

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 758

Session of
1981

INTRODUCED BY CIMINI, GRIECO, PICCOLA, MANMILLER, DININNI,
PETERSON, E. H. SMITH, MADIGAN, BURNS, HAGARTY, WILT, GEORGE,
DeWEESE, MORRIS, FEE, STUBAN, F. E. TAYLOR, RASCO, BURD,
GRUPPO, FLECK, HEISER, FRAZIER, SIEMINSKI, LETTERMAN,
LIVENGOD, BELFANTI, MRKONIC, HORGOS, LEVI, MERRY AND BOYES,
MARCH 9, 1981

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 14, 1981

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, making it illegal to destroy a vehicle
3 by fire OR EXPLOSION; defining "~~bodily injury to another~~" <—
4 "ANOTHER PERSON" and providing a defense. <—

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

7 Section 1. Section 3301 of Title 18, act of November 25,
8 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, is amended to read:

10 § 3301. Arson and related offenses.

11 (a) Endangering persons.--A person commits a felony of the
12 first degree if he intentionally starts a fire or causes an
13 explosion, whether on his own property or on that of another,
14 and thereby recklessly places another person in danger of death
15 or bodily injury. FOR PURPOSES OF THIS SUBSECTION, "ANOTHER <—
16 PERSON" SHALL INCLUDE FIREFIGHTERS, POLICE OFFICERS OR CITIZENS

1 WHO RENDER ASSISTANCE AT THE SCENE OF THE FIRE OR EXPLOSION.

2 (b) Endangering property.--A person commits a felony of the
3 second degree if he:

4 (1) starts a fire or causes an explosion with intent of
5 destroying a building or occupied structure of another;

6 (2) intentionally starts a fire or causes an explosion,
7 whether on his own property or on that of another, and
8 thereby recklessly places a building or occupied structure of
9 another in danger of damage or destruction; or

10 (3) starts a fire or causes an explosion with intent of
11 destroying or damaging any property, whether his own or of
12 another, to collect insurance for such loss.

13 (c) Destruction of vehicles.--A person commits a felony of
14 the third degree if he starts a fire or causes an explosion with
15 intent of destroying his own vehicle or a vehicle of another.

16 [(c)] (d) Definitions.--As used in this section the term
17 "occupied structure" means any structure, vehicle or place
18 adapted for overnight accommodation of persons or for carrying
19 on business therein, whether or not a person is actually
20 present. Property is that of another, for the purposes of this
21 section, if anyone other than the actor has a possessory or
22 proprietary interest therein. If a building or structure is
23 divided into separately occupied units, any unit not occupied by
24 the actor is an occupied structure of another.

25 ~~"Bodily injury to another" for the purposes of this section~~ <—
26 ~~shall include responding firefighters, police officers or~~
27 ~~citizens who are subsequently injured upon entering a building~~
28 ~~while the fire is in progress.~~

29 (e) Defenses.--It is a defense ~~for one to burn their own~~ <—
30 ~~property only after they have notified the nearest State Police~~

1 ~~Fire Marshal's office in a written, sworn statement, that the~~
2 ~~property~~ TO PROSECUTION UNDER SUBSECTION (C) WHERE A PERSON IS <—
3 CHARGED WITH DESTROYING A VEHICLE, LAWFUL TITLE TO WHICH IS
4 VESTED IN HIM, IF THE VEHICLE is free of any encumbrances, there
5 is no fire insurance coverage on the ~~structure and all owners~~ <—
6 ~~have released the property. The statement must be presented~~
7 ~~within 48 hours of the intended fire. The burden of proof is on~~
8 ~~the defendant to prove beyond a preponderance of evidence that~~
9 ~~he has taken such actions.~~ VEHICLE AND THE PERSON DELIVERS TO <—
10 THE NEAREST STATE POLICE FIRE MARSHAL'S OFFICE AT LEAST 48 HOURS
11 IN ADVANCE OF THE PLANNED DESTRUCTION, A WRITTEN SWORN STATEMENT
12 CERTIFYING THAT THE PERSON IS THE LAWFUL TITLEHOLDER, THAT THE
13 VEHICLE IS FREE OF ANY ENCUMBRANCES AND THAT THERE IS NO FIRE
14 INSURANCE COVERAGE ON THE VEHICLE.

15 Section 2. This act shall take effect in 90 days.