

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1517

Session of
2002

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

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, OCTOBER 1, 2002

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

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

(2) The property stolen is a firearm.

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

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

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

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

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

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

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

(1) Except as otherwise specified in this section, value 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~~

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

(C.1) SENTENCING ENHANCEMENT FOR THEFT OF PUBLIC FUNDS OR THEFT IN BREACH OF A FIDUCIARY DUTY.--NOTWITHSTANDING SECTION 1103 (RELATING TO SENTENCE OF IMPRISONMENT FOR FELONY), THE MAXIMUM TERM OF IMPRISONMENT FOR AN OFFENSE GRADED UNDER THIS SECTION MAY BE INCREASED BY A TERM OF IMPRISONMENT OF UP TO FIVE YEARS WHEN THE THEFT IS FROM A POLITICAL SUBDIVISION, LOCAL AUTHORITY OR A PUBLIC OR PRIVATE CHARITABLE ORGANIZATION OR WHEN THE THEFT CONSTITUTES A BREACH OF FIDUCIARY DUTY.

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

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

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

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

1 "War-caused disaster." Any condition following an attack
2 upon the United States resulting in substantial damage to
3 property or injury to persons in the United States caused by use
4 of bombs, missiles, shellfire, nuclear, radiological, chemical
5 or biological means, or other weapons or overt paramilitary
6 actions, or other conditions such as sabotage.

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