

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2135 Session of
1981

INTRODUCED BY CAWLEY, McCALL, WARGO, COHEN, ZWIKL, STUBAN,
LETTERMAN, COLAFELLA, STEIGHNER, WOZNIAK, SHOWERS, KUKOVICH,
OLASZ, CLARK, LIVENGOD, PENDLETON, D. R. WRIGHT, SEVENTY,
F. E. TAYLOR, STEWART, WACHOB, DeWEESE, LESCOVITZ, HOFFEL,
PISTELLA, MICHLOVIC, GAMBLE, TRELLO, SWEET, FEE, KOWALYSHYN,
WAMBACH, BELFANTI, CAPPABIANCA, BLAUM, TIGUE, HALUSKA,
CALTAGIRONE, SHUPNIK, GRUITZA, COWELL, LUCYK, EVANS,
VAN HORNE, MANDERINO, A. K. HUTCHINSON, IRVIS, DUFFY, RITTER
AND MORRIS, DECEMBER 15, 1981

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 15, 1981

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for a defense relating to
3 arson.

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

6 Section 1. Section 3301 of Title 18, act of November 25,
7 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
8 Statutes, is amended by adding a subsection to read:

9 § 3301. Arson and related offenses.

10 * * *

11 (d) Defense.--It is a defense for one to burn their own
12 property only after they have notified the secretary of the
13 municipality or the appropriate fire official in a written,
14 sworn statement, that the property is free of any encumbrances,
15 there is no fire insurance coverage on the structure and all

1 owners have released the property. The statement must be
2 presented within 48 hours of the intended fire. The burden of
3 proof is on the defendant to prove beyond a preponderance of
4 evidence that he has taken such actions.

5 Section 2. This act shall take effect in 90 days.