

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 583 Session of  
2005

INTRODUCED BY BOSCOLA, BROWNE, GREENLEAF, EARLL, LAVALLE,  
KASUNIC, MUSTO, TOMLINSON, ERICKSON, KITCHEN, WAUGH,  
TARTAGLIONE, RAFFERTY AND PILEGGI, APRIL 1, 2005

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JULY 1, 2006

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, FURTHER DEFINING "RACKETEERING  
3 ACTIVITY"; AND further providing for arson and related  
4 offenses, for the offense of endangering welfare of children  
5 and for the offense of unsworn falsification to authorities. <—

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

8 ~~Section 1. Section 3301 of Title 18 of the Pennsylvania~~ <—  
9 ~~Consolidated Statutes is amended by adding a subsection to read:~~

10 SECTION 1. SECTION 911(H)(1) OF TITLE 18 OF THE PENNSYLVANIA <—  
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 911. CORRUPT ORGANIZATIONS.

13 \* \* \*

14 (H) DEFINITIONS.--AS USED IN THIS SECTION:

15 (1) "RACKETEERING ACTIVITY" MEANS:

16 (I) ANY ACT WHICH IS INDICTABLE UNDER ANY OF THE  
17 FOLLOWING PROVISIONS OF THIS TITLE:

18 CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE)

19 SECTION 2706 (RELATING TO TERRORISTIC THREATS)

CHAPTER 29 (RELATING TO KIDNAPPING)

CHAPTER 33 (RELATING TO ARSON, [ETC.]) CRIMINAL  
MISCHIEF AND OTHER PROPERTY DESTRUCTION)

CHAPTER 37 (RELATING TO ROBBERY)

CHAPTER 39 (RELATING TO THEFT AND RELATED  
OFFENSES)

SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND  
BREACH OF DUTY TO ACT DISINTERESTEDLY)

SECTION 4109 (RELATING TO RIGGING PUBLICLY  
EXHIBITED CONTEST)

SECTION 4117 (RELATING TO INSURANCE FRAUD)

CHAPTER 47 (RELATING TO BRIBERY AND CORRUPT  
INFLUENCE)

CHAPTER 49 (RELATING TO FALSIFICATION AND  
INTIMIDATION)

SECTION 5111 (RELATING TO DEALING IN PROCEEDS OF  
UNLAWFUL ACTIVITIES)

[SECTION 5512 THROUGH 5514 (RELATING TO  
GAMBLING)]

SECTION 5512 (RELATING TO LOTTERIES, ETC.)

SECTION 5513 (RELATING TO GAMBLING DEVICES,  
GAMBLING, ETC.)

SECTION 5514 (RELATING TO POOL SELLING AND  
BOOKMAKING)

CHAPTER 59 (RELATING TO PUBLIC INDECENCY)

(II) ANY OFFENSE INDICTABLE UNDER SECTION 13 OF THE  
ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT  
(RELATING TO THE SALE AND DISPENSING OF NARCOTIC DRUGS);

(II.1) ANY OFFENSE INDICTABLE UNDER 4 PA.C.S. PT.II

1           RELATING TO GAMING);

2           (III) ANY CONSPIRACY TO COMMIT ANY OF THE OFFENSES  
3           SET FORTH IN SUBPARAGRAPHS (I) [AND (II)], (II) AND  
4           (II.1) OF THIS PARAGRAPH; OR

5           (IV) THE COLLECTION OF ANY MONEY OR OTHER PROPERTY  
6           IN FULL OR PARTIAL SATISFACTION OF A DEBT WHICH AROSE AS  
7           THE RESULT OF THE LENDING OF MONEY OR OTHER PROPERTY AT A  
8           RATE OF INTEREST EXCEEDING 25% PER ANNUM OR THE  
9           EQUIVALENT RATE FOR A LONGER OR SHORTER PERIOD, WHERE NOT  
10          OTHERWISE AUTHORIZED BY LAW.

11         ANY ACT WHICH OTHERWISE WOULD BE CONSIDERED RACKETEERING  
12         ACTIVITY BY REASON OF THE APPLICATION OF THIS PARAGRAPH,  
13         SHALL NOT BE EXCLUDED FROM ITS APPLICATION SOLELY BECAUSE THE  
14         OPERATIVE ACTS TOOK PLACE OUTSIDE THE JURISDICTION OF THIS  
15         COMMONWEALTH, IF SUCH ACTS WOULD HAVE BEEN IN VIOLATION OF  
16         THE LAW OF THE JURISDICTION IN WHICH THEY OCCURRED.

17           \* \* \*

18         SECTION 2. SECTION 3301 OF TITLE 18 IS AMENDED BY ADDING A  
19         SUBSECTION TO READ:

20         § 3301. Arson and related offenses.

21           \* \* \*

22         (h.1) Prohibition on certain service.--A person convicted of  
23         violating this section or any similar offense under Federal or  
24         State law shall be prohibited from serving as a firefighter in  
25         this Commonwealth and shall be prohibited from being certified  
26         as a firefighter under section 4 of the act of November 13, 1995  
27         (P.L.604, No.61), known as the State Fire Commissioner Act.  
28         Proof of nonconviction must consist of either of the following:

29           (1) An official criminal history record check obtained  
30         pursuant to Chapter 91 (relating to criminal history record

1 information) indicating no arson convictions.

2 (2) A dated and signed statement by the person swearing  
3 to the following:

4 I have never been convicted of an offense that  
5 constitutes the crime of "arson and related offenses"  
6 under 18 Pa.C.S § 3301 or any similar offense under any  
7 Federal or state law. I hereby certify that the  
8 statements contained herein are true and correct to the  
9 best of my knowledge and belief. I understand that if I  
10 knowingly make any false statement herein, I am subject  
11 to penalties prescribed by law, including, but not  
12 limited to, a fine of at least \$1,000.

13 \* \* \*

14 Section ~~2~~ 3. Section 4304(a) of Title 18 is amended to read: <—

15 § 4304. Endangering welfare of children.

16 (a) Offense defined.--

17 (1) A parent, guardian, or other person supervising the  
18 welfare of a child under 18 years of age or a person who  
19 employs or supervises such a person commits an offense if he  
20 knowingly or recklessly endangers the welfare of the child by  
21 violating a duty of care, protection or support.

22 (2) A person commits an offense if the person, in an  
23 official capacity, prevents or interferes with the making of  
24 a report of suspected child abuse under 23 Pa.C.S. Ch. 63  
25 (relating to child protective services).

26 (3) As used in this subsection, the term "person  
27 supervising the welfare of a child" means a person other than  
28 a parent or guardian who provides care, education, training  
29 or control of a child.

30 \* \* \*

1       Section 3 4.   Section 4904 of Title 18 is amended by adding a   <—  
2 subsection to read:

3   § 4904.   Unsworn falsification to authorities.

4       \* \* \*

5       (d)   Penalty.--In addition to any other penalty that may be  
6 imposed, a person convicted under this section shall be  
7 sentenced to pay a fine of at least \$1,000.

8       Section 4 5.   This act shall take effect in 60 days.                   <—