

AMENDMENTS TO SENATE BILL NO. 731

Sponsor: REPRESENTATIVE CALTAGIRONE

Printer's No. 1514

1 Amend Bill, page 1, line 9, by striking out "AND 3701(B)" and
2 inserting

3 , 3701(b) and 3903

4 Amend Bill, page 2, lines 21 through 30; page 3, line 1, by
5 striking out all of said lines on said pages and inserting

6 § 3903. Grading of theft offenses.

7 (a) Felony of the second degree.--Theft constitutes a felony
8 of the second degree if:

9 (1) The offense is committed during a manmade disaster,
10 a natural disaster or a war-caused disaster and constitutes a
11 violation of section 3921 (relating to theft by unlawful
12 taking or disposition), 3925 (relating to receiving stolen
13 property), 3928 (relating to unauthorized use of automobiles
14 and other vehicles) or 3929 (relating to retail theft).

15 (2) The property stolen is a firearm.

16 (3) In the case of theft by receiving stolen property,
17 the property received, retained or disposed of is a firearm.

18 (4) The property stolen is any amount of anhydrous
19 ammonia.

20 (5) The property stolen is a controlled substance or
21 designer drug as those terms are defined in section 2 of the
22 act of April 14, 1972 (P.L.233, No.64), known as The
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (6) The amount involved is \$100,000 or more but less
25 than \$500,000.

26 (a.1) Felony of the third degree.--Except as provided in
27 subsection (a) or (a.2), theft constitutes a felony of the third
28 degree if the amount involved exceeds \$2,000, or if the property
29 stolen is an automobile, airplane, motorcycle, motorboat or
30 other motor-propelled vehicle, or in the case of theft by
31 receiving stolen property, if the receiver is in the business of
32 buying or selling stolen property.

33 (a.2) Felony of the first degree.--[Theft] Except as
34 provided in subsections (a) and (a.1), theft constitutes a
35 felony of the first degree if[,];

36 (1) in the case of theft by receiving stolen property,

1 the property received, retained or disposed of is a firearm
2 and the receiver is in the business of buying or selling
3 stolen property[.]; or

4 (2) the amount involved is \$500,000 or more.

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

9 (1) the amount involved was \$50 or more but less than
10 \$200 the offense constitutes a misdemeanor of the second
11 degree; or

12 (2) the amount involved was less than \$50 the offense
13 constitutes a misdemeanor of the third degree.

14 (c) Valuation.--The amount involved in a theft shall be
15 ascertained as follows:

16 (1) Except as otherwise specified in this section, value
17 means the market value of the property at the time and place
18 of the crime, or if such cannot be satisfactorily
19 ascertained, the cost of replacement of the property within a
20 reasonable time after the crime.

21 (2) Whether or not they have been issued or delivered,
22 certain written instruments, not including those having a
23 readily ascertainable market value such as some public and
24 corporate bonds and securities, shall be evaluated as
25 follows:

26 (i) The value of an instrument constituting an
27 evidence of debt, such as a check, draft or promissory
28 note, shall be deemed the amount due or collectible
29 thereon or thereby, such figure ordinarily being the face
30 amount of the indebtedness less any portion thereof which
31 has been satisfied.

32 (ii) The value of any other instrument which
33 creates, releases, discharges or otherwise affects any
34 valuable legal right, privilege or obligation shall be
35 deemed the greatest amount of economic loss which the
36 owner of the instrument might reasonably suffer by virtue
37 of the loss of the instrument.

38 (3) When the value of property cannot be satisfactorily
39 ascertained pursuant to the standards set forth in paragraphs

40 (1) and (2) of this subsection its value shall be deemed to
41 be an amount less than \$50. Amounts involved in thefts
42 committed pursuant to one scheme or course of conduct,
43 whether from the same person or several persons, may be
44 aggregated in determining the grade of the offense.

45 (c.1) Sentencing enhancement for theft of public funds or
46 theft in breach of a fiduciary duty.--Notwithstanding section
47 1103 (relating to sentence of imprisonment for felony), the
48 maximum term of imprisonment for an offense graded under this
49 section may be increased by a term of imprisonment of up to five
50 years when the theft is from a political subdivision, local
51 authority or public or private charitable organization or when

1 the theft constitutes a breach of fiduciary duty.

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

5 "Charitable organization." As defined under section 3 of the
6 act of December 19, 1990 (P.L.1200, No.202), known as the
7 Solicitation of Funds for Charitable Purposes Act.

8 "Manmade disaster." Any industrial, nuclear or
9 transportation accident, explosion, conflagration, power
10 failure, natural resource shortage or other condition, except
11 enemy action, resulting from manmade causes, such as oil spills
12 and other injurious environmental contamination, which threatens
13 or causes substantial damage to property, human suffering,
14 hardship or loss of life.

15 "Natural disaster." Any hurricane, tornado, storm, flood,
16 high water, wind-driven water, tidal wave, earthquake,
17 landslide, mudslide, snowstorm, drought, fire, explosion or
18 other catastrophe which results in substantial damage to
19 property, hardship, suffering or possible loss of life.

20 "War-caused disaster." Any condition following an attack
21 upon the United States resulting in substantial damage to
22 property or injury to persons in the United States caused by use
23 of bombs, missiles, shellfire, nuclear, radiological, chemical
24 or biological means, or other weapons or overt paramilitary
25 actions, or other conditions such as sabotage.

26 Amend Bill, page 3, line 2, by striking out "3" and inserting

27 2

28 Amend Bill, page 4, line 5, by striking out "4" and inserting

29 3

30 Amend Bill, page 4, line 6, by striking out "3903(A)(5)" and
31 inserting

32 3903

33 Amend Bill, page 4, line 9, by striking out "5" and inserting

34 4

35 Amend Bill, page 4, line 10, by striking out "\$" and
36 inserting

37 §§ 3903 and

38 Amend Bill, page 4, line 12, by striking out "6" and
39 inserting

40 5