

Legislation Text

File #: 190749-A, **Version:** 2

Establishing the “Safe Haven Law” by amending Title 10 of The Philadelphia Code, entitled “Regulation of Individual Conduct and Activity,” by adding a new section prohibiting the possession of weapons at City Recreation Facilities, all under certain terms and conditions.

WHEREAS, City residents and particularly the youth, have been innocent victims of gun violence at City Recreation Facilities; and

WHEREAS, The citizenry has a right to expect that that they will be safe from gun violence at City Recreation Facilities; and

WHEREAS, The City has a responsibility to ensure the safety of visitors to City Recreation Facilities by prohibiting the possession of weapons at such facilities; and

WHEREAS, The US Supreme Court in District of Columbia v. Heller, recognized the need to regulate the possession of firearms in certain places, stating in pertinent part that:

Like most rights, the right secured by the Second Amendment is not unlimited... [and] nothing in our opinion should be taken to cast doubt on ... laws forbidding the carrying of firearms in sensitive places such as schools and government buildings...

And,

WHEREAS, The Pennsylvania General Assembly has prohibited the possession of firearms in state courthouses pursuant to section 913 of the State Criminal Code; and

WHEREAS, The City Council hereby establishes the “Safe Haven Law” to protect children and adults visiting City Recreation Facilities, by prohibiting the possession of weapons in City Recreation Facilities; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 10 of The Philadelphia Code is hereby amended to read as follows:

TITLE 10. REGULATION OF INDIVIDUAL CONDUCT AND ACTIVITY

* * *

CHAPTER 10-800. SAFETY.

* * *

§ 10-842. *Possession of Weapons at City Recreation Facilities.*

(a) *Definitions.*

(1) *"Weapon." For purposes of this Section the term shall include any firearm, knife or other instrument designed to inflict bodily injury.*

(2) *"City Recreation Facility." For purposes of this Section the term shall include all recreational facilities and the surrounding area within twenty-five (25) feet of such facilities under the management of the City Department of Parks and Recreation.*

(3) *"Firearm." For purposes of this section, the term "firearm" shall include any weapons which are designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.*

(b) *Prohibited Conduct. No person shall knowingly possess a weapon or knowingly cause a weapon to be present, whether openly or concealed, in the buildings of or on the grounds of any City Recreation Facility.*

(c) *Exceptions. The prohibitions set forth in subsection (b) shall not apply to any City, State or Federal law enforcement officer, agent or employee engaged in his or her official duties;*

(d) *Penalties. The penalty for violation of this Section shall be a fine of not more than two thousand dollars (\$2000.00), or imprisonment of not more than ninety (90) days, or both.*

(e) *Posting of Notice. Notice of the provisions of subsection (b) shall be posted conspicuously at the public entrance to each City Recreation Facility.*

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SECTION 2. Section 1 of this Ordinance shall be effective upon authorization by the Pennsylvania General Assembly.

Explanation:

Italics indicate new matter added.

