

## AMENDMENTS TO SENATE BILL NO. 652

Sponsor: REPRESENTATIVE MAHER

Printer's No. 1784

1 Amend Bill, page 1, line 2, by inserting after "Statutes,"  
2 in arson, criminal mischief and other property destruction,  
3 providing for the offense of critical infrastructure  
4 vandalism; and,

5 Amend Bill, page 1, lines 7 through 9, by striking out all of  
6 said lines and inserting

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 3314. Critical infrastructure vandalism.

10 (a) Offense defined.--A person commits the offense of  
11 critical infrastructure vandalism if the person intentionally or  
12 recklessly damages, destroys, vandalizes, defaces or tampers  
13 with equipment in a critical infrastructure facility.

14 (b) Grading.--Critical infrastructure vandalism constitutes  
15 a misdemeanor of the third degree except as follows:

16 (1) If the actor intentionally or recklessly causes  
17 pecuniary loss in excess of \$500 but less than \$1,000,  
18 critical infrastructure vandalism constitutes a misdemeanor  
19 of the second degree.

20 (2) If the actor intentionally causes pecuniary loss in  
21 excess of \$1,000 but less than \$5,000, critical  
22 infrastructure vandalism constitutes a misdemeanor of the  
23 first degree.

24 (3) If the actor intentionally causes pecuniary loss in  
25 excess of \$5,000, critical infrastructure vandalism  
26 constitutes a felony of the third degree.

27 (c) Restitution.--A person convicted of violating this  
28 section shall, in addition to any other penalty imposed, be  
29 sentenced to pay restitution to the owner of the property  
30 damaged as a result of the violation. Restitution shall be in an  
31 amount up to triple the value of the property damages incurred  
32 as a result of the offense. In ordering restitution under this  
33 subsection, the court shall consider as part of the amount of  
34 property damages the market value of the property prior to the  
35 violation and the production, research, testing, replacement and  
36 development costs directly related to the property.

37 (d) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this  
2 subsection unless the context clearly indicates otherwise:

3 "Critical infrastructure." As defined in section 3503(d)  
4 (relating to criminal trespass).

5 "Pecuniary loss." The term includes the cost of repair or  
6 replacement of the property affected.

7 Section 2. Section 3503(d) of Title 18 is amended and the  
8 section is amended by adding a subsection to read:

9 Amend Bill, page 1, lines 15 through 18; page 2, line 1; by  
10 striking out all of lines 15 through 18 on page 1 and "(ii)" in  
11 line 1 on page 2 and inserting

12 (i)

13 Amend Bill, page 2, lines 5 through 9, by striking out all of  
14 lines 5 through 8 and "(iv)" in line 9 and inserting

15 (ii)

16 Amend Bill, page 2, line 10, by striking out "(ii) or  
17 (iii)"

18 Amend Bill, page 2, lines 11 through 30; page 3, lines 1  
19 through 30; page 4, lines 1 through 4; by striking out all of  
20 said lines on said pages and inserting

21 (2) Grading is as follows:

22 (i) A first offense under paragraph (1) constitutes  
23 a felony of the second degree. A person convicted under  
24 this subparagraph shall be sentenced to pay a fine of not  
25 less than \$5,000 nor more than \$20,000.

26 (ii) A second offense under paragraph (1)  
27 constitutes a felony of the first degree. A person  
28 convicted under this subparagraph shall be sentenced to  
29 pay a fine of not less than \$5,000 nor more than \$20,000.

30 Amend Bill, page 5, line 14, by striking out the comma after  
31 "tracks" and inserting

32 or

33 Amend Bill, page 5, line 15, by striking out "or other  
34 freight transportation facility"

35 Amend Bill, page 6, lines 16 and 17, by striking out "whether  
36 stored on"

1 Amend Bill, page 6, line 17, by striking out "or at a storage  
2 yard"

3 Amend Bill, page 6, line 18, by inserting after "construct"  
4 , maintain or operate

5 Amend Bill, page 7, line 1, by striking out "2" and inserting  
6 3