

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2289

Session of
2008

INTRODUCED BY MANTZ, ARGALL, BARRAR, BASTIAN, BELFANTI,
BENNINGHOFF, BOYD, BRENNAN, CAPPELLI, CLYMER, CONKLIN,
CREIGHTON, DALLY, DeLUCA, EVERETT, FLECK, FRANKEL, GABIG,
GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GODSHALL,
GOODMAN, GRELL, GRUCELA, HARHAI, HARRIS, HERSHEY, HESS,
HORNAMAN, KAUFFMAN, M. KELLER, KENNEY, KILLION, KOTIK, KULA,
MAHONEY, MAJOR, MANDERINO, MANN, MARKOSEK, MARSHALL, MARSICO,
McILHATTAN, MELIO, METCALFE, MICOZZIE, MILLARD, R. MILLER,
MOUL, MOYER, MURT, NAILOR, O'NEILL, PASHINSKI, PAYNE, PEIFER,
PETRARCA, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, ROEBUCK,
ROHRER, RUBLEY, SCAVELLO, SCHRODER, SIPTROTH, K. SMITH,
SONNEY, STERN, SWANGER, TRUE, TURZAI, VULAKOVICH, WALKO,
J. WHITE, WOJNAROSKI, YOUNGBLOOD, D. O'BRIEN, FAIRCHILD,
PETRONE, CALTAGIRONE AND BROOKS, MARCH 5, 2008

SENATOR BAKER, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, IN
SENATE, AS AMENDED, SEPTEMBER 17, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for desecration, <—
3 THEFT or sale of venerated objects.

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

6 ~~Section 1. Section 5509(a) of Title 18 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended to read:~~

8 ~~§ 5509. Desecration or sale of venerated objects.~~

9 ~~(a) Offense defined. [A]~~

10 ~~(1) Except as provided in paragraph (2), a person~~
11 ~~commits a misdemeanor of the second degree if he:~~

~~[(1)] (i) intentionally desecrates any public monument or structure, or place of worship or burial;~~
~~[(2) if he]~~
~~(ii) intentionally desecrates any other object of veneration by the public or a substantial segment thereof in any public place; [or~~
~~(3)] (iii) sells [or], attempts to sell or removes, with intent to sell, a veteran's marker as described in section 1913 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code. This [paragraph] subparagraph shall not apply to the sale of veterans' markers authorized by statute[.]; or~~
~~(iv) accepts or purchases the veteran's marker or item decorating a veteran's grave, with the intent of marketing or destroying the marker or item. A marker no longer wanted by the veteran's family or a marker that has been damaged or destroyed shall be turned over to the county for proper disposal in order to stop people from stealing and selling grave markers for financial gain.~~
~~(2) A second or subsequent offense under paragraph (1)(iii) shall constitute a misdemeanor of the first degree.~~

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SECTION 1. SECTION 5509 OF TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 5509. DESECRATION, THEFT OR SALE OF VENERATED OBJECTS.

(A) OFFENSE DEFINED.--A PERSON COMMITS [A MISDEMEANOR OF THE SECOND DEGREE] AN OFFENSE IF HE:

(1) INTENTIONALLY DESECRATES ANY PUBLIC MONUMENT OR STRUCTURE, OR PLACE OF WORSHIP OR BURIAL;

(2) [IF HE] INTENTIONALLY DESECRATES ANY OTHER OBJECT OF

VENERATION BY THE PUBLIC OR A SUBSTANTIAL SEGMENT THEREOF IN
ANY PUBLIC PLACE; [OR]

(3) SELLS, [OR] ATTEMPTS TO SELL OR REMOVES WITH INTENT
TO SELL A VETERAN'S MARKER AS DESCRIBED IN SECTION 1913 OF
THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130), KNOWN AS THE
COUNTY CODE. THIS PARAGRAPH SHALL NOT APPLY TO THE SALE OF
VETERANS' MARKERS AUTHORIZED BY STATUTE[.]; OR

(4) INTENTIONALLY RECEIVES, RETAINS OR DISPOSES OF A
VETERAN'S MARKER OR ITEM DECORATING A VETERAN'S GRAVE KNOWING
THAT THE ITEM HAS BEEN STOLEN, OR BELIEVING THAT IT HAS
PROBABLY BEEN STOLEN, UNLESS IT HAS BEEN RECEIVED, RETAINED
OR DISPOSED OF WITH THE INTENT TO RETURN IT TO THE OWNER.

(A.1) HISTORIC BURIAL LOTS AND BURIAL PLACES.--A PERSON
COMMITTS [A MISDEMEANOR OF THE FIRST DEGREE] AN OFFENSE IF THE
PERSON INTENTIONALLY DESECRATES A HISTORIC BURIAL LOT OR
HISTORIC BURIAL PLACE.

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

"DESECRATE." DEFACING, DAMAGING, POLLUTING OR OTHERWISE
PHYSICALLY MISTREATING IN A WAY THAT THE ACTOR KNOWS WILL
OUTRAGE THE SENSIBILITIES OF PERSONS LIKELY TO OBSERVE OR
DISCOVER THE ACTION.

"HISTORIC BURIAL LOT." AN INDIVIDUAL BURIAL SITE WITHIN A
HISTORIC BURIAL PLACE.

"HISTORIC BURIAL PLACE." A TRACT OF LAND WHICH HAS BEEN:

(1) IN EXISTENCE AS A BURIAL GROUND FOR MORE THAN 100
YEARS; OR

(2) LISTED IN OR ELIGIBLE FOR THE NATIONAL REGISTER OF
HISTORIC PLACES AS DETERMINED BY THE PENNSYLVANIA HISTORICAL

1 AND MUSEUM COMMISSION.

2 (C) GRADING.--

3 (1) AN OFFENSE UNDER SUBSECTION (A) SHALL BE GRADED AS
4 FOLLOWS:

5 (I) A FELONY OF THE THIRD DEGREE IF THE AMOUNT OF
6 LOSS OR DAMAGE IS IN EXCESS OF \$2,000, OR A SECOND OR
7 SUBSEQUENT OFFENSE UNDER SUBSECTION (A)(3) OR (4).

8 (II) A MISDEMEANOR OF THE FIRST DEGREE IF THE AMOUNT
9 OF LOSS OR DAMAGE IS \$200 OR MORE BUT LESS THAN OR EQUAL
10 TO \$2,000.

11 (III) A MISDEMEANOR OF THE SECOND DEGREE IF THE
12 AMOUNT OF LOSS OR DAMAGE IS \$50 OR MORE BUT LESS THAN
13 \$200.

14 (IV) A MISDEMEANOR OF THE THIRD DEGREE FOR ALL OTHER
15 OFFENSES.

16 (2) AN OFFENSE UNDER SUBSECTION (A.1) SHALL BE GRADED AS
17 FOLLOWS:

18 (I) A FELONY OF THE THIRD DEGREE IF THE AMOUNT OF
19 DAMAGE IS IN EXCESS OF \$2,000 OR A SECOND OR SUBSEQUENT
20 OFFENSE.

21 (II) A MISDEMEANOR OF THE FIRST DEGREE FOR ALL OTHER
22 OFFENSES.

23 Section 2. The amendment of 18 Pa.C.S. § ~~5509(a)~~ 5509 shall <—
24 apply to offenses committed on or after the effective date of
25 this section.

26 Section 3. This act shall take effect in 60 days.