

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 731 Session of 2013

INTRODUCED BY RAFFERTY, MENSCH, VULAKOVICH, YUDICHAK, WAUGH, STACK, SOLOBAY, ALLOWAY, YAW AND BOSCOLA, MARCH 26, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 22, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing FOR BURGLARY, FOR <--
3 ROBBERY, FOR GRADING OF THEFT OFFENSES AND for the offense of
4 retail theft.

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

7 Section 1. Section 3929(f) of Title 18 of the Pennsylvania <--
8 Consolidated Statutes is amended by adding a definition to read:

9 SECTION 1. SECTIONS 3502(C) (2) AND 3701(B) OF TITLE 18 OF <--

10 THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 3502. BURGLARY.

12 \* \* \*

13 (C) GRADING.--

14 \* \* \*

15 (2) [AN] AS FOLLOWS:

16 (I) EXCEPT UNDER SUBPARAGRAPH (II), AN OFFENSE UNDER
17 SUBSECTION (A) (4) IS A FELONY OF THE SECOND DEGREE.

18 (II) IF THE ACTOR'S INTENT UPON ENTERING THE

1 BUILDING, STRUCTURE OR PORTION UNDER SUBPARAGRAPH (I) IS  
2 TO COMMIT THEFT OF A CONTROLLED SUBSTANCE OR DESIGNER  
3 DRUG AS THOSE TERMS ARE DEFINED IN SECTION 2 OF THE ACT  
4 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
5 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT,  
6 BURGLARY IS A FELONY OF THE FIRST DEGREE.

7 \* \* \*

8 § 3701. ROBBERY.

9 \* \* \*

10 (B) GRADING.--[ROBBERY]

11 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), ROBBERY  
12 UNDER SUBSECTION (A) (1) (IV) AND (VI) IS A FELONY OF THE  
13 SECOND DEGREE; ROBBERY UNDER SUBSECTION (A) (1) (V) IS A FELONY  
14 OF THE THIRD DEGREE; OTHERWISE, IT IS A FELONY OF THE FIRST  
15 DEGREE.

16 (2) IF THE OBJECT OF A ROBBERY UNDER PARAGRAPH (1) IS A  
17 CONTROLLED SUBSTANCE OR DESIGNER DRUG AS THOSE TERMS ARE  
18 DEFINED IN SECTION 2 OF THE ACT OF APRIL 14, 1972 (P.L.233,  
19 NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
20 COSMETIC ACT, ROBBERY IS A FELONY OF THE FIRST DEGREE.

21 SECTION 2. SECTION 3903(A) OF TITLE 18 IS AMENDED BY ADDING  
22 A PARAGRAPH TO READ:

23 § 3903. GRADING OF THEFT OFFENSES.

24 (A) FELONY OF THE SECOND DEGREE.--THEFT CONSTITUTES A FELONY  
25 OF THE SECOND DEGREE IF:

26 \* \* \*

27 (5) THE PROPERTY STOLEN IS A CONTROLLED SUBSTANCE OR  
28 DESIGNER DRUG AS THOSE TERMS ARE DEFINED IN SECTION 2 OF THE  
29 ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE  
30 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

1 \* \* \*

2 SECTION 3. SECTION 3929(B) (1) (V) OF TITLE 18 IS AMENDED AND  
3 THE SECTION IS AMENDED BY ADDING A SUBSECTION TO READ:

4 § 3929. Retail theft.

5 \* \* \*

6 (B) GRADING.--

<--

7 (1) RETAIL THEFT CONSTITUTES A:

8 \* \* \*

9 (V) FELONY OF THE THIRD DEGREE WHEN THE AMOUNT  
10 INVOLVED EXCEEDS [\$2,000] \$1,000 OR IF THE MERCHANDISE  
11 INVOLVED IS A FIREARM OR A MOTOR VEHICLE.

12 \* \* \*

13 (B.1) CALCULATION OF PRIOR OFFENSES.--FOR THE PURPOSES OF  
14 THIS SECTION, IN DETERMINING WHETHER AN OFFENSE IS A FIRST,  
15 SECOND, THIRD OR SUBSEQUENT OFFENSE, THE COURT SHALL INCLUDE A  
16 CONVICTION, ACCEPTANCE OF ACCELERATED REHABILITATIVE DISPOSITION  
17 OR OTHER FORM OF PRELIMINARY DISPOSITION, OCCURRING BEFORE THE  
18 SENTENCING ON THE PRESENT VIOLATION, FOR AN OFFENSE UNDER THIS  
19 SECTION, AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE UNDER  
20 THIS SECTION OR UNDER THE PRIOR LAWS OF THIS COMMONWEALTH OR A  
21 SIMILAR OFFENSE UNDER THE STATUTES OF ANY OTHER STATE OR OF THE  
22 UNITED STATES.

23 \* \* \*

24 ~~(f) Definitions.~~

25 ~~\* \* \*~~

26 ~~"First offense." Any conviction, acceptance of Accelerated~~  
27 ~~Rehabilitative Disposition or other form of preliminary~~  
28 ~~disposition before the sentencing on the present violation for~~  
29 ~~an offense under this section or an offense substantially~~  
30 ~~similar to an offense under this section.~~

1       \* \* \*

2       ~~SECTION 4. THE AMENDMENT OR ADDITION OF 18 PA.C.S. §§~~  
3 ~~3502(C)(2), 3701(B) AND 3903(A)(5) SHALL APPLY TO OFFENSES~~  
4 ~~COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.~~

5       SECTION 4. THE AMENDMENT OR ADDITION OF 18 PA.C.S. §§       <--  
6 3502(C)(2), 3701(B), 3903(A)(5) AND 3929(B)(1)(V) SHALL APPLY TO  
7 OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS  
8 SECTION.

9       Section 2 5. The amendment of ~~18 Pa.C.S. § 3929(f)~~ 18       <--  
10 PA.C.S. § 3929(B.1) shall apply to sentences imposed on or after  
11 the effective date of this section.

12       Section 3 6. This act shall take effect in 60 days.       <--