

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 543 Session of  
1997

INTRODUCED BY PICCOLA, BRIGHTBILL, ULIANA, JUBELIRER, MELLOW,  
AFFLERBACH, GERLACH, HELFRICK, O'PAKE, ROBBINS, MADIGAN,  
WOZNIAK, THOMPSON, DELP AND SALVATORE, FEBRUARY 25, 1997

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MARCH 30, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, FURTHER PROVIDING FOR ARSON AND  
3 RELATED OFFENSES; AND providing for ~~the crime of~~ municipal  
4 housing code avoidance AND FOR CONTROL OF ALARM DEVICES AND  
5 AUTOMATIC DIALING DEVICES. <—

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

8 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <—  
9 ~~Statutes is amended by adding a section to read:~~

10 SECTION 1. SECTION 3301(D), (H) AND (I) OF TITLE 18 OF THE <—  
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION  
12 IS AMENDED BY ADDING A SUBSECTION TO READ:

13 § 3301. ARSON AND RELATED OFFENSES.

14 \* \* \*

15 (D) RECKLESS BURNING OR EXPLODING.--A PERSON COMMITS A  
16 FELONY OF THE THIRD DEGREE IF HE INTENTIONALLY STARTS A FIRE OR  
17 CAUSES AN EXPLOSION, OR IF HE AIDS, COUNSELS, PAYS OR AGREES TO  
18 PAY ANOTHER TO CAUSE A FIRE OR EXPLOSION, WHETHER ON HIS OWN

PROPERTY OR ON THAT OF ANOTHER, AND THEREBY RECKLESSLY:

(1) PLACES AN UNINHABITED BUILDING OR UNOCCUPIED  
STRUCTURE OF ANOTHER IN DANGER OF DAMAGE OR DESTRUCTION; OR

(2) [PLACES ANY PERSONAL PROPERTY OF ANOTHER HAVING A  
VALUE OF \$5,000 OR MORE] PLACES ANY PERSONAL PROPERTY OF  
ANOTHER HAVING A VALUE THAT EXCEEDS \$5,000, OR IF THE  
PROPERTY IS AN AUTOMOBILE, AIRPLANE, MOTORCYCLE, MOTORBOAT OR  
OTHER MOTOR-PROPELLED VEHICLE IN DANGER OF DAMAGE OR  
DESTRUCTION.

(D.1) DANGEROUS BURNING.--A PERSON COMMITS A SUMMARY OFFENSE  
IF HE INTENTIONALLY OR RECKLESSLY STARTS A FIRE TO ENDANGER ANY  
PERSON OR PROPERTY OF ANOTHER, WHETHER OR NOT ANY DAMAGE TO  
PERSON OR PROPERTY ACTUALLY OCCURS.

\* \* \*

(H) LIMITATIONS ON LIABILITY.--THE PROVISIONS OF SUBSECTIONS  
(A), (B), (C), (D), (D.1) AND (E) SHALL NOT BE CONSTRUED TO  
ESTABLISH CRIMINAL LIABILITY UPON ANY VOLUNTEER OR PAID  
FIREFIGHTER OR VOLUNTEER OR PAID FIREFIGHTING COMPANY OR  
ASSOCIATION IF SAID COMPANY OR ASSOCIATION ENDANGERS A  
PARTICIPATING FIREFIGHTER OR REAL OR PERSONAL PROPERTY IN THE  
COURSE OF AN APPROVED, CONTROLLED FIRE TRAINING PROGRAM OR FIRE  
EVOLUTION, PROVIDED THAT SAID COMPANY OR ASSOCIATION HAS  
COMPLIED WITH THE FOLLOWING:

(1) A SWORN STATEMENT FROM THE OWNER OF ANY REAL OR  
PERSONAL PROPERTY INVOLVED IN SUCH PROGRAM OR EVOLUTION THAT  
THERE IS NO FIRE INSURANCE POLICY OR NO LIEN OR ENCUMBRANCE  
EXISTS WHICH APPLIES TO SUCH REAL OR PERSONAL PROPERTY;

(2) APPROVAL OR PERMITS FROM THE APPROPRIATE LOCAL  
GOVERNMENT OR STATE OFFICIALS, IF NECESSARY, TO CONDUCT SUCH  
PROGRAM OR EXERCISE HAVE BEEN RECEIVED;

(3) PRECAUTIONS HAVE BEEN TAKEN SO THAT THE PROGRAM OR EVOLUTION DOES NOT AFFECT ANY OTHER PERSONS OR REAL OR PERSONAL PROPERTY; AND

(4) PARTICIPATION OF FIREFIGHTERS IN THE PROGRAM OR EXERCISE IF VOLUNTARY.

(I) DEFENSES.--IT IS A DEFENSE TO PROSECUTION UNDER SUBSECTIONS (C) [AND (D)], (D) AND (D.1) WHERE A PERSON IS CHARGED WITH DESTROYING A VEHICLE, LAWFUL TITLE TO WHICH IS VESTED IN HIM, IF THE VEHICLE IS FREE OF ANY ENCUMBRANCES, THERE IS NO INSURANCE COVERING LOSS BY FIRE OR EXPLOSION OR BOTH ON THE VEHICLE AND THE PERSON DELIVERS TO THE NEAREST STATE POLICE STATION AT LEAST 48 HOURS IN ADVANCE OF THE PLANNED DESTRUCTION A WRITTEN SWORN STATEMENT CERTIFYING THAT THE PERSON IS THE LAWFUL TITLEHOLDER, THAT THE VEHICLE IS FREE OF ANY ENCUMBRANCES AND THAT THERE IS NO INSURANCE COVERING LOSS BY FIRE OR EXPLOSION OR BOTH ON THE VEHICLE.

\* \* \*

SECTION 2. TITLE 18 IS AMENDED BY ADDING ~~A SECTION~~ SECTIONS TO READ:

§ 7509 7510. Municipal housing code avoidance.

(a) Offense defined.--A person commits the crime of municipal housing code avoidance if:

(1) the person has been convicted of a fourth or subsequent violation of the same subsection of a municipal housing code for the same property;

(2) the violation has been continual and uncorrected;

(3) the violation poses a threat to the public's health, safety or property; and

(4) no reasonable attempt has been made by the person to correct the violation.

(b) Grading.--Municipal housing code avoidance shall  
constitute a:

(1) Misdemeanor of the second degree when the offense is  
a fourth conviction of a violation of the same subsection  
under a municipal housing code relating to the same property.

(2) Misdemeanor of the first degree when the offense is  
based on five or more convictions of violations of the same  
subsection under a municipal housing code relating to the  
same property.

(c) Definition.--As used in this section, the term  
"municipal housing code" means any municipality's building,  
housing or property maintenance code or ordinance.

§ 7511. CONTROL OF ALARM DEVICES AND AUTOMATIC DIALING DEVICES. <—

(A) AUTOMATIC DIALING DEVICES.--A PERSON MAY NOT ATTACH OR  
USE AN AUTOMATIC DIALING DEVICE WITHOUT DOING ALL OF THE  
FOLLOWING:

(1) PROVIDING THE DISCLOSURE UNDER SUBSECTION (B).

(2) OBTAINING PRIOR WRITTEN APPROVAL FROM A PUBLIC  
SAFETY AGENCY TO USE THE AUTOMATIC DIALING DEVICE TO ALERT  
THE PUBLIC SAFETY AGENCY OF AN ALARM CONDITION. THE PUBLIC  
SAFETY AGENCY SHALL NOT BE RESPONSIBLE FOR ANY COSTS FOR THE  
INSTALLATION AND MAINTENANCE OF ANY DEDICATED TELEPHONE LINE  
OR EQUIPMENT ASSOCIATED WITH THE ALARM TERMINATION.

(B) DISCLOSURE.--A PERSON SEEKING APPROVAL UNDER SUBSECTION  
(A) SHALL DISCLOSE THE TELEPHONE NUMBER OF A PERSON TO BE  
CONTACTED IF THE AUTOMATIC DIALING DEVICE IS ACTIVATED AND ALL  
RELEVANT FACTS CONCERNING THE DESIGN AND LAYOUT OF THE PREMISES  
TO BE PROTECTED BY THE AUTOMATIC DIALING DEVICE. THE PERSON  
SHALL INFORM THE PUBLIC SAFETY AGENCY OF ANY CHANGE IN THE  
INFORMATION REQUIRED BY THIS SUBSECTION AS SOON AS PRACTICABLE.

1     (C) FALSE ALARMS PROHIBITED.--

2             (1) A PERSON THAT OWNS, USES OR POSSESSES AN ALARM  
3     DEVICE OR AUTOMATIC DIALING DEVICE MAY NOT, AFTER CAUSING OR  
4     PERMITTING THREE FALSE ALARMS TO OCCUR IN A CONSECUTIVE 12-  
5     MONTH PERIOD, CAUSE OR PERMIT A SUBSEQUENT FALSE ALARM TO  
6     OCCUR IN THE SAME CONSECUTIVE 12-MONTH PERIOD. A PERSON THAT  
7     VIOLATES THIS PARAGRAPH COMMITS A SUMMARY OFFENSE AND SHALL,  
8     UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$300.

9             (2) VENUE FOR PROSECUTION OF AN OFFENSE UNDER THIS  
10    SUBSECTION SHALL LIE AT ANY OF THE FOLLOWING PLACES:

11            (I) WHERE THE ALARM ORIGINATED.

12            (II) WHERE THE ALARM WAS RECEIVED BY THE:

13                (A) PUBLIC SERVICE AGENCY; OR

14                (B) THIRD PERSON DESIGNATED TO NOTIFY THE PUBLIC  
15     SERVICE AGENCY.

16            (3) DISPOSITION OF FINES SHALL BE AS FOLLOWS:

17            (I) THE FINE SHALL BE PAID TO THE MUNICIPALITY IF  
18     ALL OF THE FOLLOWING APPLY:

19                (A) THE PUBLIC SAFETY AGENCY WHICH RESPONDED TO  
20     THE FALSE ALARM SERVES THE MUNICIPALITY.

21                (B) THE PROSECUTION IS INITIATED BY THE PUBLIC  
22     SAFETY AGENCY UNDER CLAUSE (A) OR BY THE  
23     MUNICIPALITY.

24                (C) THE OFFENSE IS PROSECUTED BY THE APPROPRIATE  
25     DISTRICT ATTORNEY.

26            (II) THE FINE SHALL BE PAID TO THE COMMONWEALTH IF  
27     ALL OF THE FOLLOWING APPLY:

28                (A) THE PENNSYLVANIA STATE POLICE IS THE PUBLIC  
29     SAFETY AGENCY WHICH RESPONDED TO THE FALSE ALARM.

30                (B) THE PROSECUTION IS INITIATED BY THE

1           PENNSYLVANIA STATE POLICE.

2           (C) THE OFFENSE IS PROSECUTED BY THE ATTORNEY  
3           GENERAL.

4           (D) THERE IS NO PROSECUTION UNDER SUBPARAGRAPH  
5           (I).

6           (D) SUSPENSION OR REVOCATION OF APPROVAL.--THE PUBLIC SAFETY  
7           AGENCY MAY REFUSE, REVOKE OR SUSPEND THE APPROVAL GRANTED UNDER  
8           SUBSECTION (A) IF THE PUBLIC SAFETY AGENCY DETERMINES ANY OF THE  
9           FOLLOWING:

10           (1) THE REQUEST FOR APPROVAL CONTAINS A STATEMENT OF  
11           MATERIAL OF FACT WHICH IS FALSE.

12           (2) THE PERSON FAILED TO COMPLY WITH THIS SECTION.

13           (3) THE PERSON VIOLATED SUBSECTION (C).

14           (E) LOCAL REGULATION OF INSTALLERS.--

15           (1) GENERAL RULE.--EXCEPT AS SET FORTH IN PARAGRAPH (2),  
16           NOTHING IN THIS SECTION SHALL PROHIBIT A MUNICIPALITY FROM  
17           REQUIRING ANY INDIVIDUAL WHO INSTALLS ALARMS IN SUCH  
18           MUNICIPALITY TO ACQUIRE A LICENSE, MEET EDUCATIONAL  
19           REQUIREMENTS OR PASS AN EXAMINATION RELATING TO COMPETENCE TO  
20           PERFORM SUCH INSTALLATIONS. NOTHING IN THIS SECTION SHALL  
21           PRECLUDE MUNICIPALITIES FROM DOING ANY OF THE FOLLOWING:

22           (I) DENYING OR REVOKING LOCAL PERMITS FOR FAILURE TO  
23           COMPLY WITH LOCAL ORDINANCES.

24           (II) LEVYING LAWFUL TAXES AND FEES.

25           (III) REQUIRING THE PURCHASE OF A BUSINESS PRIVILEGE  
26           LICENSE.

27           (2) LIMITATION.--A MUNICIPALITY MAY NOT REQUIRE A  
28           LICENSED ELECTRICAL CONTRACTOR TO ACQUIRE A SEPARATE OR  
29           ADDITIONAL LICENSE OR CERTIFICATION TO INSTALL ALARMS IF THE  
30           ELECTRICAL CONTRACTOR IS LICENSED BY THE MUNICIPALITY AND HAS

PASSED AN EXAMINATION IN THE NATIONAL ELECTRICAL CODE, A  
SIMILAR CODE OR LOCAL ELECTRICAL CODE AND HAS AT LEAST TWO  
YEARS' EXPERIENCE AS AN ELECTRICAL CONTRACTOR.

(F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
SUBSECTION:

"ALARM." A COMMUNICATION TO A PUBLIC SAFETY AGENCY  
INDICATING THAT A CRIME, FIRE OR OTHER EMERGENCY WARRANTING  
IMMEDIATE ACTION BY THAT PUBLIC SAFETY AGENCY HAS OCCURRED OR IS  
OCCURRING.

"ALARM DEVICE." A DEVICE DESIGNED TO AUTOMATICALLY TRANSMIT  
AN ALARM:

- (1) DIRECTLY TO A PUBLIC SAFETY AGENCY; OR
- (2) TO A PERSON THAT IS INSTRUCTED TO NOTIFY THE PUBLIC  
SAFETY AGENCY OF THE ALARM.

"AUTOMATIC DIALING DEVICE." A DEVICE WHICH IS INTERCONNECTED  
TO A TELEPHONE LINE AND PREPROGRAMMED TO TRANSMIT THE CODED  
SIGNAL OF AN ALARM TO A DEDICATED TELEPHONE TRUNK LINE OR TO  
DIAL A PREDETERMINED TELEPHONE NUMBER TO AN ALARM TO A PUBLIC  
SAFETY AGENCY.

"DEDICATED TELEPHONE TRUNK LINE." A TELEPHONE LINE OR LINES  
WHICH SERVES A PUBLIC SAFETY AGENCY WHICH IS DEDICATED TO  
RECEIVING TRANSMISSIONS FROM AN AUTOMATIC DIALING DEVICE.

"FALSE ALARM." THE ACTIVATION OF AN ALARM DEVICE TO WHICH A  
PUBLIC SAFETY AGENCY RESPONDS WHEN A CRIME, FIRE OR OTHER  
EMERGENCY HAS NOT OCCURRED.

"PERSON." AN INDIVIDUAL, CORPORATION, PARTNERSHIP,  
INCORPORATED ASSOCIATION OR OTHER SIMILAR ENTITY.

"PUBLIC SAFETY AGENCY." THE PENNSYLVANIA STATE POLICE OR ANY  
MUNICIPAL POLICE OR FIRE DEPARTMENT.

1       Section ~~2~~ 3.   This act shall take effect in 60 days.

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