
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 10

Session of
2007

INTRODUCED BY D. O'BRIEN, MARSICO, THOMAS, DALEY, DALLY, LENTZ,
REICHLEY, SABATINA, ADOLPH, BASTIAN, BELFANTI, DePASQUALE,
EVERETT, FAIRCHILD, GEORGE, GILLESPIE, GODSHALL, GOODMAN,
GRELL, HALUSKA, HARHART, HARKINS, HICKERNELL, W. KELLER,
KILLION, KORTZ, KOTIK, MANN, MICOZZIE, R. MILLER, MOUL,
NICKOL, PALLONE, PHILLIPS, PICKETT, PRESTON, PYLE, QUIGLEY,
ROAE, ROHRER, RUBLEY, SCAVELLO, SCHRODER, SONNEY, STABACK,
J. TAYLOR, TRUE, WATSON, WATERS, YEWCIC, YUDICHAK, KULA,
LONGIETTI AND CALTAGIRONE, JUNE 5, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 28, 2007

AN ACT

1 ~~Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and~~ <—
2 ~~Judicial Procedure) of the Pennsylvania Consolidated~~
3 ~~Statutes, further providing for fines; and~~
4 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—
5 CONSOLIDATED STATUTES, providing for the Criminal Justice
6 Enhancement Account ~~and for adoption of guidelines for fines;~~ <—
7 AND FURTHER PROVIDING FOR BURGLARY.

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

10 ~~Section 1. Section 1101 of Title 18 of the Pennsylvania~~ <—

11 ~~Consolidated Statutes is amended to read:~~

12 ~~§ 1101. Fines.~~

13 ~~A person who has been convicted of an offense may be~~
14 ~~sentenced to pay a fine not exceeding:~~

15 ~~(1) [\$50,000] \$100,000, when the conviction is of murder~~
16 ~~or attempted murder.~~

1 ~~(2) — [\$25,000] \$50,000, when the conviction is of a~~
2 ~~felony of the first or second degree.~~

3 ~~(3) — [\$15,000] \$30,000, when the conviction is of a~~
4 ~~felony of the third degree.~~

5 ~~(4) — [\$10,000] \$20,000, when the conviction is of a~~
6 ~~misdemeanor of the first degree.~~

7 ~~(5) — [\$5,000] \$10,000, when the conviction is of a~~
8 ~~misdemeanor of the second degree.~~

9 ~~(6) — [\$2,500] \$5,000, when the conviction is of a~~
10 ~~misdemeanor of the third degree.~~

11 ~~(7) — [\$300] \$600, when the conviction is of a summary~~
12 ~~offense for which no higher fine is established.~~

13 ~~(8) — Any higher amount equal to double the pecuniary gain~~
14 ~~derived from the offense by the offender.~~

15 ~~(9) — Any higher or lower amount specifically authorized~~
16 ~~by statute.~~

17 Section 2. ~~Title 18 is amended by adding a section to read:~~

18 SECTION 1. TITLE 18 OF THE PENNSYLVANIA CONSOLIDATED

←

19 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

20 § 1111. Criminal Justice Enhancement Account.

21 (a) Establishment.--There is established within the State
22 Treasury a restricted account to be known as the Criminal
23 Justice Enhancement Account. The account shall be comprised of
24 all of the following:

25 (1) Costs of prosecution imposed pursuant to subsection

26 (b).

27 (2) Fines statutorily designated by subsection (c) to
28 the account.

29 (b) Costs of prosecution.--In addition to any other costs of
30 prosecution, an assessment in the amount of \$50 shall be imposed

1 and directed to the account in each judicial proceeding where:

2 (1) the defendant accepts Accelerated Rehabilitative
3 Disposition;

4 (2) the defendant is convicted of or enters a plea of
5 guilt or nolo contendere for a felony, misdemeanor of the
6 first degree or misdemeanor of the second degree set forth in
7 this title; or

8 (3) the defendant is convicted of or enters a plea of
9 guilt or nolo contendere for a violation of section 13(a)(16)
10 of the act of April 14, 1972 (P.L.233, No.64), known as The
11 Controlled Substance, Drug, Device and Cosmetic Act.

12 (c) Designated offenses.--Any fines imposed for the
13 following offenses shall be directed to the account:

14 Chapter 41 (relating to forgery and fraudulent practices)
15 other than summary offenses under section 4105 (relating to
16 bad checks).

17 Chapter 47 (relating to bribery and corrupt influence).

18 Chapter 49 Subch. A (relating to perjury and
19 falsification in official matters).

20 Chapter 57 (relating to wiretapping and electronic
21 surveillance).

22 Chapter 76 (relating to computer offenses).

23 (d) Distribution from account.--The money in the account is
24 appropriated, upon approval of the Governor, to fulfill the
25 provisions of section 1401(p) of the act of August 9, 1955
26 (P.L.323, No.130), known as The County Code.

27 ~~Section 3. Title 42 is amended by adding a section to read: <—~~
28 ~~§ 2154.3. Adoption of guidelines for fines.~~

29 ~~The commission shall adopt guidelines for fines or other~~
30 ~~lawful economic sanctions, within the limits established by law,~~

1 ~~which shall be considered by the sentencing court in determining~~
2 ~~the appropriate sentence for defendants who plead guilty or nolo~~
3 ~~contendere to or who are found guilty of felonies and~~
4 ~~misdemeanors. The guidelines shall do all of the following:~~

5 ~~(1) Specify the range of fines or other lawful economic~~
6 ~~sanctions, applicable to crimes of a given degree of gravity.~~

7 ~~(2) Specify a range of fines or other lawful economic~~
8 ~~sanctions, of increased amount for defendants previously~~
9 ~~convicted or adjudicated delinquent for one or more~~
10 ~~misdemeanor or felony offenses committed prior to the current~~
11 ~~offense. For purposes of this paragraph, the term "previously~~
12 ~~convicted or adjudicated delinquent" shall include any~~
13 ~~finding of guilt or adjudication of delinquency whether or~~
14 ~~not sentence has been imposed or disposition ordered prior to~~
15 ~~the commission of the current offense.~~

16 ~~(3) Prescribe variations from the range of fines~~
17 ~~applicable on account of aggravating or mitigating~~
18 ~~circumstances.~~

19 ~~(4) Prescribe community service alternatives which may~~
20 ~~be imposed in lieu of all or part of the fines where the~~
21 ~~sentencing court finds the defendant lacks the ability to pay~~
22 ~~all or part of the fine.~~

23 ~~Section 4 2. This act shall take effect in 120 days.~~ <—

24 SECTION 2. SECTION 3502 OF TITLE 18 IS AMENDED TO READ: <—

25 § 3502. BURGLARY.

26 [(A) OFFENSE DEFINED.--A PERSON IS GUILTY OF BURGLARY IF HE
27 ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR SEPARATELY SECURED
28 OR OCCUPIED PORTION THEREOF, WITH INTENT TO COMMIT A CRIME
29 THEREIN, UNLESS THE PREMISES ARE AT THE TIME OPEN TO THE PUBLIC
30 OR THE ACTOR IS LICENSED OR PRIVILEGED TO ENTER.

1 (B) DEFENSE.--IT IS A DEFENSE TO PROSECUTION FOR BURGLARY
2 THAT THE BUILDING OR STRUCTURE WAS ABANDONED.]

3 (A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF
4 BURGLARY IF, WITH THE INTENT TO COMMIT A CRIME THEREIN, THE
5 PERSON:

6 (1) ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR
7 SEPARATELY SECURED OR OCCUPIED PORTION THEREOF THAT IS
8 ADAPTED FOR OVERNIGHT ACCOMMODATIONS IN WHICH AT THE TIME OF
9 THE OFFENSE ANY PERSON IS PRESENT;

10 (2) ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR
11 SEPARATELY SECURED OR OCCUPIED PORTION THEREOF THAT IS
12 ADAPTED FOR OVERNIGHT ACCOMMODATIONS IN WHICH AT THE TIME OF
13 THE OFFENSE NO PERSON IS PRESENT;

14 (3) ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR
15 SEPARATELY SECURED OR OCCUPIED PORTION THEREOF THAT IS NOT
16 ADAPTED FOR OVERNIGHT ACCOMMODATIONS IN WHICH AT THE TIME OF
17 THE OFFENSE ANY PERSON IS PRESENT; OR

18 (4) ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR
19 SEPARATELY SECURED OR OCCUPIED PORTION THEREOF THAT IS NOT
20 ADAPTED FOR OVERNIGHT ACCOMMODATIONS IN WHICH AT THE TIME OF
21 THE OFFENSE NO PERSON IS PRESENT.

22 (B) DEFENSE.--IT IS A DEFENSE TO PROSECUTION FOR BURGLARY IF
23 ANY OF THE FOLLOWING EXISTS AT THE TIME OF THE COMMISSION OF THE
24 OFFENSE:

25 (1) THE BUILDING OR STRUCTURE WAS ABANDONED.

26 (2) THE PREMISES ARE OPEN TO THE PUBLIC.

27 (3) THE ACTOR IS LICENSED OR PRIVILEGED TO ENTER.

28 (C) GRADING.--

29 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), BURGLARY IS A
30 FELONY OF THE FIRST DEGREE.

1 (2) [IF THE BUILDING, STRUCTURE OR PORTION ENTERED IS
2 NOT ADAPTED FOR OVERNIGHT ACCOMMODATION AND IF NO INDIVIDUAL
3 IS PRESENT AT THE TIME OF ENTRY, BURGLARY IS A FELONY OF THE
4 SECOND DEGREE.] AN OFFENSE UNDER SUBSECTION (A)(4) IS A
5 FELONY OF THE SECOND DEGREE.

6 (D) MULTIPLE CONVICTIONS.--A PERSON MAY NOT BE [CONVICTED]
7 SENTENCED BOTH FOR BURGLARY AND FOR THE OFFENSE WHICH IT WAS HIS
8 INTENT TO COMMIT AFTER THE BURGLARIOUS ENTRY OR FOR AN ATTEMPT
9 TO COMMIT THAT OFFENSE, UNLESS THE ADDITIONAL OFFENSE
10 CONSTITUTES A FELONY OF THE FIRST OR SECOND DEGREE.

11 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

12 (1) THE ADDITION OF 18 PA.C.S. § 1111 SHALL TAKE EFFECT
13 IN 120 DAYS.

14 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
15 DAYS.