
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1863 Session of
2013

INTRODUCED BY MACKENZIE, CALTAGIRONE, MCNEILL, MILLARD, SWANGER,
R. BROWN, KORTZ, C. HARRIS, HARHAI, DeLUCA, WATSON, MURT AND
HARHART, NOVEMBER 25, 2013

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 2013

AN ACT

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

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

6 Section 1. Section 3903 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 3903. Grading of theft offenses.

9 (a) Felony of the second degree.--Theft constitutes a felony
10 of the second degree if:

11 (1) The offense is committed during a manmade disaster,
12 a natural disaster or a war-caused disaster and constitutes a
13 violation of section 3921 (relating to theft by unlawful
14 taking or disposition), 3925 (relating to receiving stolen
15 property), 3928 (relating to unauthorized use of automobiles
16 and other vehicles) or 3929 (relating to retail theft).

17 (2) The property stolen is a firearm.

18 (3) In the case of theft by receiving stolen property,

1 the property received, retained or disposed of is a firearm.

2 (4) The property stolen is any amount of anhydrous
3 ammonia.

4 (5) The amount involved is \$100,000 or more but less
5 than \$500,000.

6 (a.1) Felony of the third degree.--Except as provided in
7 subsection (a) or (a.2), theft constitutes a felony of the third
8 degree if the amount involved exceeds \$2,000, or if the property
9 stolen is an automobile, airplane, motorcycle, motorboat or
10 other motor-propelled vehicle, or in the case of theft by
11 receiving stolen property, if the receiver is in the business of
12 buying or selling stolen property.

13 (a.2) Felony of the first degree.--[Theft] Except as
14 provided in subsections (a) and (a.1), theft constitutes a
15 felony of the first degree if[,]:

16 (1) in the case of theft by receiving stolen property,
17 the property received, retained or disposed of is a firearm
18 and the receiver is in the business of buying or selling
19 stolen property[.]; or

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

21 (b) Other grades.--Theft not within subsection (a), (a.1) or
22 (a.2), constitutes a misdemeanor of the first degree, except
23 that if the property was not taken from the person or by threat,
24 or in breach of fiduciary obligation, and:

25 (1) the amount involved was \$50 or more but less than
26 \$200 the offense constitutes a misdemeanor of the second
27 degree; or

28 (2) the amount involved was less than \$50 the offense
29 constitutes a misdemeanor of the third degree.

30 (c) Valuation.--The amount involved in a theft shall be

1 ascertained as follows:

2 (1) Except as otherwise specified in this section, value
3 means the market value of the property at the time and place
4 of the crime, or if such cannot be satisfactorily
5 ascertained, the cost of replacement of the property within a
6 reasonable time after the crime.

7 (2) Whether or not they have been issued or delivered,
8 certain written instruments, not including those having a
9 readily ascertainable market value such as some public and
10 corporate bonds and securities, shall be evaluated as
11 follows:

12 (i) The value of an instrument constituting an
13 evidence of debt, such as a check, draft or promissory
14 note, shall be deemed the amount due or collectible
15 thereon or thereby, such figure ordinarily being the face
16 amount of the indebtedness less any portion thereof which
17 has been satisfied.

18 (ii) The value of any other instrument which
19 creates, releases, discharges or otherwise affects any
20 valuable legal right, privilege or obligation shall be
21 deemed the greatest amount of economic loss which the
22 owner of the instrument might reasonably suffer by virtue
23 of the loss of the instrument.

24 (3) When the value of property cannot be satisfactorily
25 ascertained pursuant to the standards set forth in paragraphs
26 (1) and (2) of this subsection its value shall be deemed to
27 be an amount less than \$50. Amounts involved in thefts
28 committed pursuant to one scheme or course of conduct,
29 whether from the same person or several persons, may be
30 aggregated in determining the grade of the offense.

1 (c.1) Sentencing enhancement for theft of public funds or
2 theft in breach of a fiduciary duty.--Notwithstanding section
3 1103 (relating to sentence of imprisonment for felony), the
4 maximum term of imprisonment for an offense graded under this
5 section may be increased by a term of imprisonment of up to five
6 years when the theft is from a political subdivision, local
7 authority or public or private charitable organization or when
8 the theft constitutes a breach of fiduciary duty.

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

12 "Charitable organization." Any person granted tax exempt
13 status under section 501(c)(3) of the Internal Revenue Code of
14 1986 (Public Law 99-514, 26 U.S.C. 501(c)(3)) or any person who
15 is or holds himself out to be established for any charitable
16 purpose or any person who in any manner employs a charitable
17 appeal as the basis of any solicitation or an appeal which has
18 the tendency to suggest there is a charitable purpose to any
19 solicitation. The term includes:

20 (1) An affiliate of a charitable organization which has
21 its principal place of business outside this Commonwealth.

22 (2) A bona fide duly constituted organization of law
23 enforcement personnel, firefighters or other personnel who
24 protect the public safety.

25 (3) A fraternal benefit society.

26 "Manmade disaster." Any industrial, nuclear or
27 transportation accident, explosion, conflagration, power
28 failure, natural resource shortage or other condition, except
29 enemy action, resulting from manmade causes, such as oil spills
30 and other injurious environmental contamination, which threatens

1 or causes substantial damage to property, human suffering,
2 hardship or loss of life.

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

8 "Person." Any individual, organization, corporation,
9 association, partnership, trust, foundation or any other entity
10 however styled.

11 "War-caused disaster." Any condition following an attack
12 upon the United States resulting in substantial damage to
13 property or injury to persons in the United States caused by use
14 of bombs, missiles, shellfire, nuclear, radiological, chemical
15 or biological means, or other weapons or overt paramilitary
16 actions, or other conditions such as sabotage.

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