

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, ALDEN, BRANDT, SNYDER, PISTELLA,  
CALTAGIRONE, BELARDI AND MCINTYRE, FEBRUARY 18, 1981

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 13, 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 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—  
7 CONSOLIDATED STATUTES, ADDING AN OFFENSE AND PROVIDING A  
8 PENALTY.

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

11 ~~Section 1. Short title.~~ <—

12 ~~The act shall be known and may be cited as the "Archive,~~  
13 ~~Library and Museum Protection Act."~~

14 ~~Section 2. Definitions.~~

15 ~~The following words and phrases when used in this act shall~~  
16 ~~have, unless the context clearly indicates otherwise, the~~  
17 ~~meanings given to them in this section:~~

18 ~~"Library." Any public library, any library, archives or~~

~~manuscript repository of an educational, historical or  
eleemosynary institution, organization or society, any museum  
and any repository of public records.~~

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

~~Section 3. Crime of library theft.~~

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

~~(b) Grading.—~~

~~(1) Library theft constitutes a:~~

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

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

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

~~(iv) Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of 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,  
libel or malicious prosecution of the person detained or  
arrested, provided that in detaining or causing the arrest of  
the person, the library or the employee or agent of the library  
had at the time of the detention or arrest probable cause to  
believe that the person committed the crime of library theft.~~

~~Section 6. Public display of act.~~

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

SECTION 1. TITLE 18, ACT OF NOVEMBER 25, 1970 (P.L.707,  
NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, IS  
AMENDED BY ADDING A SECTION TO READ:

§ 3929.1. LIBRARY THEFT.

(A) OFFENSE DEFINED.--A PERSON IS GUILTY OF LIBRARY THEFT IF  
HE WILLFULLY CONCEALS ON HIS PERSON OR AMONG HIS BELONGINGS ANY  
LIBRARY OR MUSEUM MATERIAL WHILE STILL ON THE PREMISES OF A  
LIBRARY OR WILLFULLY AND WITHOUT AUTHORITY REMOVES ANY LIBRARY  
OR MUSEUM MATERIAL FROM A LIBRARY WITH THE INTENTION OF  
CONVERTING SUCH MATERIAL TO HIS OWN USE.

(B) GRADING.--

(1) LIBRARY THEFT CONSTITUTES A:

(I) SUMMARY OFFENSE WHEN THE OFFENSE IS A FIRST  
OFFENSE AND THE VALUE OF THE MATERIAL IS LESS THAN \$150.

(II) MISDEMEANOR OF THE SECOND DEGREE WHEN THE  
OFFENSE IS A SECOND OFFENSE AND THE VALUE OF THE MATERIAL  
IS LESS THAN \$150.

(III) MISDEMEANOR OF THE FIRST DEGREE WHEN THE

1           OFFENSE IS A FIRST OR SECOND OFFENSE AND THE VALUE OF THE  
2           MATERIAL IS \$150 OR MORE.

3           (IV) FELONY OF THE THIRD DEGREE WHEN THE OFFENSE IS  
4           A THIRD OR SUBSEQUENT OFFENSE, REGARDLESS OF THE VALUE OF  
5           THE MATERIAL.

6           (2) AMOUNTS INVOLVED IN LIBRARY THEFTS COMMITTED  
7           PURSUANT TO ONE SCHEME OR COURSE OF CONDUCT, WHETHER FROM THE  
8           SAME LIBRARY OR SEVERAL LIBRARIES, MAY BE AGGREGATED IN  
9           DETERMINING THE GRADE OF THE OFFENSE.

10          (C) PRESUMPTION.--A PERSON WHO WILLFULLY CONCEALS ANY  
11          LIBRARY OR MUSEUM MATERIAL ON HIS PERSON OR AMONG HIS BELONGINGS  
12          WHILE STILL ON THE PREMISES OF THE LIBRARY OR IN THE IMMEDIATE  
13          VICINITY THEREOF SHALL BE PRIMA FACIE PRESUMED TO HAVE CONCEALED  
14          THE LIBRARY OR MUSEUM MATERIAL WITH THE INTENTION OF CONVERTING  
15          SUCH MATERIAL TO HIS OWN USE. IF ANY LIBRARY OR MUSEUM MATERIAL <—  
16          IS FOUND CONCEALED UPON HIS PERSON OR AMONG HIS BELONGINGS, IT  
17          SHALL BE PRIMA FACIE EVIDENCE OF WILLFUL CONCEALMENT.

18          (D) DETENTION.--A PEACE OFFICER, EMPLOYEE OR AGENT OF A  
19          LIBRARY WHO HAS PROBABLE CAUSE TO BELIEVE THAT A PERSON HAS  
20          COMMITTED LIBRARY THEFT MAY DETAIN SUCH PERSON ON THE PREMISES  
21          OF THE LIBRARY OR IN THE IMMEDIATE VICINITY THEREOF FOR THE  
22          FOLLOWING PURPOSES:

23               (1) TO CONDUCT AN INVESTIGATION IN A REASONABLE MANNER  
24               AND WITHIN A REASONABLE LENGTH OF TIME TO DETERMINE WHETHER  
25               SUCH PERSON HAS UNLAWFULLY CONCEALED OR REMOVED ANY LIBRARY  
26               OR MUSEUM MATERIAL.

27               (2) TO INFORM A PEACE OFFICER OF THE DETENTION OF THE  
28               PERSON OR SURRENDER THAT PERSON TO THE CUSTODY OF A PEACE  
29               OFFICER.

30          (E) EXEMPTION FROM LIABILITY.--A PEACE OFFICER, EMPLOYEE OR

1 AGENT OF A LIBRARY WHO DETAINS OR CAUSES THE ARREST OF ANY  
2 PERSON PURSUANT TO THIS SECTION SHALL NOT BE HELD CIVILLY OR  
3 CRIMINALLY LIABLE FOR FALSE ARREST, FALSE IMPRISONMENT, UNLAWFUL  
4 DETENTION, ASSAULT, BATTERY, SLANDER, LIBEL OR MALICIOUS  
5 PROSECUTION OF THE PERSON DETAINED OR ARRESTED PROVIDED THE  
6 PEACE OFFICER, EMPLOYEE OR AGENT OF THE LIBRARY HAD AT THE TIME  
7 OF THE DETENTION OR ARREST PROBABLE CAUSE TO BELIEVE THAT THE  
8 PERSON COMMITTED LIBRARY THEFT.

9 (F) PUBLIC DISPLAY OF ACT.--A COPY OF THIS SECTION SHALL BE  
10 PUBLICLY DISPLAYED IN THE READING ROOMS AND OTHER PUBLIC ROOMS  
11 OF ALL LIBRARIES IN SUCH NUMBER AND MANNER AS WILL BRING THIS  
12 SECTION TO THE ATTENTION OF PATRONS.

13 (G) FINGERPRINTING.--PRIOR TO THE COMMENCEMENT OF TRIAL OR  
14 ENTRY OF PLEA OF A DEFENDANT 16 YEARS OF AGE OR OLDER ACCUSED OF  
15 THE SUMMARY OFFENSE OF LIBRARY THEFT, THE ISSUING AUTHORITY  
16 SHALL ORDER THE DEFENDANT TO SUBMIT WITHIN FIVE DAYS OF SUCH  
17 ORDER FOR FINGERPRINTING BY THE MUNICIPAL POLICE OF THE  
18 JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED OR THE  
19 STATE POLICE. FINGERPRINTS SO OBTAINED SHALL BE FORWARDED  
20 IMMEDIATELY TO THE PENNSYLVANIA STATE POLICE FOR DETERMINATION  
21 AS TO WHETHER OR NOT THE DEFENDANT PREVIOUSLY HAS BEEN CONVICTED  
22 OF THE OFFENSE OF LIBRARY THEFT. THE RESULTS OF SUCH  
23 DETERMINATION SHALL BE FORWARDED TO THE POLICE DEPARTMENT  
24 OBTAINING THE FINGERPRINTS IF SUCH DEPARTMENT IS THE PROSECUTOR,  
25 OR TO THE ISSUING AUTHORITY IF THE PROSECUTOR IS OTHER THAN A  
26 POLICE OFFICER. THE ISSUING AUTHORITY SHALL NOT PROCEED WITH THE  
27 TRIAL OR PLEA IN SUMMARY CASES UNTIL IN RECEIPT OF THE  
28 DETERMINATION MADE BY THE STATE POLICE. THE DISTRICT JUSTICE  
29 SHALL USE THE INFORMATION OBTAINED SOLELY FOR THE PURPOSE OF  
30 GRADING THE OFFENSE PURSUANT TO SUBSECTION (B).

1       (H) DEFINITIONS.--AS USED IN THIS SECTION THE FOLLOWING  
2       WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
3       SUBSECTION:

4       "CONCEAL." TO CONCEAL LIBRARY OR MUSEUM MATERIAL SO THAT,  
5       ALTHOUGH THERE MAY BE SOME NOTICE OF ITS PRESENCE, IT IS NOT  
6       VISIBLE THROUGH ORDINARY OBSERVATION.

7       "LIBRARY." ANY PUBLIC LIBRARY, ANY LIBRARY, ARCHIVES OR  
8       MANUSCRIPT REPOSITORY OF EDUCATIONAL, HISTORICAL OR ELEEMOSYNARY  
9       INSTITUTION, ORGANIZATION OR SOCIETY, ANY MUSEUM AND ANY  
10       REPOSITORY OF PUBLIC RECORDS.

11       "LIBRARY OR MUSEUM MATERIAL." ANY BOOK, PLATE, PICTURE,  
12       PHOTOGRAPH, ENGRAVING, PAINTING, DRAWING, MAP, NEWSPAPER,  
13       MAGAZINE, PAMPHLET, BROADSIDE, MANUSCRIPT, DOCUMENT, LETTER,  
14       PUBLIC RECORD, MICROFILM, SOUND RECORDING, AUDIOVISUAL MATERIALS  
15       IN ANY FORMAT, MAGNETIC OR OTHER TAPES, ELECTRONIC DATA  
16       PROCESSING RECORDS, DISPLAY OBJECT, EXHIBIT, WORK OF ART,  
17       ARTIFACT, OR OTHER DOCUMENTARY, WRITTEN OR PRINTED MATERIALS  
18       REGARDLESS OF PHYSICAL FORM OR CHARACTERISTICS, BELONGING TO, ON  
19       LOAN TO, OR OTHERWISE IN THE CUSTODY OF A LIBRARY.

20       "PREMISES OF A LIBRARY." INCLUDES BUT IS NOT LIMITED TO THE  
21       LIBRARY AND ALL PARKING AREAS SET ASIDE FOR THE PARKING OF  
22       VEHICLES FOR THE CONVENIENCE OF THE PATRONS OF SUCH LIBRARY.

23       Section 7 2. Effective date.

24       This act shall take effect immediately.

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