

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1068 Session of
1989

INTRODUCED BY RUDY, McNALLY, NOYE, JAROLIN, VEON, SCHULER,
CAWLEY, OLASZ, KOSINSKI, JOHNSON, PHILLIPS, FOX, MICHLOVIC,
MORRIS, E. Z. TAYLOR, BILLOW, KUKOVICH, HERSHEY, ADOLPH,
NAHILL, LASHINGER, PISTELLA, PETRARCA, FAIRCHILD, ITKIN,
BELARDI, GEIST, RYBAK, BOYES, COLAIZZO, ROBINSON, TRELLO,
RITTER, STABACK, BUSH, HOWLETT, LANGTRY AND BISHOP,
APRIL 10, 1989

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, FEBRUARY 6, 1990

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, PROVIDING FOR THE OFFENSE OF FLIGHT TO <—
3 AVOID APPREHENSION, TRIAL OR PUNISHMENT; EMPOWERING ARRESTING <—
4 OFFICERS TO SEIZE AND TAKE POSSESSION OF CERTAIN VEHICLES;
5 AND further providing for discrimination on account of guide
6 dogs.

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

9 ~~Section 1. Section 7325 of Title 18 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended to read:~~

11 SECTION 1. TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED <—
12 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

13 § 5126. FLIGHT TO AVOID APPREHENSION, TRIAL OR PUNISHMENT.

14 (A) OFFENSE DEFINED.--A PERSON WHO WILLFULLY CONCEALS
15 HIMSELF OR MOVES OR TRAVELS WITHIN OR OUTSIDE THIS COMMONWEALTH
16 WITH THE INTENT TO AVOID APPREHENSION, TRIAL OR PUNISHMENT
17 COMMITTS A FELONY OF THE THIRD DEGREE WHEN THE CRIME WHICH HE HAS

1 BEEN CHARGED WITH OR HAS BEEN CONVICTED OF IS A FELONY AND
2 COMMITTS A MISDEMEANOR OF THE SECOND DEGREE WHEN THE CRIME WHICH
3 HE HAS BEEN CHARGED WITH OR HAS BEEN CONVICTED OF IS A
4 MISDEMEANOR.

5 (B) EXCEPTION.--SUBSECTION (A) SHALL NOT APPLY TO A PERSON
6 SET AT LIBERTY BY COURT ORDER WHO FAILS TO APPEAR AT THE TIME OR
7 PLACE SPECIFIED IN THE ORDER.

8 SECTION ~~±~~ 2. SECTIONS 6501 AND 7325 OF TITLE 18 ~~OF THE~~ <—
9 ~~PENNSYLVANIA CONSOLIDATED STATUTES~~ ARE AMENDED TO READ:

10 § 6501. SCATTERING RUBBISH.

11 (A) OFFENSE DEFINED.--A PERSON IS GUILTY OF AN OFFENSE IF
12 HE:

13 (1) THROWS ANY WASTE PAPER, SWEEPINGS, ASHES, HOUSEHOLD
14 WASTE, GLASS, METAL, REFUSE OR RUBBISH, OR ANY DANGEROUS OR
15 DETRIMENTAL SUBSTANCE INTO OR UPON ANY ROAD, STREET, HIGHWAY,
16 OR ALLEY, OR UPON THE LAND OF ANOTHER OR INTO OR UPON ANY
17 STREAM OR NAVIGABLE RIVER;

18 (2) INTERFERES WITH, SCATTERS, OR DISTURBS THE CONTENTS
19 OF ANY RECEPTACLE CONTAINING ASHES, GARBAGE, HOUSEHOLD WASTE,
20 OR RUBBISH; OR

21 (3) IS THE OWNER OR OPERATOR OF A TRASH, GARBAGE OR
22 DEBRIS COLLECTION VEHICLE OR ANY OTHER TYPE OF VEHICLE USED
23 FOR COLLECTING TRASH, GARBAGE OR DEBRIS AND DEPOSITS THE
24 VEHICLE'S LOAD OR ANY PART THEREOF UPON ANY ROAD, STREET,
25 HIGHWAY OR ALLEY OR UPON THE LAND OF ANOTHER.

26 (B) PENALTY.--

27 (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OR (2) IS
28 GUILTY OF A SUMMARY OFFENSE AND UPON CONVICTION THEREOF SHALL
29 BE SENTENCED TO PAY A FINE OF NOT LESS THAN [\$10] \$50 NOR
30 MORE THAN [\$300] \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN

90 DAYS, OR BOTH.

(2) A PERSON WHO VIOLATES SUBSECTION (A)(3) IS GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE FOR THE FIRST OFFENSE, A MISDEMEANOR OF THE SECOND DEGREE FOR THE SECOND OFFENSE AND A MISDEMEANOR OF THE FIRST DEGREE FOR THE THIRD OR ANY SUBSEQUENT OFFENSE.

(3) IN ADDITION TO THE PENALTIES IMPOSED UNDER PARAGRAPH (2), THE VEHICLE OF ANY PERSON WHO VIOLATES SUBSECTION (A)(3) SHALL, AT THE TIME OF ARREST, BE SEIZED BY THE ARRESTING AUTHORITY AND DELIVERED TO THE CUSTODY OF THE MUNICIPALITY WHERE THE OFFENSE OCCURRED. THE VEHICLE SHALL BE IMPOUNDED BY THE MUNICIPALITY WHERE THE OFFENSE OCCURRED UNTIL THE OWNER SHALL POST A BOND EQUIVALENT TO THE FAIR MARKET VALUE OF THE VEHICLE. UPON CONVICTION OF A VIOLATION OF SUBSECTION (A)(3), THE OWNER OF THE VEHICLE SHALL FORFEIT ALL RIGHT, TITLE AND INTEREST IN THE VEHICLE TO THE MUNICIPALITY WHERE THE OFFENSE OCCURRED, UNLESS THE COURT DETERMINES THAT THE OWNER OF THE VEHICLE HAD NO REASON TO KNOW OF THE VIOLATION. UPON CONVICTION OF A SECOND OR SUBSEQUENT OFFENSE UNDER SUBSECTION (A)(3), THE OWNER OF THE VEHICLE SHALL FORFEIT ALL RIGHT, TITLE AND INTEREST IN THE VEHICLE TO THE MUNICIPALITY WHERE THE OFFENSE OCCURRED.

(C) DISPOSITION OF FINES.--(REPEALED).

(D) EXCEPTION.--SUBSECTION (A)(3) DOES NOT APPLY TO THE LAWFUL DEPOSITING OF WASTE AT ANY SITE REGULATED BY THE DEPARTMENT OF ENVIRONMENTAL RESOURCES.

§ 7325. Discrimination on account of guide dog.

A person is guilty of a summary offense if he, being the proprietor, manager or employee of a theatre, hotel, restaurant or other place of public accommodation, entertainment or

1 amusement, refuses, withholds or denies any person, who is using
2 a guide, signal or service dog, because of the physical
3 disability, blindness or deafness of the user, the use of or
4 access to any accommodation, advantage, facility or privilege of
5 such theatre, hotel, restaurant or other place of public
6 entertainment or amusement.

7 SECTION ~~2~~ 3. THE AMENDMENT TO SECTION 6501 SHALL APPLY TO <—
8 ALL OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS
9 ACT.

10 Section ~~2-3~~ 4. This act shall take effect in 60 days. <—