

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 426 Session of 2013

INTRODUCED BY COSTA, KITCHEN, BROWNE, STACK, FONTANA, BREWSTER,
VULAKOVICH, WASHINGTON, ALLOWAY, SOLOBAY, RAFFERTY, FERLO,
HUGHES AND TARTAGLIONE, FEBRUARY 5, 2013

REFERRED TO JUDICIARY, FEBRUARY 5, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for grading the
3 offense of deceptive or fraudulent business practices.

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

6 Section 1. Section 4107(a.1)(1) of Title 18 of the
7 Pennsylvania Consolidated Statutes is amended and the section is
8 amended by adding subsections to read:

9 § 4107. Deceptive or fraudulent business practices.

10 * * *

11 (a.1) Grading of offenses.--

12 (1) A violation of this section, except for subsection
13 (a)(10), constitutes:

14 (i) a [felony of the third degree if the amount
15 involved exceeds \$2,000;] felony:

16 (A) of the first degree if the amount involved
17 is \$500,000 or more;

18 (B) of the second degree if the amount involved

1 is \$100,000 or more but less than \$500,000; or

2 (C) of the third degree if the amount involved

3 is \$2,000 or more but less than \$100,000; or

4 (ii) a [misdemeanor of the first degree if the
5 amount involved is \$200 or more but \$2,000 or less;

6 (iii) a misdemeanor of the second degree if the
7 amount involved is less than \$200; or

8 (iv) when the amount involved cannot be
9 satisfactorily ascertained, the offense constitutes a
10 misdemeanor of the second degree.] misdemeanor:

11 (A) of the first degree if the amount is \$200 or
12 more but less than \$2,000;

13 (B) of the second degree if the amount is less
14 than \$200; or

15 (C) of the second degree if the amount involved
16 cannot be satisfactorily ascertained.

17 * * *

18 (d) Sentencing enhancement for offenses involving public
19 funds or breach of a fiduciary duty.--Notwithstanding section
20 1103 (relating to sentence of imprisonment for felony), the
21 maximum term of imprisonment for an offense graded under this
22 section may be increased by a term of imprisonment of up to five
23 years when the offense is from a political subdivision, local
24 authority or a public or private charitable organization or when
25 the offense constitutes a breach of fiduciary duty.

26 (e) Definitions.--As used in this section, the term
27 "charitable organization" has the meaning given in section 3 of
28 the act of December 19, 1990 (P.L.1200, No.202), known as the
29 Solicitation of Funds for Charitable Purposes Act.

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