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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1203 Session of  
2018

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INTRODUCED BY REGAN, WARD, ARGALL, FOLMER, RAFFERTY, MARTIN,  
RESCHENTHALER, EICHELBERGER AND AUMENT, JUNE 11, 2018

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REFERRED TO JUDICIARY, JUNE 11, 2018

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in assault, further providing for  
3 weapons of mass destruction; and, in theft and related  
4 offenses, further providing for grading of theft offenses.

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

7 Section 1. Sections 2716(i) and 3903(a.2) and (d) of Title  
8 18 of the Pennsylvania Consolidated Statutes are amended to  
9 read:

10 § 2716. Weapons of mass destruction.

11 \* \* \*

12 (i) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection:

15 "Biological agent." A natural or genetically engineered  
16 pathogen, toxin, virus, bacteria, prion, fungus or microorganism  
17 which causes infections, disease or bodily harm.

18 ["Bomb." An explosive device used for unlawful purposes.]

19 "Chemical agent." Any of the following:

1 (1) A nerve agent, including tabun (GA), sarin (GB),  
2 soman (GD), GF and VX.

3 (2) A choking agent, including phosgene (CG) and  
4 diphosgene (DP).

5 (3) A blood agent, including hydrogen cyanide (AC),  
6 cyanogen chloride (CK) and arsine (SA).

7 (4) A blister agent. This paragraph includes:

8 (i) Mustard (H).

9 (ii) Sulfur mustard (HD).

10 (iii) HN-1.

11 (iv) HN-2.

12 (v) Nitrogen mustard (HN-3).

13 (vi) An arsenical, such as lewisite (L).

14 (vii) An urticant, such as CX.

15 (viii) An incapacitating agent, such as B2.

16 (5) Any other chemical element or compound which causes  
17 death or bodily harm.

18 "Explosive material." Explosives, blasting agents and  
19 detonators.

20 "Explosives." Any chemical compound, mixture or device, the  
21 primary or common purpose of which is to function by explosion.  
22 The term includes, but is not limited to, dynamite and other  
23 high explosives, black powder, pellet powder, initiating  
24 explosives, detonators, safety fuses, squibs, detonating cord,  
25 igniter cord and igniters.

26 "Nuclear agent." A radioactive material.

27 "Weapon of mass destruction." A biological agent, [bomb,]  
28 chemical agent, explosive material or nuclear agent.

29 § 3903. Grading of theft offenses.

30 \* \* \*

1 (a.2) Felony of the first degree.--Except as provided in  
2 subsections (a) and (a.1), theft constitutes a felony of the  
3 first degree if:

4 (1) in the case of theft by receiving stolen property,  
5 the property received, retained or disposed of is a firearm  
6 or weapon of mass destruction and the receiver is in the  
7 business of buying or selling stolen property; [or]

8 (1.1) the property stolen is a weapon of mass  
9 destruction; or

10 (2) the amount involved is \$500,000 or more.

11 \* \* \*

12 (d) Definitions.--As used in this section, the following  
13 words and phrases shall have the meanings given to them in this  
14 subsection:

15 "Manmade disaster." Any industrial, nuclear or  
16 transportation accident, explosion, conflagration, power  
17 failure, natural resource shortage or other condition, except  
18 enemy action, resulting from manmade causes, such as oil spills  
19 and other injurious environmental contamination, which threatens  
20 or causes substantial damage to property, human suffering,  
21 hardship or loss of life.

22 "Natural disaster." Any hurricane, tornado, storm, flood,  
23 high water, wind-driven water, tidal wave, earthquake,  
24 landslide, mudslide, snowstorm, drought, fire, explosion or  
25 other catastrophe which results in substantial damage to  
26 property, hardship, suffering or possible loss of life.

27 "War-caused disaster." Any condition following an attack  
28 upon the United States resulting in substantial damage to  
29 property or injury to persons in the United States caused by use  
30 of bombs, missiles, shellfire, nuclear, radiological, chemical

1 or biological means, or other weapons or overt paramilitary  
2 actions, or other conditions such as sabotage.

3 "Weapon of mass destruction." A biological agent, chemical  
4 agent, explosive material or nuclear agent.

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