

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 AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 31, 1998

AN ACT

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

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

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

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

14 ~~SECTION 1. SECTION 2713(D)(2) OF TITLE 18 OF THE~~ <—
15 ~~PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

16 § 2713. NEGLECT OF CARE-DEPENDENT PERSON.

17 * * *

18 (D) ENFORCEMENT.--

1 * * *

2 (2) IN ADDITION TO THE AUTHORITY CONFERRED UPON THE
3 ATTORNEY GENERAL UNDER THE ACT OF OCTOBER 15, 1980 (P.L.950,
4 NO.164), KNOWN AS THE COMMONWEALTH ATTORNEYS ACT, THE
5 ATTORNEY GENERAL SHALL HAVE THE AUTHORITY TO INVESTIGATE AND
6 INSTITUTE CRIMINAL PROCEEDINGS FOR ANY VIOLATION OF THIS
7 SECTION [OR ANY SERIES OF SUCH VIOLATIONS INVOLVING MORE THAN
8 ONE COUNTY OF THIS COMMONWEALTH OR INVOLVING ANY COUNTY OF
9 THIS COMMONWEALTH AND ANOTHER STATE]. A PERSON CHARGED WITH A
10 VIOLATION OF THIS SECTION BY THE ATTORNEY GENERAL SHALL NOT
11 HAVE STANDING TO CHALLENGE THE AUTHORITY OF THE ATTORNEY
12 GENERAL TO INVESTIGATE OR PROSECUTE THE CASE, AND, IF ANY
13 SUCH CHALLENGE IS MADE, THE CHALLENGE SHALL BE DISMISSED AND
14 NO RELIEF SHALL BE AVAILABLE IN THE COURTS OF THIS
15 COMMONWEALTH TO THE PERSON MAKING THE CHALLENGE.

16 * * *

17 SECTION 2. SECTION 3301(D), (H) AND (I) OF TITLE 18 ARE
18 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
19 READ:

20 § 3301. ARSON AND RELATED OFFENSES.

21 * * *

22 (D) RECKLESS BURNING OR EXPLODING.--A PERSON COMMITS A
23 FELONY OF THE THIRD DEGREE IF HE INTENTIONALLY STARTS A FIRE OR
24 CAUSES AN EXPLOSION, OR IF HE AIDS, COUNSELS, PAYS OR AGREES TO
25 PAY ANOTHER TO CAUSE A FIRE OR EXPLOSION, WHETHER ON HIS OWN
26 PROPERTY OR ON THAT OF ANOTHER, AND THEREBY RECKLESSLY:

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

29 (2) [PLACES ANY PERSONAL PROPERTY OF ANOTHER HAVING A
30 VALUE OF \$5,000 OR MORE] PLACES ANY PERSONAL PROPERTY OF

1 ANOTHER HAVING A VALUE THAT EXCEEDS \$5,000, OR IF THE
2 PROPERTY IS AN AUTOMOBILE, AIRPLANE, MOTORCYCLE, MOTORBOAT OR
3 OTHER MOTOR-PROPELLED VEHICLE IN DANGER OF DAMAGE OR
4 DESTRUCTION.

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

9 * * *

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

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

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

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

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

1 (I) DEFENSES.--IT IS A DEFENSE TO PROSECUTION UNDER
2 SUBSECTIONS (C) [AND (D)], (D) AND (D.1) 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 INSURANCE COVERING LOSS BY FIRE OR EXPLOSION OR BOTH ON
6 THE VEHICLE AND THE PERSON DELIVERS TO THE NEAREST STATE POLICE
7 STATION AT LEAST 48 HOURS IN ADVANCE OF THE PLANNED DESTRUCTION
8 A WRITTEN SWORN STATEMENT CERTIFYING THAT THE PERSON IS THE
9 LAWFUL TITLEHOLDER, THAT THE VEHICLE IS FREE OF ANY ENCUMBRANCES
10 AND THAT THERE IS NO INSURANCE COVERING LOSS BY FIRE OR
11 EXPLOSION OR BOTH ON THE VEHICLE.

12 * * *

13 SECTION ~~2~~ 3. TITLE 18 IS AMENDED BY ADDING ~~A SECTION~~
14 SECTIONS TO READ:

15 ~~§ 7509~~ 7510. Municipal housing code avoidance.

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

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

21 (2) the violation has been continual and uncorrected;

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

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

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

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

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

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

8 § 7511. CONTROL OF ALARM DEVICES AND AUTOMATIC DIALING DEVICES. <—

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

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

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

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

26 (C) FALSE ALARMS PROHIBITED.--

27 (1) A PERSON THAT OWNS, USES OR POSSESSES AN ALARM
28 DEVICE OR AUTOMATIC DIALING DEVICE MAY NOT, AFTER CAUSING OR
29 PERMITTING THREE FALSE ALARMS TO OCCUR IN A CONSECUTIVE 12-
30 MONTH PERIOD, CAUSE OR PERMIT A SUBSEQUENT FALSE ALARM TO

1 OCCUR IN THE SAME CONSECUTIVE 12-MONTH PERIOD. A PERSON THAT
2 VIOLATES THIS PARAGRAPH COMMITS A SUMMARY OFFENSE AND SHALL,
3 UPON CONVICTION, BE SENTENCED TO PAY A FINE OF \$300.

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

6 (I) WHERE THE ALARM ORIGINATED.

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

8 (A) PUBLIC SERVICE AGENCY; OR

9 (B) THIRD PERSON DESIGNATED TO NOTIFY THE PUBLIC
10 SERVICE AGENCY.

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

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

14 (A) THE PUBLIC SAFETY AGENCY WHICH RESPONDED TO
15 THE FALSE ALARM SERVES THE MUNICIPALITY.

16 (B) THE PROSECUTION IS INITIATED BY THE PUBLIC
17 SAFETY AGENCY UNDER CLAUSE (A) OR BY THE
18 MUNICIPALITY.

19 (C) THE OFFENSE IS PROSECUTED BY THE APPROPRIATE
20 DISTRICT ATTORNEY.

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

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

25 (B) THE PROSECUTION IS INITIATED BY THE
26 PENNSYLVANIA STATE POLICE.

27 (C) THE OFFENSE IS PROSECUTED BY THE ATTORNEY
28 GENERAL.

29 (D) THERE IS NO PROSECUTION UNDER SUBPARAGRAPH

30 (I).

1 (D) SUSPENSION OR REVOCATION OF APPROVAL.--THE PUBLIC SAFETY
2 AGENCY MAY REFUSE, REVOKE OR SUSPEND THE APPROVAL GRANTED UNDER
3 SUBSECTION (A) IF THE PUBLIC SAFETY AGENCY DETERMINES ANY OF THE
4 FOLLOWING:

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

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

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

9 (E) LOCAL REGULATION OF INSTALLERS.--

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

17 (I) DENYING OR REVOKING LOCAL PERMITS FOR FAILURE TO
18 COMPLY WITH LOCAL ORDINANCES.

19 (II) LEVYING LAWFUL TAXES AND FEES.

20 (III) REQUIRING THE PURCHASE OF A BUSINESS PRIVILEGE
21 LICENSE.

22 (2) LIMITATION.--A MUNICIPALITY MAY NOT REQUIRE A
23 LICENSED ELECTRICAL CONTRACTOR TO ACQUIRE A SEPARATE OR
24 ADDITIONAL LICENSE OR CERTIFICATION TO INSTALL ALARMS IF THE
25 ELECTRICAL CONTRACTOR IS LICENSED BY THE MUNICIPALITY AND HAS
26 PASSED AN EXAMINATION IN THE NATIONAL ELECTRICAL CODE, A
27 SIMILAR CODE OR LOCAL ELECTRICAL CODE AND HAS AT LEAST TWO
28 YEARS' EXPERIENCE AS AN ELECTRICAL CONTRACTOR.

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

1 SUBSECTION:

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

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

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

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

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

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

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

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

26 Section ~~2-3~~ 4. This act shall take effect in 60 days.

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