUINN, GILLEN, GROVE, COHEN, DENLINGER, R. MILLER,
WATSON, CLYMER, R. BROWN, KULA, FARRY, MCGINNIS, MOUL,
CALTAGIRONE AND ENGLISH, MARCH 11, 2013

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
JUNE 26, 2014

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, IN FALSIFICATION AND INTIMIDATION, <--
3 further providing for retaliation against witness, victim or
4 party; AND, IN UNIFORM FIREARMS, PROVIDING FOR KEEPING <--
5 FIREARM IN VEHICLE.

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

8 Section 1. Section 4953(b) of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 4953. Retaliation against witness, victim or party.

11 * * *

12 (b) Grading.--The offense is a felony of the third degree if
13 the retaliation is accomplished by any of the means specified in
14 section 4952(b)(1) [through (5)] (relating to intimidation of
15 witnesses or victims). Otherwise the offense is a misdemeanor of
16 the second degree.

17 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <--

1 § 6128. KEEPING FIREARM IN VEHICLE.

2 (A) EMPLOYEE PARKING LOT.--A PRIVATE EMPLOYER WHO LEGALLY
3 OWNS OR UTILIZES PROPERTY TO PROVIDE PARKING TO AN EMPLOYEE ON
4 THE PROPERTY IS PROHIBITED FROM ESTABLISHING, MAINTAINING OR
5 ENFORCING A POLICY THAT PROHIBITS A PERSON WITH A VALID
6 PENNSYLVANIA LICENSE TO CARRY A FIREARM FROM TRANSPORTING OR
7 STORING A FIREARM IN A VEHICLE PARKED ON THAT PROPERTY DURING
8 THE EMPLOYEE'S WORK HOURS. THE FIREARM ON THE PROPERTY OF THE
9 PRIVATE EMPLOYER SHALL BE STORED AS FOLLOWS:

10 (1) THE FIREARM SHALL REMAIN INSIDE THE EMPLOYEE'S
11 ATTENDED PRIVATELY OWNED VEHICLE; OR

12 (2) THE FIREARM SHALL BE LOCKED OUT OF SIGHT WITHIN THE
13 TRUNK, GLOVE BOX OR OTHER ENCLOSED COMPARTMENT OR CONTAINER
14 WITHIN OR ON THE EMPLOYEE'S PRIVATELY OWNED VEHICLE.

15 (B) TERMINATED EMPLOYEE.--

16 (1) AN EMPLOYEE DISCHARGED BY A PRIVATE EMPLOYER FOR A
17 VIOLATION OF A POLICY PROHIBITED UNDER SUBSECTION (A) SHALL
18 RECEIVE ALL OF THE FOLLOWING:

19 (I) REINSTATEMENT TO THE SAME POSITION HELD AT THE
20 TIME OF THE EMPLOYEE'S TERMINATION FROM EMPLOYMENT OR TO
21 AN EQUIVALENT POSITION.

22 (II) REINSTATEMENT OF THE EMPLOYEE'S FULL FRINGE
23 BENEFITS AND SENIORITY RIGHTS.

24 (III) COMPENSATION FOR LOST WAGES, BENEFITS OR OTHER
25 LOST REMUNERATION CAUSED BY THE TERMINATION.

26 (IV) PAYMENT OF COURT COSTS AND REASONABLE ATTORNEY
27 FEES.

28 (2) IF THE DEMAND FOR RECOVERY HAS NOT BEEN SATISFIED
29 WITHIN 60 CALENDAR DAYS, THE EMPLOYEE MAY BRING A CIVIL
30 ACTION IN THE APPROPRIATE COURT AGAINST THE PRIVATE EMPLOYER

1 AND SHALL BE AWARDED THE REMEDIES PROVIDED FOR IN PARAGRAPH
2 (1).

3 (C) LIMITATION.--SUBSECTION (A) SHALL NOT APPLY TO AN
4 EMPLOYEE OPERATING AN EMPLOYEE-OWNED VEHICLE DURING AND IN THE
5 COURSE OF THE EMPLOYEE'S DUTIES ON BEHALF OF THE EMPLOYER.

6 (D) LIABILITY FOR PRIVATE EMPLOYER.--A PRIVATE EMPLOYER MAY
7 NOT BE HELD LIABLE IN A CIVIL ACTION FOR DAMAGES, INJURIES OR
8 DEATH RESULTING FROM OR ARISING OUT OF ANOTHER PERSON'S ACTIONS
9 INVOLVING A FIREARM TRANSPORTED OR STORED PURSUANT TO SUBSECTION
10 (A), INCLUDING THE THEFT OF A FIREARM FROM AN EMPLOYEE'S OR
11 INVITEE'S AUTOMOBILE, UNLESS THE PRIVATE EMPLOYER INTENTIONALLY
12 SOLICITED OR PROCURED THE INJURIOUS ACTIONS.

13 (E) INAPPLICABILITY.--THE PROHIBITIONS IN SUBSECTION (A)
14 SHALL NOT APPLY IN ANY OF THE FOLLOWING CIRCUMSTANCES:

15 (1) THE VEHICLE IS ON THE GROUNDS OF AN OWNER-OCCUPIED
16 SINGLE-FAMILY DETACHED RESIDENCE OR A TENANT-OCCUPIED SINGLE-
17 FAMILY DETACHED RESIDENCE.

18 (2) THE VEHICLE IS ON PROPERTY WHERE THE POSSESSION OF
19 FIREARMS IS EXPRESSLY PROHIBITED BY FEDERAL OR STATE LAW.

20 (3) THE PRIVATE EMPLOYER REASONABLY BELIEVES THAT THE
21 PERSON IS IN ILLEGAL POSSESSION OF THE FIREARM, EXCEPT THAT A
22 BELIEF BASED ON A MISTAKE OF LAW SHALL NOT BE CONSIDERED
23 REASONABLE FOR PURPOSES OF THIS SECTION.

24 (4) THE PERSON IS AN EMPLOYEE OPERATING A PRIVATE
25 EMPLOYER-OWNED VEHICLE DURING AND IN THE COURSE OF THE
26 EMPLOYEE'S DUTIES ON BEHALF OF THE PRIVATE EMPLOYER.

27 (5) IN OR ON SCHOOL PROPERTY, IN OR ON PROPERTY THAT IS
28 BEING USED BY A SCHOOL FOR A SCHOOL FUNCTION OR ON A SCHOOL
29 BUS. FOR THE PURPOSES OF THIS PARAGRAPH, A SCHOOL SHALL
30 INCLUDE A SCHOOL DISTRICT, A CHARTER SCHOOL AND A PRIVATE

1 SCHOOL.

2 (6) ON THE PROPERTY OF ANY OF THE FOLLOWING:

3 (I) A CHILD CARE INSTITUTION, FACILITY OR CENTER.

4 (II) A PRIVATE SECURE FACILITY.

5 (III) A GROUP HOME.

6 (7) ON THE PROPERTY OF A PENAL FACILITY.

7 (8) IN VIOLATION OF FEDERAL LAW.

8 (9) IN OR ON PROPERTY BELONGING TO A POSTSECONDARY
9 EDUCATIONAL INSTITUTION.

10 (10) ON THE PROPERTY OF A DOMESTIC VIOLENCE SHELTER OR
11 AN EMERGENCY SHELTER.

12 (11) AT A PERSON'S RESIDENCE.

13 (12) ON THE PROPERTY OF A PERSON THAT IS:

14 (I) SUBJECT TO THE UNITED STATES DEPARTMENT OF
15 HOMELAND SECURITY'S CHEMICAL FACILITY ANTI-TERRORISM
16 STANDARDS ISSUED APRIL 9, 2007; AND

17 (II) LICENSED BY THE UNITED STATES NUCLEAR
18 REGULATORY COMMISSION UNDER 10 CFR (RELATING TO ENERGY).

19 (13) ON PROPERTY OWNED BY A PUBLIC UTILITY THAT
20 GENERATES AND TRANSMITS ELECTRIC POWER OR NATURAL GAS.

21 (14) IN THE EMPLOYEE'S PERSONAL VEHICLE IF THE EMPLOYEE,
22 INCLUDING A CONTRACT EMPLOYEE, IS A DIRECT SUPPORT
23 PROFESSIONAL WHO MEETS ALL OF THE FOLLOWING:

24 (I) WORKS DIRECTLY WITH INDIVIDUALS WITH
25 DEVELOPMENTAL DISABILITIES TO ASSIST THE INDIVIDUALS TO
26 BECOME INTEGRATED INTO THE INDIVIDUALS' COMMUNITY OR
27 LEAST RESTRICTIVE ENVIRONMENT.

28 (II) USES THE EMPLOYEE'S PERSONAL VEHICLE WHILE
29 TRANSPORTING AN INDIVIDUAL WITH DEVELOPMENTAL
30 DISABILITIES.

1 (15) IN A VEHICLE OWNED OR LEASED BY A PRIVATE EMPLOYER
2 AND USED BY AN EMPLOYEE IN THE COURSE AND SCOPE OF THE
3 EMPLOYEE'S EMPLOYMENT, UNLESS THE EMPLOYEE IS REQUIRED TO
4 TRANSPORT OR STORE A FIREARM IN THE OFFICIAL DISCHARGE OF THE
5 EMPLOYEE'S DUTIES.

6 (16) ON PROPERTY OWNED OR LEASED BY A CHEMICAL
7 MANUFACTURER, STEEL PRODUCTION FACILITY OR OIL AND GAS
8 REFINER, AND ON WHICH THE PRIMARY BUSINESS CONDUCTED IS THE
9 MANUFACTURE, USE, STORAGE OR TRANSPORTATION OF HAZARDOUS,
10 COMBUSTIBLE OR EXPLOSIVE MATERIALS. THIS PARAGRAPH SHALL NOT
11 APPLY TO AN EMPLOYEE WHO HOLDS A LICENSE TO CARRY A CONCEALED
12 HANDGUN AND WHO STORES A FIREARM OR AMMUNITION THE EMPLOYEE
13 IS AUTHORIZED BY LAW TO POSSESS IN A LOCKED, PRIVATELY OWNED
14 MOTOR VEHICLE IN A PARKING LOT, PARKING GARAGE OR OTHER
15 PARKING AREA THE PRIVATE EMPLOYER PROVIDES FOR EMPLOYEES THAT
16 IS OUTSIDE OF A SECURED AND RESTRICTED AREA:

17 (I) THAT CONTAINS THE PHYSICAL PLANT;

18 (II) THAT IS NOT OPEN TO THE PUBLIC; AND

19 (III) THE INGRESS INTO WHICH IS CONSTANTLY MONITORED
20 BY SECURITY PERSONNEL.

21 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
22 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
23 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

24 "PRIVATE EMPLOYER." ANY OF THE FOLLOWING THAT EMPLOY OR
25 OFFER TO EMPLOY AT LEAST ONE INDIVIDUAL IN THIS COMMONWEALTH:

26 (1) AN INDIVIDUAL.

27 (2) A PARTNERSHIP.

28 (3) A FIRM.

29 (4) AN ASSOCIATION.

30 (5) A CORPORATION.

1 (6) A NONPROFIT ORGANIZATION.

2 Section ~~2~~ 3. This act shall take effect in 60 days.

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