

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 413 Session of  
1997

INTRODUCED BY CALTAGIRONE, DeLUCA, STABACK, LUCYK, GEIST, CLARK,  
DALEY, ROONEY, PESCI, BATTISTO, TIGUE, VAN HORNE, HERMAN,  
McCALL, LAUGHLIN, TRELLO, MIHALICH AND BOSCOLA,  
FEBRUARY 11, 1997

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 11, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for arson and  
3 related offenses.

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

6 Section 1. Section 3301(d), (h) and (i) of Title 18 of the  
7 Pennsylvania Consolidated Statutes are amended and the section  
8 is amended by adding a subsection to read:

9 § 3301. Arson and related offenses.

10 \* \* \*

11 (d) Reckless burning or exploding.--A person commits a  
12 felony of the third degree if he intentionally starts a fire or  
13 causes an explosion, or if he aids, counsels, pays or agrees to  
14 pay another to cause a fire or explosion, whether on his own  
15 property or on that of another, and thereby recklessly:

16 (1) places an uninhabited building or unoccupied  
17 structure of another in danger of damage or destruction; or

1           (2) [places any personal property of another having a  
2     value of \$5,000 or more] places any personal property of  
3     another having a value that exceeds \$5,000, or if the  
4     property is an automobile, airplane, motorcycle, motorboat or  
5     other motor-propelled vehicle in danger of damage or  
6     destruction.

7     (d.1) Dangerous burning.--A person commits a summary offense  
8     if he intentionally or recklessly starts a fire to endanger any  
9     person or property of another, whether or not any damage to  
10    person or property actually occurs.

11       \* \* \*

12       (h) Limitations on liability.--The provisions of subsections  
13    (a), (b), (c), (d), (d.1) and (e) shall not be construed to  
14    establish criminal liability upon any volunteer or paid  
15    firefighter or volunteer or paid firefighting company or  
16    association if said company or association endangers a  
17    participating firefighter or real or personal property in the  
18    course of an approved, controlled fire training program or fire  
19    evolution, provided that said company or association has  
20    complied with the following:

21           (1) a sworn statement from the owner of any real or  
22    personal property involved in such program or evolution that  
23    there is no fire insurance policy or no lien or encumbrance  
24    exists which applies to such real or personal property;

25           (2) approval or permits from the appropriate local  
26    government or State officials, if necessary, to conduct such  
27    program or exercise have been received;

28           (3) precautions have been taken so that the program or  
29    evolution does not affect any other persons or real or  
30    personal property; and

1           (4) participation of firefighters in the program or  
2       exercise if voluntary.

3       (i) Defenses.--It is a defense to prosecution under  
4       subsections (c) [and (d)], (d) and (d.1) where a person is  
5       charged with destroying a vehicle, lawful title to which is  
6       vested in him, if the vehicle is free of any encumbrances, there  
7       is no insurance covering loss by fire or explosion or both on  
8       the vehicle and the person delivers to the nearest State Police  
9       station at least 48 hours in advance of the planned destruction  
10      a written sworn statement certifying that the person is the  
11      lawful titleholder, that the vehicle is free of any encumbrances  
12      and that there is no insurance covering loss by fire or  
13      explosion or both on the vehicle.

14      \* \* \*

15      Section 2. This act shall take effect in 60 days.