

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2342 Session of  
2002

INTRODUCED BY MAITLAND, CAPPELLI, CREIGHTON, CRUZ, HORSEY,  
KENNEY, SAYLOR, E. Z. TAYLOR AND G. WRIGHT, FEBRUARY 6, 2002

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for grading of theft  
3 offenses, for theft of services, for retail theft, for  
4 library theft and for theft from motor vehicle.

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

7 Section 1. Section 3903(a.1) and (b) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding a subsection to read:

10 § 3903. Grading of theft offenses.

11 \* \* \*

12 (a.1) Felony of the third degree.--Except as provided in  
13 subsection (a), theft constitutes a felony of the third degree  
14 if the amount involved exceeds \$2,000, or if the property stolen  
15 is an automobile, airplane, motorcycle, motorboat or other  
16 motor-propelled vehicle, or in the case of theft by receiving  
17 stolen property, if the receiver is in the business of buying or  
18 selling stolen property, or if the offense is the third or  
19 subsequent offense under this chapter, regardless of the amount

1 involved.

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

6 (1) the amount involved was \$50 or more but less than  
7 \$200 the offense constitutes a misdemeanor of the second  
8 degree; or

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

11 (1) Summary offense when the offense is a first offense  
12 and the amount involved is less than \$150.

13 (2) Misdemeanor of the second degree when the offense is  
14 a second offense and the amount involved is less than \$150.

15 (3) Misdemeanor of the first degree when the amount  
16 involved is \$150 or more.

17 \* \* \*

18 (c.1) Fingerprinting.--Prior to the commencement of trial or  
19 entry of plea of a defendant 16 years of age or older accused of  
20 a summary offense under this chapter, the issuing authority  
21 shall order the defendant to submit within five days of such  
22 order for fingerprinting by the municipal police of the  
23 jurisdiction in which the offense allegedly was committed or the  
24 Pennsylvania State Police. Fingerprints so obtained shall be  
25 forwarded immediately to the Pennsylvania State Police for  
26 determination as to whether or not the defendant previously has  
27 been convicted of an offense under this chapter. The results of  
28 such determination shall be forwarded to the police department  
29 obtaining the fingerprints if such department is the prosecutor,  
30 or to the issuing authority if the prosecutor is other than a

1 police officer. The issuing authority shall not proceed with the  
2 trial or plea in summary cases until in receipt of the  
3 determination made by the Pennsylvania State Police. The  
4 district justice shall use the information obtained solely for  
5 the purpose of grading the offense under this chapter.

6 \* \* \*

7 Section 2. Sections 3926(c)(1) and (2), 3929(b)(1) and (g),  
8 3929.1(b)(1) and (h) and 3934(b) of Title 18 are amended to  
9 read:

10 § 3926. Theft of services.

11 \* \* \*

12 (c) Grading.--

13 [(1) An offense under this section constitutes a summary  
14 offense when the value of the services obtained or diverted  
15 is less than \$50.]

16 (2) [When the value of the services obtained or diverted  
17 is \$50 or more, the grading of the offense] An offense under  
18 this section shall be graded as established in section 3903  
19 (relating to grading of theft offenses).

20 \* \* \*

21 § 3929. Retail theft.

22 \* \* \*

23 (b) Grading.--

24 (1) [Retail theft constitutes a:

25 (i) Summary offense when the offense is a first  
26 offense and the value of the merchandise is less than  
27 \$150.

28 (ii) Misdemeanor of the second degree when the  
29 offense is a second offense and the value of the  
30 merchandise is less than \$150.

1 (iii) Misdemeanor of the first degree when the  
2 offense is a first or second offense and the value of the  
3 merchandise is \$150 or more.

4 (iv) Felony of the third degree when the offense is  
5 a third or subsequent offense, regardless of the value of  
6 the merchandise.

7 (v) Felony of the third degree when the amount  
8 involved exceeds \$2,000 or if the merchandise involved is  
9 a firearm or a motor vehicle.] An offense under this  
10 section shall be graded as established in section 3903  
11 (relating to grading of theft offenses).

12 \* \* \*

13 [(g) Fingerprinting.--Prior to the commencement of trial or  
14 entry of plea of a defendant 16 years of age or older accused of  
15 the summary offense of retail theft, the issuing authority shall  
16 order the defendant to submit within five days of such order for  
17 fingerprinting by the municipal police of the jurisdiction in  
18 which the offense allegedly was committed or the State Police.  
19 Fingerprints so obtained shall be forwarded immediately to the  
20 Pennsylvania State Police for determination as to whether or not  
21 the defendant previously has been convicted of the offense of  
22 retail theft. The results of such determination shall be  
23 forwarded to the Police Department obtaining the fingerprints if  
24 such department is the prosecutor, or to the issuing authority  
25 if the prosecutor is other than a police officer. The issuing  
26 authority shall not proceed with the trial or plea in summary  
27 cases until in receipt of the determination made by the State  
28 Police. The district justice shall use the information obtained  
29 solely for the purpose of grading the offense pursuant to  
30 subsection (b).]

1 § 3929.1. Library theft.

2 \* \* \*

3 (b) Grading.--

4 (1) [Library theft constitutes a:

5 (i) Summary offense when the offense is a first  
6 offense and the value of the material is less than \$150.

7 (ii) Misdemeanor of the second degree when the  
8 offense is a second offense and the value of the material  
9 is less than \$150.

10 (iii) Misdemeanor of the first degree when the  
11 offense is a first or second offense and the value of the  
12 material is \$150 or more.

13 (iv) Felony of the third degree when the offense is  
14 a third or subsequent offense, regardless of the value of  
15 the material.] An offense under this section shall be  
16 graded as established in section 3903 (relating to  
17 grading of theft offenses).

18 \* \* \*

19 [(h) Fingerprinting.--Upon conviction the issuing authority  
20 shall order the defendant to submit within five days of such  
21 order for fingerprinting by the municipal police of the  
22 jurisdiction in which the offense allegedly was committed or the  
23 State Police.]

24 \* \* \*

25 § 3934. Theft from a motor vehicle.

26 \* \* \*

27 (b) Grading.--

28 [(1) An offense under this section is:

29 (i) a misdemeanor of the third degree if the amount  
30 involved was less than \$50; or

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

3           (iii) a misdemeanor of the first degree if the  
4           amount involved was greater than \$200.

5           (2) When the offense is a third or subsequent offense  
6           within a five-year period, regardless of the amount involved  
7           and regardless of the grading of the prior offenses, an  
8           offense under this section is a felony of the third degree.]

9           An offense under this section shall be graded as established  
10          in section 3903 (relating to grading of theft offenses).

11          Section 3. This act shall take effect in 60 days.