

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 582 Session of  
2001

INTRODUCED BY DIVEN, READSHAW, MAYERNIK, BELARDI, CALTAGIRONE,  
CAPPELLI, CORRIGAN, COSTA, CRUZ, HALUSKA, KENNEY, LAUGHLIN,  
MARKOSEK, MCGILL, PETRARCA, SAINATO, SOLOBAY, STABACK,  
STEELMAN, STERN, TIGUE, TRELLO, WALKO, WANSACZ, C. WILLIAMS,  
WOJNAROSKI, YOUNGBLOOD, PRESTON, THOMAS, HARHAI, BISHOP,  
GRUCELA, FRANKEL, WATERS AND BROWNE, FEBRUARY 8, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 11, 2001

## AN ACT

1 Amending ~~Titles~~ TITLE 18 (Crimes and Offenses) ~~and 75 (Vehicles)~~ <—  
2 of the Pennsylvania Consolidated Statutes, further providing  
3 for criminal mischief and for institutional vandalism. ~~and~~ <—  
4 ~~further providing for the revocation or suspension of~~  
5 ~~operating privilege.~~

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

8 Section 1. Section 3304(a) of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended and the section is amended by  
10 adding a subsection to read:

11 § 3304. Criminal mischief.

12 (a) Offense defined.--A person is guilty of criminal  
13 mischief if he:

14 (1) damages tangible property of another intentionally,  
15 recklessly, or by negligence in the employment of fire,  
16 explosives, or other dangerous means listed in section  
17 3302(a) of this title (relating to causing or risking

1 catastrophe);

2 (2) intentionally or recklessly tampers with tangible  
3 property of another so as to endanger person or property;

4 (3) intentionally or recklessly causes another to suffer  
5 pecuniary loss by deception or threat; [or]

6 (4) intentionally defaces or otherwise damages tangible  
7 public property or tangible property of another with [an]  
8 graffiti by use of any aerosol spray-paint can, broad-tipped  
9 indelible marker or similar marking device; or

10 (5) intentionally damages real or personal property of  
11 another.

12 \* \* \*

13 (c) Definition.--As used in this section, the term  
14 "graffiti" means an unauthorized inscription, word, figure, mark  
15 or design which is written, marked, etched, scratched, drawn or  
16 painted.

17 Section 2. Section 3307(a) of Title 18 is amended to read:  
18 § 3307. Institutional vandalism.

19 (a) Offenses defined.--A person commits the offense of  
20 institutional vandalism if he knowingly desecrates, as defined  
21 in section 5509 (relating to desecration of venerated objects),  
22 vandalizes, defaces or otherwise damages:

23 (1) any church, synagogue or other facility or place  
24 used for religious worship or other religious purposes;

25 (2) any cemetery, mortuary or other facility used for  
26 the purpose of burial or memorializing the dead;

27 (3) any school, educational facility, community center,  
28 municipal building, courthouse facility, State or local  
29 government building or vehicle or juvenile detention center;

30 (4) the grounds adjacent to and owned or occupied by any

1 facility set forth in paragraph (1), (2) or (3); or

2 (5) any personal property located in any facility set  
3 forth in this subsection.

4 ~~Section 3. Section 1532(b)(3) of Title 75 is amended to~~ <—

5 read:

6 ~~§ 1532. Suspension of operating privilege.~~

7 \* \* \*

8 ~~(b) Suspension.~~

9 \* \* \*

10 ~~(3) The department shall suspend the operating privilege~~  
11 ~~of any driver for 12 months upon receiving a certified record~~  
12 ~~of the driver's conviction of section 3731 (relating to~~  
13 ~~driving under influence of alcohol or controlled substance)~~  
14 ~~or 3733 (relating to fleeing or attempting to elude police~~  
15 ~~officer), or substantially similar offenses reported to the~~  
16 ~~department under Article III of section 1581 (relating to~~  
17 ~~Driver's License Compact)[, or an]; the driver's conviction~~  
18 ~~of 18 Pa.C.S. § 3304(a)(4) or (5) (relating to criminal~~  
19 ~~mischievous) or 3307 (relating to institutional vandalism); or~~  
20 ~~the driver's adjudication of delinquency based on section~~  
21 ~~3731 or 3733 or 18 Pa.C.S. § 3304(a)(4) or (5) or 3307. The~~  
22 ~~department shall suspend the operating privilege of any~~  
23 ~~driver for six months upon receiving a certified record of a~~  
24 ~~consent decree granted under 42 Pa.C.S. Ch. 63 (relating to~~  
25 ~~juvenile matters) based on section 3731 or 3733 or 18 Pa.C.S.~~  
26 ~~§ 3304(a)(4) or (5) or 3307.~~

27 Section 4 3. This act shall take effect immediately. <—