

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 123 Session of
2007

INTRODUCED BY COSTA, FONTANA, BOSCOLA, STOUT, RHOADES,
TARTAGLIONE, MUSTO, RAFFERTY, KITCHEN, C. WILLIAMS, LOGAN,
LAVALLE, O'PAKE, BROWNE AND STACK, MARCH 5, 2007

REFERRED TO JUDICIARY, MARCH 5, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for grading the
3 offense of deceptive or fraudulent business practices.

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

6 Section 1. Section 4107(a.1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding subsections to read:

9 § 4107. Deceptive or fraudulent business practices.

10 * * *

11 (a.1) Grading of offenses.--

12 (1) A violation of this section, except for subsection
13 (a)(10), constitutes:

14 (i) a [felony of the third degree if the amount
15 involved exceeds \$2,000;] felony:

16 (A) of the first degree if the amount involved
17 is \$500,000 or more;

18 (B) of the second degree if the amount involved

1 is \$100,000 or more but less than \$500,000;

2 (C) of the third degree if the amount involved
3 is \$2,000 or more but less than \$100,000; or

4 (ii) a [misdemeanor of the first degree if the
5 amount involved is \$200 or more but \$2,000 or less;

6 (iii) a misdemeanor of the second degree if the
7 amount involved is less than \$200; or

8 (iv) when the amount involved cannot be
9 satisfactorily ascertained, the offense constitutes a
10 misdemeanor of the second degree.] misdemeanor:

11 (A) of the first degree if the amount is \$200 or
12 more but less than \$2,000;

13 (B) of the second degree if the amount is less
14 than \$200;

15 (C) of the second degree if the amount involved
16 cannot be satisfactorily ascertained.

17 (2) Amounts involved in deceptive or fraudulent business
18 practices pursuant to one scheme or course of conduct,
19 whether from the same person or several persons, may be
20 aggregated in determining the grade of the offense.

21 (3) Where a person commits an offense under subsection
22 (a) and the victim of the offense is 60 years of age or
23 older, the grading of the offense shall be one grade higher
24 than specified in paragraph (1).

25 (4) An offense under subsection (a)(10) shall be a
26 summary offense and shall be punishable by a fine not less
27 than \$50 and not to exceed \$500.

28 * * *

29 (d) Sentencing enhancement for offenses involving public
30 funds or breach of a fiduciary duty.--Notwithstanding section

1 1103 (relating to sentence of imprisonment for felony), the
2 maximum term of imprisonment for an offense graded under this
3 section may be increased by a term of imprisonment of up to five
4 years when the offense is from a political subdivision, local
5 authority or a public or private charitable organization or when
6 the offense constitutes a breach of fiduciary duty.

7 (e) Definitions.--As used in this section, the term
8 "charitable organization" has the meaning given in section 3 of
9 the act of December 19, 1990 (P.L.1200, No.202), known as the
10 Solicitation of Funds for Charitable Purposes Act.

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