

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 560 Session of
2003

INTRODUCED BY WALKO, GANNON, BLAUM, BOYES, HASAY, BROWNE, HANNA,
HARPER, HUTCHINSON, JAMES, LEWIS, MANDERINO, NICKOL, PALLONE,
STETLER AND TURZAI, MARCH 3, 2003

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 5, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for the offense of
3 deceptive or fraudulent business practices.

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

6 Section 1. Section 4107(a.1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended and the section is amended by
8 adding subsections to read:

9 § 4107. Deceptive or fraudulent business practices.

10 * * *

11 (a.1) Grading of offenses.--

12 [(1) A violation of this section constitutes:

13 (i) a felony of the third degree if the amount
14 involved exceeds \$2,000;

15 (ii) a misdemeanor of the first degree if the amount
16 involved is \$200 or more but \$2,000 or less;

17 (iii) a misdemeanor of the second degree if the

amount involved is less than \$200; or

(iv) when the amount involved cannot be satisfactorily ascertained, the offense constitutes a misdemeanor of the second degree.]

(1.1) A violation of this section constitutes:

(i) a felony of the first degree if the amount involved is \$500,000 or more;

(ii) a felony of the second degree if the amount involved is \$100,000 or more but less than \$500,000;

(iii) a felony of the third degree if the amount involved is \$2,000 or more but less than \$100,000; or

(iv) a misdemeanor of the first degree if the amount is \$200 or more but less than \$2,000;

(v) a misdemeanor of the second degree if the amount is less than \$200; or

(vi) a misdemeanor of the second degree, if the amount involved cannot be satisfactorily ascertained.

(2) Amounts involved in deceptive or fraudulent business practices pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

(3) Where a person commits an offense under subsection (a) and the victim of the offense is 60 years of age or older, the grading of the offense shall be one grade higher than specified in paragraph [(1)] (1.1).

* * *

(a.3) Sentencing enhancement for offenses involving public funds or breach of a fiduciary duty.--Notwithstanding section 1103 (relating to sentence of imprisonment for felony), the ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE maximum term of

<—

<—

1 imprisonment for an offense ~~graded~~ under this section may be <—
2 increased by a term of imprisonment of up to five years when the
3 offense involves the Commonwealth, a political subdivision, a
4 local authority or a public or private charitable organization
5 or when the offense constitutes a breach of fiduciary duty. THE <—
6 PROSECUTION MUST INDICATE INTENT TO PROCEED UNDER THIS
7 SUBSECTION IN THE CRIMINAL INFORMATION OR OTHER FILING WHICH
8 COMMENCES THE PROSECUTION.

9 * * *

10 (d) Definition.--As used in this section, the term
11 "charitable organization" has the meaning given to it in section
12 3 of the act of December 19, 1990 (P.L.1200, No.202), known as
13 the Solicitation of Funds for Charitable Purposes Act.

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