

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2289 Session of
2008

INTRODUCED BY MANTZ, ARGALL, BARRAR, BASTIAN, BELFANTI,
BENNINGHOFF, BOYD, BRENNAN, CAPPELLI, CLYMER, CONKLIN,
CREIGHTON, DALLY, DeLUCA, EVERETT, FLECK, FRANKEL, GABIG,
GEIST, GEORGE, GIBBONS, GILLESPIE, GINGRICH, GODSHALL,
GOODMAN, GRELL, GRUCELA, HARHAI, HARRIS, HERSHEY, HESS,
HORNAMAN, KAUFFMAN, M. KELLER, KENNEY, KILLION, KOTIK, KULA,
MAHONEY, MAJOR, MANDERINO, MANN, MARKOSEK, MARSHALL, MARSICO,
McILHATTAN, MELIO, METCALFE, MICOZZIE, MILLARD, R. MILLER,
MOUL, MOYER, MURT, NAILOR, O'NEILL, PASHINSKI, PAYNE, PEIFER,
PETRARCA, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, ROEBUCK,
ROHRER, RUBLEY, SCAVELLO, SCHRODER, SIPTROTH, K. SMITH,
SONNEY, STERN, SWANGER, TRUE, TURZAI, VULAKOVICH, WALKO,
J. WHITE, WOJNAROSKI, YOUNGBLOOD, D. O'BRIEN, FAIRCHILD,
PETRONE, CALTAGIRONE AND BROOKS, MARCH 5, 2008

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
JULY 2, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for desecration or
3 sale of venerated objects.

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

6 ~~Section 1. Section 5509 of Title 18 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended by adding a subsection to read:~~

8 SECTION 1. SECTION 5509(A) OF TITLE 18 OF THE PENNSYLVANIA <—
9 CONSOLIDATED STATUTES IS AMENDED TO READ:

10 § 5509. Desecration or sale of venerated objects.

11 * * *

12 ~~(a.2) Veteran's grave markers. A person commits a~~

~~misdemeanor of the first degree if the person removes a marker
or item decorating a veteran's grave with the intent to sell the
item. A second or subsequent violation of this subsection shall
be graded as a felony of the third degree.~~

(A) OFFENSE DEFINED.--[A]

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A PERSON
COMMITTS A MISDEMEANOR OF THE SECOND DEGREE IF HE:

[(1)] (I) INTENTIONALLY DESECRATES ANY PUBLIC
MONUMENT OR STRUCTURE, OR PLACE OF WORSHIP OR BURIAL;

[(2) IF HE]

(II) INTENTIONALLY DESECRATES ANY OTHER OBJECT OF
VENERATION BY THE PUBLIC OR A SUBSTANTIAL SEGMENT THEREOF
IN ANY PUBLIC PLACE; [OR

(3)] (III) SELLS [OR], ATTEMPTS TO SELL OR REMOVES,
WITH INTENT TO SELL, A VETERAN'S MARKER AS DESCRIBED IN
SECTION 1913 OF THE ACT OF AUGUST 9, 1955 (P.L.323,
NO.130), KNOWN AS THE COUNTY CODE. THIS [PARAGRAPH]
SUBPARAGRAPH SHALL NOT APPLY TO THE SALE OF VETERANS'
MARKERS AUTHORIZED BY STATUTE[.]; OR

(IV) ACCEPTS OR PURCHASES THE VETERAN'S MARKER OR
ITEM DECORATING A VETERAN'S GRAVE, WITH THE INTENT OF
MARKETING OR DESTROYING THE MARKER OR ITEM. A MARKER NO
LONGER WANTED BY THE VETERAN'S FAMILY OR A MARKER THAT
HAS BEEN DAMAGED OR DESTROYED SHALL BE TURNED OVER TO THE
COUNTY FOR PROPER DISPOSAL IN ORDER TO STOP PEOPLE FROM
STEALING AND SELLING GRAVE MARKERS FOR FINANCIAL GAIN.

(2) A SECOND OR SUBSEQUENT OFFENSE UNDER PARAGRAPH
(1)(III) SHALL CONSTITUTE A MISDEMEANOR OF THE FIRST DEGREE.

* * *

Section 2. The ~~addition of 18 Pa.C.S. § 5509(a.2)~~ AMENDMENT

1 OF 18 PA.C.S. § 5509(A) shall apply to offenses committed on or
2 after the effective date of this section.

3 Section 3. This act shall take effect in 60 days.