
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2260

Session of
1986

INTRODUCED BY BALDWIN, SWEET, PRESSMANN, FRYER, MORRIS, MAIALE,
MACKOWSKI, GODSHALL, RUDY, STABACK, FARGO, HERMAN, DUFFY,
FOX, TIGUE, NOYE, JOHNSON AND AFFLERBACH, MARCH 17, 1986

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 1986

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, changing provisions relating to theft;
3 and providing for certain fingerprinting.

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

6 Section 1. Sections 3903 and 9112 of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3903. Grading of theft offenses.

9 (a) Felony of the third degree.--Theft constitutes a felony
10 of the third degree if the amount involved exceeds \$2,000, or if
11 the property stolen is a firearm, automobile, airplane,
12 motorcycle, motorboat or other motor-propelled vehicle, or in
13 the case of theft by receiving stolen property, if the receiver
14 is in the business of buying or selling stolen property.

15 (b) Other grades.--Theft not within subsection (a) of this
16 section, constitutes a misdemeanor of the first degree, except
17 that if the property was not taken from the person or by threat,
18 or in breach of fiduciary obligation, and:

1 (1) the amount involved was [~~\$50~~ \$100 or more but less
2 than \$200, the offense constitutes a misdemeanor of the
3 second degree; or

4 (2) the amount involved was [~~less than \$50~~ \$50 or more
5 but less than \$100, the offense constitutes a misdemeanor of
6 the third degree[.]; or

7 (3) the amount involved was less than \$50 and the
8 offense is a second or subsequent offense, the offense
9 constitutes a misdemeanor of the third degree; or

10 (4) the amount involved was less than \$50 and the
11 offense is a first offense, the offense constitutes a summary
12 offense.

13 (c) Valuation.--The amount involved in a theft shall be
14 ascertained as follows:

15 (1) Except as otherwise specified in this section, value
16 means the market value of the property at the time and place
17 of the crime, or if such cannot be satisfactorily
18 ascertained, the cost of replacement of the property within a
19 reasonable time after the crime.

20 (2) Whether or not they have been issued or delivered,
21 certain written instruments, not including those having a
22 readily ascertainable market value such as some public and
23 corporate bonds and securities, shall be evaluated as
24 follows:

25 (i) The value of an instrument constituting an
26 evidence of debt, such as a check, draft or promissory
27 note, shall be deemed the amount due or collectible
28 thereon or thereby, such figure ordinarily being the face
29 amount of the indebtedness less any portion thereof which
30 has been satisfied.

1 (ii) The value of any other instrument which
2 creates, releases, discharges or otherwise affects any
3 valuable legal right, privilege or obligation shall be
4 deemed the greatest amount of economic loss which the
5 owner of the instrument might reasonably suffer by virtue
6 of the loss of the instrument.

7 (3) When the value of property cannot be satisfactorily
8 ascertained pursuant to the standards set forth in paragraphs
9 (1) and (2) of this subsection its value shall be deemed to
10 be an amount less than \$50. Amounts involved in thefts
11 committed pursuant to one scheme or course of conduct,
12 whether from the same person or several persons, may be
13 aggregated in determining the grade of the offense.

14 (d) Fingerprinting.--Prior to the commencement of trial or
15 entry of plea of a defendant 16 years of age or older accused of
16 the summary offense of theft, the issuing authority shall order
17 the defendant to submit, within five days of such order, for
18 fingerprinting by the municipal police of the jurisdiction in
19 which the offense allegedly was committed or by the Pennsylvania
20 State Police. Fingerprints so obtained shall be forwarded
21 immediately to the Pennsylvania State Police for determination
22 as to whether or not the defendant previously has been convicted
23 of the offense of theft. The results of such determination shall
24 be forwarded to the police department obtaining the fingerprints
25 if that department is the prosecutor or to the issuing authority
26 if the prosecutor is other than a police officer. The issuing
27 authority shall not proceed with the trial or plea in summary
28 cases until in receipt of the determination made by the
29 Pennsylvania State Police. The district justice shall use the
30 information obtained solely for the purpose of grading the

1 offense pursuant to subsection (b).

2 § 9112. Mandatory fingerprinting.

3 (a) General rule.--Fingerprints of all persons arrested for
4 a felony, misdemeanor or summary offense which becomes a
5 misdemeanor on a second arrest after conviction of that summary
6 offense, shall be taken by the arresting authority, and within
7 48 hours of the arrest, shall be forwarded to, and in a manner
8 and such a form as provided by, the central repository.

9 (b) Other cases.--

10 (1) Where private complaints for a felony or misdemeanor
11 result in a conviction, the court of proper jurisdiction
12 shall order the defendant to submit for fingerprinting by the
13 municipal police of the jurisdiction in which the offense was
14 allegedly committed or in the absence of a police department,
15 the State Police. Fingerprints so obtained shall, within 48
16 hours, be forwarded to the central repository in a manner and
17 in such form as may be provided by the central repository.

18 (2) Where defendants named in police complaints are
19 proceeded against by summons, or for offenses under section
20 3903 (relating to grading of theft offenses) or 3929
21 (relating to retail theft), the court of proper jurisdiction
22 shall order the defendant to submit within five days of such
23 order for fingerprinting by the municipal police of the
24 jurisdiction in which the offense allegedly was committed or,
25 in the absence of a police department, the State Police.
26 Fingerprints so obtained shall, within 48 hours, be forwarded
27 to the central repository in a manner and in such form as may
28 be provided by the central repository.

29 (c) Transmittal of information.--The central repository
30 shall transmit the criminal history record information to the

- 1 criminal justice agency which submitted a complete, accurate and
- 2 classifiable fingerprint card.
- 3 Section 2. This act shall take effect in 60 days.