

SABOTAGE PREVENTION ACT, THE
Act of Apr. 13, 1942, Special Session 1, P.L. 32, No. 13Cl. 35
(Reenacted and amended March 29, 1951, P.L.58, No.15)
Special Session No. 1 of 1942
No. 1942-13

AN ACT

To protect property and prevent sabotage by prohibiting during a period of national emergency or war certain intentional injuries to and interferences with real and personal property; prohibiting certain intentional defects in workmanship; limiting the privileges of certain witnesses; prohibiting certain entries upon real property and waters; authorizing the closing of highways or the regulation or restriction of travel thereon; conferring powers on the Water and Power Resources Board, and providing penalties. (Title reenacted and amended Mar. 29, 1951, P.L.58, No.15)

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

Section 1. Short Title and Definition.--(a) This act shall be known and may be cited as "The Sabotage Prevention Act."

(b) For the purposes of this act, a national emergency shall exist when so proclaimed both by the Governor and President of the United States.

(1 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 2. Destroying or Injuring Real and Personal Property.--Whoever, with intent to injure, interfere with, or obstruct the United States, any associate nation, this State, or any other state, in defense, or in preparing for, or carrying on war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States, any associate nation, this State, or any other state, in defense, or in preparing for, or carrying on war during a period of national emergency or war, shall wilfully injure or destroy or shall attempt to so injure or destroy any (1) War material, war premises or war utilities, or the tools, implements, machines, receptacles, used or employed in the making, producing, manufacturing, repairing and distribution thereof, within this State, is guilty of a felony, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or to undergo imprisonment not exceeding thirty (30) years, or both; (2) National defense material, national defense premises or national defense utilities, or the tools, implements, machines, receptacles, used or employed in the making, producing, manufacturing, repairing and distribution thereof, is guilty of a felony, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or to undergo imprisonment not exceeding ten (10) years, or both.

(2 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 3. Making or Causing Articles to Be Made in Defective Manner First Degree Murder.--Whoever, with intent to injure, interfere with, or obstruct the United States, any associate nation, this State, or any other state, in defense, or in preparing for, or carrying on war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States, any associate nation, this State, or any other state, in defense, or in preparing for, or carrying on war during a period of national emergency or war, shall wilfully make or cause to be made in a defective manner or attempt to

make or cause to be made in a defective manner any (1) War material, or any tool, implement, machine, utensil, or receptacle, used or employed in making, producing, manufacturing or repairing any such war material is guilty of a felony, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000) or to undergo imprisonment not exceeding thirty (30) years, or both; (2) National defense material, or any tool, implement, machine, utensil or receptacle, used or employed in making, producing, manufacturing or repairing any such national defense material is guilty of a felony, and upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars (\$10,000), or to undergo imprisonment not exceeding ten (10) years, or both.

(3 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 3.1.--Murder in the First Degree; Limitation of Indictments and Prosecutions.--(a) In every case where the life of a human being is destroyed by, or as a result of, any of the acts prohibited in sections two and three of this act, the offender shall be deemed guilty of murder in the first degree; (b) Indictments and prosecutions may be brought and exhibited for any violation of sections two and three of this act at any time during the life of the violator.

(3.1 added Mar. 29, 1951, P.L.58, No.15)

Section 4. Witnesses' Privileges.--No person shall be excused from attending and testifying or producing any books, papers or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial for, or relating to, or concerned with a violation of any section of this act or attempt to commit such violation upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him upon any criminal investigation, proceeding or trial except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.

(4 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 5. Unlawful Entry on Property.--Any individual, partnership, association or corporation or any political subdivision engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the defense of the United States or of this State or for the prosecution of war by the United States or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water or any of said natural or artificial persons owning or operating, or both, any public utility whose property, except as hereinafter otherwise provided, is surrounded by a fence or wall or a fence or wall and buildings may post around such property at each gate entrance, dock or railway entrance a sign reading, "No Entry Without Permission": Provided, That the following kinds of property may be similarly posted in the manner hereinafter provided without the necessity of fencing:

(a) Property fronting on water at intervals of not more than three hundred feet along the water front;

(b) Dams or breasts, dikes and similar structures at both ends of such structures and also on such structures at suitable intervals;

(c) Ponds and reservoirs created by dams, breasts or similar structures at intervals of not more than three hundred feet on each side of the pond or reservoir;

(d) Streams or other property immediately below dams or breasts, dikes and similar structures at intervals of not more than three hundred feet on each side of such stream or property;

(e) Water conduits, flumes, canals, races, waterways and electric telephone, telegraph, gas, oil and water transmission or distribution lines at intervals of not more than one thousand feet.

Whoever, without permission of such individual, partnership, association, corporation or political subdivision or its or their representative, shall wilfully enter upon premises so posted or shall wilfully destroy, deface or remove any such sign shall, during a period of national emergency or war, on conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00), or to undergo imprisonment not exceeding ten (10) days, or both.

(5 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 6. Unlawful Entry upon Reservoirs, Ponds and Dams.--Where any dam, breast, ramp, power house or other structure located on any navigable stream or river or on any stream or river declared by law to be a public highway and the pond or reservoir created thereby is used or being prepared to be used by any individual, partnership, association or corporation or authorized to do business in this State, or by the Commonwealth or any political subdivision thereof for the generation, manufacture, transportation and distribution of electricity or for the storage of water for domestic, industrial or water power purposes, the Water and Power Resources Board of the Department of Forests and Waters, with the approval of the Governor, may at the request of and at the expense of such individual, partnership, association, corporation or political subdivision, or at the expense of the Commonwealth where no private interest is involved, post along each side of the pond or reservoir created by such dam or breast at intervals of not more than three hundred feet of water front from such dam or breast or any ramp and at intervals of not more than three hundred feet of water front on each bank of the river or stream below such dam, breast, ramp, power house or other structure, as the case may be, signs reading "No Entry on These Waters or Property Without Permission: Commonwealth of Pennsylvania, Water and Power Resources Board".

Whoever, without permission of the Water and Power Resources Board, shall wilfully enter or approach upon any dam or breast or on the waters of the pond or reservoir so posted during a period of national emergency or war, shall, on conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars (\$50.00), or to undergo imprisonment not exceeding ten (10) days, or both.

(6 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 7. Restricting Use of Certain Highways.--Any individual, partnership, association, corporation or political subdivision engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used directly or indirectly in the defense of the United States or of this State or in the prosecution of war by the United States or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water or any of said

natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not regulated, restricted or prohibited on one or more highways or parts of highways may petition the proper authorities of the Commonwealth or of any political subdivision thereof to close one or more of said highways or parts of highways to public use and travel or to regulate or restrict by regulation the use and travel upon one or more of said highways or parts of highways. Upon receipt of such petition the proper authorities of the Commonwealth or of any political subdivision thereof, as the case may be, shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the political subdivision in which such property is located, such notice to be at least seven days prior to the date set for hearing. If after hearing the proper authorities of the Commonwealth or of any political subdivision thereof determine that the public safety and the safety of the property of the petitioner requires it they may by regulation close to public use and travel or may by regulation restrict or regulate the use and travel upon one or more of said highways or parts of highways: Provided, however, That the proper authorities of the Commonwealth or of any political subdivision thereof may issue written permits to travel over the premises so closed, to responsible and creditable persons for such term under such conditions and in such form as the public authorities may prescribe. Notices in letters at least three inches high containing the following: "Closed By Order Of; Passing Prohibited Under Penalty" or "Public Travel On This Highway Restricted Or Regulated by Order Of; Penalty For Violation" shall be posted conspicuously at each end of the premises closed or regulated or restricted by such order. The proper authorities of the Commonwealth or of any political subdivision thereof may at any time revoke or modify any regulation they have made.

Whoever violates any regulation made under this section during a period of national emergency or war shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not more than fifty dollars (\$50.00), or to undergo imprisonment for not exceeding ten (10) days, or both.

(7 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 8. Rights of Labor.--Nothing in this act shall be construed to impair, curtail or destroy the rights of employes and their representatives to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

(8 reenacted and amended Mar. 29, 1951, P.L.58, No.15)

Section 8.1. For the purpose of enforcing and accomplishing the objectives of the act herein amended, and for so long a period as said act shall remain in effect, all foresters and forest rangers, all fish wardens and all game protectors appointed and serving as such under the laws of this Commonwealth, are hereby vested with the same powers as are by law conferred upon constables and other peace officers, and such officers may arrest on view, without first procuring a warrant therefor, persons detected by them violating any of the provisions of said act, or detected under such circumstances as to warrant the reasonable suspicion that such person or persons have committed, are committing or are about to commit any offense or offenses against the provisions of said act.

(8.1 added May 26, 1943, P.L.637, No.281)

Compiler's Note: Section 7(b) of Act 93 of 1986 provided that section 8.1 is repealed insofar as it applies to the Board of Game Commissioners, the Pennsylvania Game Commission, game wardens or game protectors, effective July 1, 1987.

Section 9. Effective Period.--This act shall become effective immediately upon final enactment.

(9 reenacted and amended Mar. 29, 1951, P.L.58, No.15)