
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 903 Session of
2011

INTRODUCED BY RAFFERTY, PILEGGI, DINNIMAN, FOLMER, FONTANA,
WAUGH, SOLOBAY, BREWSTER AND MENSCH, MARCH 25, 2011

REFERRED TO JUDICIARY, MARCH 25, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for arson and
3 related offenses.

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

6 Section 1. Section 3301 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding subsections to read:
8 § 3301. Arson and related offenses.

9 * * *

10 (a.1) Aggravated arson.--A person commits a felony of the
11 first degree if he intentionally starts a fire or causes an
12 explosion, or if he aids, counsels, pays or agrees to pay
13 another to cause a fire or explosion, whether on his own
14 property of on that of another, and if:

15 (1) he commits the offense with the intent to cause
16 bodily injury to another person, including, but not limited
17 to, a firefighter, police officer or other person actively
18 engaged in fighting the fire; or

1 (2) he commits the offense when a person is present
2 inside the property at the time of the offense.

3 * * *

4 (i.1) Penalties.--A person convicted under this section
5 shall be subject to the following mandatory minimum sentences:

6 (1) A person convicted under subsection (a) or (a.1)
7 shall be sentenced to serve not less than ten years if bodily
8 injury results to a firefighter, police officer or other
9 person actively engaged in fighting the fire, or if serious
10 bodily injury results to any civilian.

11 (2) A person convicted under subsection (a) or (a.1)
12 shall be sentenced to serve not less than five years if:

13 (i) bodily injury results to a civilian;

14 (ii) more than three people were present inside the
15 property at the time of the offense;

16 (iii) more than three buildings or occupied
17 structures were damaged at the time of the offense; or

18 (iv) the fire caused more than \$1,000,000 in
19 property damage.

20 (3) A person convicted of arson under subsection (a),
21 (a.1), (c) or (d) who at the time of the offense used an
22 incendiary or explosive device shall be sentenced to serve
23 not less than two years incarceration. This penalty shall be
24 served consecutively to any other sentence imposed for a
25 violation of this chapter, including, but not limited to, any
26 other applicable mandatory minimum sentences under this
27 subsection.

28 (4) The District Attorney shall have the authority to
29 waive the mandatory provisions of this subsection.

30 * * *

1 (k) Consecutive sentences.--If, at the time of sentencing,
2 an offender is convicted of more than one offense under this
3 section, the court shall order that all sentences be served
4 consecutively. If, at the time of the offense, the offender is
5 on probation or parole for a prior conviction for an arson
6 offense under this section, the court shall order that the
7 sentence be served consecutively to the sentence for any prior
8 conviction. The District Attorney shall have the authority to
9 waive the mandatory provisions of this subsection.

10 Section 2. This act shall take effect in 60 days.