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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 46

Session of  
2003

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INTRODUCED BY NAILOR, ADOLPH, BAKER, COY, ALLEN, ARMSTRONG,  
BALDWIN, BARRAR, BASTIAN, BELARDI, BELFANTI, BENNINGHOFF,  
BROWNE, CAPPELLI, CIVERA, CLYMER, CORRIGAN, COSTA, CREIGHTON,  
CRUZ, CURRY, DALEY, DeLUCA, DeWEESE, EGOLF, FAIRCHILD,  
FICHTER, FLEAGLE, FRANKEL, FREEMAN, GABIG, GEIST, GEORGE,  
GODSHALL, GRUCELA, HARHAI, HARHART, HASAY, HENNESSEY, HERMAN,  
HERSHEY, HESS, KELLER, KIRKLAND, KOTIK, LAUGHLIN, LEACH,  
LEDERER, LEH, MAHER, MAITLAND, MARSICO, McILHINNEY,  
McNAUGHTON, MELIO, MICOZZIE, R. MILLER, S. MILLER, PAYNE,  
PETRI, PHILLIPS, PRESTON, READSHAW, REICHLEY, ROHRER, ROSS,  
RUBLEY, SATHER, SCAVELLO, SCHRODER, SHANER, B. SMITH,  
SOLOBAY, STABACK, STERN, STURLA, E. Z. TAYLOR, THOMAS, TRUE,  
WALKO, WILT, YOUNGBLOOD AND ZUG, JANUARY 29, 2003

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2003

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for desecration or  
3 sale of venerated objects.

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

6 Section 1. Section 5509 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 5509. Desecration or sale of venerated objects.

9 (a) Offense defined.--A person commits a misdemeanor of the  
10 second degree if he:

11 (1) intentionally desecrates any public monument or  
12 structure, or place of worship or burial;

13 (2) if he intentionally desecrates any other object of

1        veneration by the public or a substantial segment thereof in  
2        any public place; or

3            (3)    sells or attempts to sell a veteran's marker as  
4        described in section 1913 of the act of August 9, 1955  
5        (P.L.323, No.130), known as The County Code. This paragraph  
6        shall not apply to the sale of veterans' markers authorized  
7        by statute.

8        [(b)    Definition.--As used in this section, the word  
9        "desecrate" means defacing, damaging, polluting or otherwise  
10       physically mistreating in a way that the actor knows will  
11       outrage the sensibilities of persons likely to observe or  
12       discover the action.]

13       (c)    Historic burial lots and burial places.--A person  
14       commits a misdemeanor of the first degree if the person  
15       intentionally desecrates a historic burial lot or historic  
16       burial place.

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

20       "Desecrate."    Defacing, damaging, polluting or otherwise  
21       physically mistreating in a way that the actor knows will  
22       outrage the sensibilities of persons likely to observe or  
23       discover the action.

24       "Historic burial lot."    An individual burial site within a  
25       historic burial place.

26       "Historic burial place."    A tract of land which has been:

27            (1)    in existence as a burial ground for more than 100  
28       years; or

29            (2)    listed in or eligible for the National Register of  
30       Historic Places as determined by the Pennsylvania Historical

1       and Museum Commission.

2       Section 2. The amendment of 18 Pa.C.S. § 5509 shall apply to  
3 offenses committed on or after the effective date of this act.

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