

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 671

Session of
1981

INTRODUCED BY ZWIKL, J. L. WRIGHT, SPENCER, IRVIS,
W. D. HUTCHINSON, GALLEN, PITTS, LLOYD, VROON, BROWN, POTT,
DAWIDA, LETTERMAN, MICOZZIE, PICCOLA, KUKOVICH, HOFFEL,
WARGO, EARLEY, ALDEN, KANUCK, McVERRY, SPITZ, CIVERA, WACHOB,
SWEET, ARMSTRONG AND BRANDT, FEBRUARY 18, 1981

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 18, 1981

AN ACT

1 Providing for the protection of library, museum and archival
2 material, defining the crime of library theft, providing for
3 the detention of suspects, exempting libraries and their
4 employees from civil and criminal liability and providing
5 penalties.

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

8 Section 1. Short title.

9 The act shall be known and may be cited as the "Archive,
10 Library and Museum Protection Act."

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have, unless the context clearly indicates otherwise, the
14 meanings given to them in this section:

15 "Library." Any public library, any library, archives or
16 manuscript repository of an educational historical or
17 eleemosynary institution, organization or society, any museum
18 and any repository of public records.

1 "Library and museum material." Any book, plate, picture,
2 photograph, engraving, painting, drawing, map, newspaper,
3 magazine, pamphlet, broadside, manuscript, document, letter,
4 public record, microfilm, sound recording, audiovisual materials
5 in any format, magnetic or other tapes, electronic data
6 processing records, display object, exhibit, work of art,
7 artifact, or other documentary, written or printed materials
8 regardless of physical form or characteristics, belonging to, on
9 loan to, or otherwise in the custody of a library.

10 Section 3. Crime of library theft.

11 (a) Offense defined.--A person is guilty of the crime of
12 library theft when he willfully conceals on his person or among
13 his belongings any book, object or other library and museum
14 material while still on the premises of the library or willfully
15 and without authority removes any book, object or other library
16 and museum material from such library with the intention of
17 converting them to his own use.

18 (b) Grading.--

19 (1) Library theft constitutes a:

20 (i) Summary offense when the offense is a first
21 offense and the value of the material is less than \$150.

22 (ii) Misdemeanor of the second degree when the
23 offense is a second offense and the value of the material
24 is less than \$150.

25 (iii) Misdemeanor of the first degree when the
26 offense is a first or second offense and the value of the
27 material is \$150 or more.

28 (iv) Felony of the third degree when the offense is
29 a third or subsequent offense, regardless of the value of
30 the material.

(2) Amounts involved in library thefts committed pursuant to one scheme or course of conduct, whether from the same library or several libraries may be aggregated in determining the grade of the offense.

(c) Presumption.--A person who willfully conceals any book, object or other library and museum material on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facie presumed to have concealed the book, object or other library and museum material with the intention of converting them to his own use. If a book, object or other library and museum material are found concealed upon his person or among his belongings, it shall be prima facie evidence of willful concealment.

Section 4. Detention.

A library or an employee or agent of a library that has probable cause to believe that a person has committed library theft may detain such person on the premises of the library or in the immediate vicinity thereof for the following purposes:

(1) To conduct an investigation in a reasonable manner and within a reasonable length of time to determine whether such person has unlawfully concealed or removed a book, object or other library and museum material.

(2) To inform a peace officer of the detention of the person and to surrender that person to the custody of a peace officer.

Section 5. Exemption from liability.

A library or an employee or agent of a library who detains or causes the arrest of any person pursuant to section 4 shall not be held civilly or criminally liable for false arrest, false imprisonment, unlawful detention, assault, battery, slander,

1 libel or malicious prosecution of the person detained or
2 arrested, provided that in detaining or causing the arrest of
3 the person, the library or the employee or agent of the library
4 had at the time of the detention or arrest probable cause to
5 believe that the person committed the crime of library theft.

6 Section 6. Public display of act.

7 A copy of this act shall be publicly displayed in the reading
8 rooms and other public rooms of all libraries in such number and
9 manner as will bring the act to the attention of all patrons.

10 Section 7. Effective date.

11 This act shall take effect immediately.