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Senate of Pennsylvania

March 2, 2011

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TO: All Senators
FROM: John C. Rafferty, Jr.
RE: Co-sponsorship

A handwritten signature in black ink, appearing to read "John C. Rafferty, Jr." with a stylized flourish at the end.

In the very near future, I plan to introduce legislation in response to a series of arsons in the City of Coatesville during 2007 through 2009. During this time, over fifty arson fires resulted in the arrest of five adults and one juvenile.

While all of these individuals were convicted, sentence imposed by the court were limited by the language in the arson statutes and the applicable sentencing guidelines.

The Crimes Code classifies arson as a property crime. Therefore, courts do not treat the crime as seriously as violent crimes such as robbery or aggravated assault. However, it is my belief that each of these crimes was indeed the equivalent of a crime of violence.

Each fire occurred between 6 p.m. and 5 a.m. Every fire was set to a home. In almost every case, residents of Coatesville were home when the arsonist struck. One victim died. Every fire required firefighters to respond to the scene. At least three firefighters were injured fighting these fires and hundreds were placed in immediate danger. One fire destroyed more than 15 homes and endangered over 80 residents who were home at the time. The entire city was terrorized.

The most serious offense available was one count of arson under 18 Pa.C.S. section 3301(a)(1)(i). The sentencing guidelines called for a 22 month sentence for each fire. One small fire only involving minor property damage was treated the same as a fire that destroyed 15 homes, cost \$2 million and endangered hundreds of lives. Moreover, the judge was free to impose concurrent sentences for these two separate offenses.

My legislation would establish the following:

1. The offense of aggravated arson if the fire is set with intent to cause bodily injury or knowing that a person is present inside the property. The offense is a first degree felony.
2. A separate arson statute for fire where serious bodily injury or bodily injury occurs

3. A mandatory minimum sentence for arsons set to occupied buildings, whether or not anyone is injured.
4. A mandatory minimum sentence for arsons which result in injury to responding emergency service personnel.
5. A mandatory minimum sentence for arsons set with an accelerant or explosive device.
6. A requirement that multiple arsons set by one individual result in consecutive sentences.

If you have any questions or would like to co-sponsor this legislation, please contact Sean Moll at smoll@pasen.gov or by phone at (717) 783-0192.

JCR/sgm