

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 66

Session of
2001

INTRODUCED BY ORIE, THOMAS, READSHAW, GEIST, LAUGHLIN, SOLOBAY,
CAPPELLI, PRESTON, DeLUCA, E. Z. TAYLOR, MARSICO, CIVERA,
BARRAR, R. MILLER, HORSEY, TRELLO, C. WILLIAMS, SHANER AND
WATERS, JANUARY 23, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 13, 2002

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the grading of
3 theft offenses, FOR THEFT OF SERVICES, FOR RETAIL THEFT, FOR <—
4 LIBRARY THEFT AND FOR THEFT FROM MOTOR VEHICLE.

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

7 Section 1. Section 3903(a.1) AND (B) of Title 18 of the <—
8 Pennsylvania Consolidated Statutes ~~is amended~~ ARE AMENDED AND <—
9 THE SECTION IS AMENDED BY ADDING A SUBSECTION to read:

10 § 3903. Grading of theft offenses.

11 * * *

12 (a.1) Felony of the third degree.--Except as provided in
13 subsection (a), theft constitutes a felony of the third degree
14 if the amount involved exceeds \$2,000, or if the offense is a
15 third or subsequent offense UNDER THIS CHAPTER, regardless of <—
16 the amount involved, or if the property stolen is an automobile,
17 airplane, motorcycle, motorboat or other motor-propelled

1 vehicle, or in the case of theft by receiving stolen property,
2 if the receiver is in the business of buying or selling stolen
3 property.

4 * * *

5 (B) OTHER GRADES.--THEFT NOT WITHIN SUBSECTION (A) OR (A.1)
6 OF THIS SECTION, CONSTITUTES A [MISDEMEANOR OF THE FIRST DEGREE,
7 EXCEPT THAT IF THE PROPERTY WAS NOT TAKEN FROM THE PERSON OR BY
8 THREAT, 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 (1) SUMMARY OFFENSE WHEN THE OFFENSE IS A FIRST OFFENSE
15 AND THE AMOUNT INVOLVED IS LESS THAN \$150.

16 (2) MISDEMEANOR OF THE SECOND DEGREE WHEN THE OFFENSE IS
17 A SECOND OFFENSE AND THE AMOUNT INVOLVED IS LESS THAN \$150.

18 (3) MISDEMEANOR OF THE FIRST DEGREE WHEN THE AMOUNT
19 INVOLVED IS \$150 OR MORE.

20 * * *

21 (C.1) FINGERPRINTING.--PRIOR TO THE COMMENCEMENT OF TRIAL OR
22 ENTRY OF PLEA OF A DEFENDANT 16 YEARS OF AGE OR OLDER ACCUSED OF
23 A SUMMARY OFFENSE UNDER THIS CHAPTER, THE ISSUING AUTHORITY
24 SHALL ORDER THE DEFENDANT TO SUBMIT WITHIN FIVE DAYS OF SUCH
25 ORDER FOR FINGERPRINTING BY THE MUNICIPAL POLICE OF THE
26 JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR THE
27 PENNSYLVANIA STATE POLICE. FINGERPRINTS SO OBTAINED SHALL BE
28 FORWARDED IMMEDIATELY TO THE PENNSYLVANIA STATE POLICE FOR
29 DETERMINATION AS TO WHETHER OR NOT THE DEFENDANT PREVIOUSLY HAS
30 BEEN CONVICTED OF AN OFFENSE UNDER THIS CHAPTER. THE RESULTS OF

1 SUCH DETERMINATION SHALL BE FORWARDED TO THE POLICE DEPARTMENT
2 OBTAINING THE FINGERPRINTS IF SUCH DEPARTMENT IS THE PROSECUTOR,
3 OR TO THE ISSUING AUTHORITY IF THE PROSECUTOR IS OTHER THAN A
4 POLICE OFFICER. THE ISSUING AUTHORITY SHALL NOT PROCEED WITH THE
5 TRIAL OR PLEA IN SUMMARY CASES UNTIL IN RECEIPT OF THE
6 DETERMINATION MADE BY THE PENNSYLVANIA STATE POLICE. THE
7 DISTRICT JUSTICE SHALL USE THE INFORMATION OBTAINED SOLELY FOR
8 THE PURPOSE OF GRADING THE OFFENSE UNDER THIS CHAPTER.

9 * * *

10 SECTION 2. SECTIONS 3926(C)(1) AND (2), 3929(B)(1) AND (G),
11 3929.1(B)(1) AND (H) AND 3934(B) OF TITLE 18 ARE AMENDED TO
12 READ:

13 § 3926. THEFT OF SERVICES.

14 * * *

15 (C) GRADING.--

16 [(1) AN OFFENSE UNDER THIS SECTION CONSTITUTES A SUMMARY
17 OFFENSE WHEN THE VALUE OF THE SERVICES OBTAINED OR DIVERTED
18 IS LESS THAN \$50.]

19 (2) [WHEN THE VALUE OF THE SERVICES OBTAINED OR DIVERTED
20 IS \$50 OR MORE, THE GRADING OF THE OFFENSE] AN OFFENSE UNDER
21 THIS SECTION SHALL BE GRADED AS ESTABLISHED IN SECTION 3903
22 (RELATING TO GRADING OF THEFT OFFENSES).

23 * * *

24 § 3929. RETAIL THEFT.

25 * * *

26 (B) GRADING.--

27 (1) [RETAIL THEFT CONSTITUTES A:

28 (I) SUMMARY OFFENSE WHEN THE OFFENSE IS A FIRST
29 OFFENSE AND THE VALUE OF THE MERCHANDISE IS LESS THAN
30 \$150.

1 (II) MISDEMEANOR OF THE SECOND DEGREE WHEN THE
2 OFFENSE IS A SECOND OFFENSE AND THE VALUE OF THE
3 MERCHANDISE IS LESS THAN \$150.

4 (III) MISDEMEANOR OF THE FIRST DEGREE WHEN THE
5 OFFENSE IS A FIRST OR SECOND OFFENSE AND THE VALUE OF THE
6 MERCHANDISE IS \$150 OR MORE.

7 (IV) FELONY OF THE THIRD DEGREE WHEN THE OFFENSE IS
8 A THIRD OR SUBSEQUENT OFFENSE, REGARDLESS OF THE VALUE OF
9 THE MERCHANDISE.

10 (V) FELONY OF THE THIRD DEGREE WHEN THE AMOUNT
11 INVOLVED EXCEEDS \$2,000 OR IF THE MERCHANDISE INVOLVED IS
12 A FIREARM OR A MOTOR VEHICLE.] AN OFFENSE UNDER THIS
13 SECTION SHALL BE GRADED AS ESTABLISHED IN SECTION 3903
14 (RELATING TO GRADING OF THEFT OFFENSES).

15 * * *

16 [(G) FINGERPRINTING.--PRIOR TO THE COMMENCEMENT OF TRIAL OR
17 ENTRY OF PLEA OF A DEFENDANT 16 YEARS OF AGE OR OLDER ACCUSED OF
18 THE SUMMARY OFFENSE OF RETAIL THEFT, THE ISSUING AUTHORITY SHALL
19 ORDER THE DEFENDANT TO SUBMIT WITHIN FIVE DAYS OF SUCH ORDER FOR
20 FINGERPRINTING BY THE MUNICIPAL POLICE OF THE JURISDICTION IN
21 WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR THE STATE POLICE.
22 FINGERPRINTS SO OBTAINED SHALL BE FORWARDED IMMEDIATELY TO THE
23 PENNSYLVANIA STATE POLICE FOR DETERMINATION AS TO WHETHER OR NOT
24 THE DEFENDANT PREVIOUSLY HAS BEEN CONVICTED OF THE OFFENSE OF
25 RETAIL THEFT. THE RESULTS OF SUCH DETERMINATION SHALL BE
26 FORWARDED TO THE POLICE DEPARTMENT OBTAINING THE FINGERPRINTS IF
27 SUCH DEPARTMENT IS THE PROSECUTOR, OR TO THE ISSUING AUTHORITY
28 IF THE PROSECUTOR IS OTHER THAN A POLICE OFFICER. THE ISSUING
29 AUTHORITY SHALL NOT PROCEED WITH THE TRIAL OR PLEA IN SUMMARY
30 CASES UNTIL IN RECEIPT OF THE DETERMINATION MADE BY THE STATE

1 POLICE. THE DISTRICT JUSTICE SHALL USE THE INFORMATION OBTAINED
2 SOLELY FOR THE PURPOSE OF GRADING THE OFFENSE PURSUANT TO
3 SUBSECTION (B).]

4 § 3929.1. LIBRARY THEFT.

5 * * *

6 (B) GRADING.--

7 (1) [LIBRARY THEFT CONSTITUTES A:

8 (I) SUMMARY OFFENSE WHEN THE OFFENSE IS A FIRST
9 OFFENSE AND THE VALUE OF THE MATERIAL IS LESS THAN \$150.

10 (II) MISDEMEANOR OF THE SECOND DEGREE WHEN THE
11 OFFENSE IS A SECOND OFFENSE AND THE VALUE OF THE MATERIAL
12 IS LESS THAN \$150.

13 (III) MISDEMEANOR OF THE FIRST DEGREE WHEN THE
14 OFFENSE IS A FIRST OR SECOND OFFENSE AND THE VALUE OF THE
15 MATERIAL IS \$150 OR MORE.

16 (IV) FELONY OF THE THIRD DEGREE WHEN THE OFFENSE IS
17 A THIRD OR SUBSEQUENT OFFENSE, REGARDLESS OF THE VALUE OF
18 THE MATERIAL.] AN OFFENSE UNDER THIS SECTION SHALL BE
19 GRADED AS ESTABLISHED IN SECTION 3903 (RELATING TO
20 GRADING OF THEFT OFFENSES).

21 * * *

22 [(H) FINGERPRINTING.--UPON CONVICTION THE ISSUING AUTHORITY
23 SHALL ORDER THE DEFENDANT TO SUBMIT WITHIN FIVE DAYS OF SUCH
24 ORDER FOR FINGERPRINTING BY THE MUNICIPAL POLICE OF THE
25 JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR THE
26 STATE POLICE.]

27 * * *

28 § 3934. THEFT FROM A MOTOR VEHICLE.

29 * * *

30 (B) GRADING.--

1 [(1) AN OFFENSE UNDER THIS SECTION IS:

2 (I) A MISDEMEANOR OF THE THIRD DEGREE IF THE AMOUNT
3 INVOLVED WAS LESS THAN \$50; OR

4 (II) A MISDEMEANOR OF THE SECOND DEGREE IF THE
5 AMOUNT INVOLVED WAS \$50 OR MORE BUT LESS THAN \$200; OR

6 (III) A MISDEMEANOR OF THE FIRST DEGREE IF THE
7 AMOUNT INVOLVED WAS GREATER THAN \$200.

8 (2) WHEN THE OFFENSE IS A THIRD OR SUBSEQUENT OFFENSE
9 WITHIN A FIVE-YEAR PERIOD, REGARDLESS OF THE AMOUNT INVOLVED
10 AND REGARDLESS OF THE GRADING OF THE PRIOR OFFENSES, AN
11 OFFENSE UNDER THIS SECTION IS A FELONY OF THE THIRD DEGREE.]

12 AN OFFENSE UNDER THIS SECTION SHALL BE GRADED AS ESTABLISHED
13 IN SECTION 3903 (RELATING TO GRADING OF THEFT OFFENSES).

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

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