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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 547 Session of  
2019

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INTRODUCED BY BARTOLOTTA, PHILLIPS-HILL AND K. WARD,  
APRIL 10, 2019

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REFERRED TO JUDICIARY, APRIL 10, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in theft and related offenses, further  
3 providing for theft of services and for theft of leased  
4 property.

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

7 Section 1. Section 3926(a)(4) of Title 18 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 3926. Theft of services.

10 (a) Acquisition of services.--

11 \* \* \*

12 (4) Where compensation for service is ordinarily paid  
13 immediately upon the rendering of such service, as in the  
14 case of hotels and restaurants, refusal to pay or absconding  
15 without payment or offer to pay gives rise to a presumption  
16 that the service was obtained by deception as to intention to  
17 pay. Deception is inferred if notice of the exact amount due  
18 is sent via certified or registered mail and no payment or  
19 contact is made to make arrangements for payment within 10

1 days of receiving the notice.

2 \* \* \*

3 Section 2. Section 3932(a) and (c) of Title 18 are amended  
4 and the section is amended by adding subsections to read:

5 § 3932. Theft of leased property.

6 (a) Offense defined.--A person who obtains personal property  
7 under an agreement for the lease or rental of the property is  
8 guilty of theft if he intentionally or recklessly deals with the  
9 property as his own.

10 (a.1) Restitution.--The court may, in addition to any other  
11 sentence authorized by law, sentence a person convicted of  
12 violating this section to make restitution under section 1106  
13 (relating to restitution for injuries to person or property) or  
14 42 Pa.C.S. § 9721(c) (relating to sentencing generally).

15 (a.2) Civil action.--A person aggrieved by a violation of  
16 this section may in a civil action in any court of competent  
17 jurisdiction obtain appropriate relief, including preliminary  
18 and other equitable or declaratory relief, compensatory and  
19 punitive damages, reasonable investigation expenses, costs of  
20 suit and attorney fees.

21 \* \* \*

22 (c) Presumption.--A person shall be prima facie presumed to  
23 have intent if he:

24 (1) signs the lease or rental agreement with a name and  
25 address other than his own and fails to return the property  
26 within the time specified in the agreement; or

27 (2) fails to return the property to its owner within  
28 seven days after a written demand to return the property is  
29 delivered.

30 \* \* \*

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