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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1517** Session of  
2002

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INTRODUCED BY COSTA, MELLOW, MUSTO, LAVALLE, LOGAN, O'PAKE,  
ORIE, SCHWARTZ, STACK, KASUNIC, WAGNER AND WOZNIAK,  
AUGUST 30, 2002

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REFERRED TO JUDICIARY, AUGUST 30, 2002

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AN ACT

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

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

6 Section 1. Section 3903 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 3903. Grading of theft offenses.

9 (a) Felony of the first degree.--Theft constitutes a felony  
10 of the first degree if the amount involved is \$500,000 or more.

11 (a.1) Felony of the second degree.--[Theft] Except as  
12 provided in subsection (a), theft constitutes a felony of the  
13 second degree if:

14 (1) The offense is committed during a manmade disaster,  
15 a natural disaster or a war-caused disaster and constitutes a  
16 violation of section 3921 (relating to theft by unlawful  
17 taking or disposition), 3925 (relating to receiving stolen  
18 property), 3928 (relating to unauthorized use of automobiles

1 and other vehicles) or 3929 (relating to retail theft).

2 (2) The property stolen is a firearm.

3 (3) In the case of theft by receiving stolen property,  
4 the property received, retained or disposed of is a firearm  
5 and the receiver is in the business of buying or selling  
6 stolen property.

7 (4) The amount involved is \$100,000 or more but less  
8 than \$500,000.

9 [(a.1)] (a.2) Felony of the third degree.--Except as  
10 provided in [subsection (a)] subsections (a) and (a.1), theft  
11 constitutes a felony of the third degree if the amount involved  
12 [exceeds] is \$2,000 or more but less than \$100,000, or if the  
13 property stolen is an automobile, airplane, motorcycle,  
14 motorboat or other motor-propelled vehicle, or in the case of  
15 theft by receiving stolen property, if the receiver is in the  
16 business of buying or selling stolen property.

17 (b) Other grades.--Theft not within subsection (a) [or (a.1)]  
18 of this section], (a.1) or (a.2) constitutes a misdemeanor of  
19 the first degree, except that if the property was not taken from  
20 the person or by threat, or in breach of fiduciary obligation,  
21 and:

22 (1) the amount involved was \$50 or more but less than  
23 \$200 the offense constitutes a misdemeanor of the second  
24 degree; or

25 (2) the amount involved was less than \$50 the offense  
26 constitutes a misdemeanor of the third degree.

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

29 (1) Except as otherwise specified in this section, value  
30 means the market value of the property at the time and place

1 of the crime, or if such cannot be satisfactorily  
2 ascertained, the cost of replacement of the property within a  
3 reasonable time after the crime.

4 (2) Whether or not they have been issued or delivered,  
5 certain written instruments, not including those having a  
6 readily ascertainable market value such as some public and  
7 corporate bonds and securities, shall be evaluated as  
8 follows:

9 (i) The value of an instrument constituting an  
10 evidence of debt, such as a check, draft or promissory  
11 note, shall be deemed the amount due or collectible  
12 thereon or thereby, such figure ordinarily being the face  
13 amount of the indebtedness less any portion thereof which  
14 has been satisfied.

15 (ii) The value of any other instrument which  
16 creates, releases, discharges or otherwise affects any  
17 valuable legal right, privilege or obligation shall be  
18 deemed the greatest amount of economic loss which the  
19 owner of the instrument might reasonably suffer by virtue  
20 of the loss of the instrument.

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

28 (c.1) Sentencing enhancement for theft of public funds or  
29 theft in breach of a fiduciary duty.--The penalty for an offense  
30 graded under this section shall be increased by a term of

1 imprisonment of five years when the theft is from a political  
2 subdivision, local authority or a public or private charitable  
3 organization or when the theft constitutes a breach of fiduciary  
4 duty.

5 (d) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection:

8 "Charitable organization." As defined under section 3 of the  
9 act of December 19, 1990 (P.L.1200, No.202), known as the  
10 Solicitation of Funds for Charitable Purposes Act.

11 "Manmade disaster." Any industrial, nuclear or  
12 transportation accident, explosion, conflagration, power  
13 failure, natural resource shortage or other condition, except  
14 enemy action, resulting from manmade causes, such as oil spills  
15 and other injurious environmental contamination, which threatens  
16 or causes substantial damage to property, human suffering,  
17 hardship or loss of life.

18 "Natural disaster." Any hurricane, tornado, storm, flood,  
19 high water, wind-driven water, tidal wave, earthquake,  
20 landslide, mudslide, snowstorm, drought, fire, explosion or  
21 other catastrophe which results in substantial damage to  
22 property, hardship, suffering or possible loss of life.

23 "War-caused disaster." Any condition following an attack  
24 upon the United States resulting in substantial damage to  
25 property or injury to persons in the United States caused by use  
26 of bombs, missiles, shellfire, nuclear, radiological, chemical  
27 or biological means, or other weapons or overt paramilitary  
28 actions, or other conditions such as sabotage.

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