

No. 143

AN ACT

To amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," changing and revising sections of said act, relating to obstructing an officer in the execution of process, fornication and bastardy, lotteries, firearms, receiving stolen property, trespass on posted property, cheating by fraudulent pretenses, principals in the second degree and accessories, aiders and abettors; and repealing certain sections relating to larceny and certain existing acts.

"The Penal Code."

Certain sections of "The Penal Code" amended.

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

Section 1. Sections 314, 506, 602, 628 (k), 817, 836, 881, 954 and 1105 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, eight hundred seventy-two), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," are hereby amended to read as follows:

Section 314. Obstructing Officer in the Execution of Process.—Whoever knowingly, wilfully and forcibly obstructs, resists or opposes any officer or other person duly authorized, in serving or attempting to serve or execute any legal process or order, *or in making a lawful arrest without warrant*, or assaults or beats any officer or person, duly authorized, in serving or executing any such legal process or order or for and because of having served or executed the same; *or in making a lawful arrest without warrant*; or rescues another in legal custody; or whoever being required by any officer, neglects or refuses to assist him in the execution of his office in any criminal case, or in the preservation of the peace, or in apprehending and securing any person for a breach of the peace, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment not exceeding one (1) year, or to pay a fine not exceeding five hundred dollars (\$500), or both.

Section 506. Fornication and Bastardy.—Whoever commits fornication, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100), for the use of the institution district where the offense was committed.

It shall be sufficient to convict an unmarried woman to show that a child was born of her body.

Any man charged by an unmarried woman with being the father of her bastard child, shall be the reputed father and if she persists in the charge in the time of her extremity of labor, or afterwards in open court, the

same shall be given in evidence in order to convict such person of fornication. Such man, being thereof convicted, shall be sentenced, in addition to the fine aforesaid, to pay the expenses incurred at the birth of such child, and if such child is born dead, or shall die during the continuance of the order for the maintenance of said child, to also pay the reasonable funeral expenses thereof, and to give security, by one or more sureties, and in such sum as the court shall direct, to the institution district where such child was born, to perform such order for the maintenance of the said child, as the court shall direct.

If a bastard child is begotten out of the State, and born within the State, or begotten within one of the counties of this State and born in another, in the latter case the prosecution of the reputed father may be in the county where the bastard child was born or begotten, and like sentence shall be passed as if the child had been *born and* begotten in that county; and in the former case like sentence shall be passed, except the fine for fornication.

Section 602. Traffic in Lottery Tickets.—Whoever sells, or exposes to sale, or causes to be sold or exposed to sale, or barter or exchanges or causes or offers to be bartered or exchanged, or advertises or causes to be advertised for sale, barter or exchange, or *has in his possession with intent to sell or barter*, any lottery or *numbers* ticket or share, or part thereof, or any lottery or *numbers* policy, or any writing, certificate, bill, token or other device purporting or intending to entitle, or represent as entitling the holder or bearer, or any other person, to any prize to be drawn in any lottery, or any part of such prize or any interest therein, or in any newspaper, magazine or periodical owned or controlled by him, publishes or causes to be published, any advertisement of any lottery or *numbers* ticket, share, policy, writing, certificate, bill, token or device, or of any lottery drawing or lottery scheme, or any prospectus, scheme, or other advertisement of any person conducting, managing or controlling any lottery, or acting as agent therefor, is guilty of a misdemeanor, and on conviction, shall be sentenced to imprisonment, by separate and solitary confinement at labor, not exceeding one (1) year or to pay a fine not exceeding five hundred dollars (\$500), or both.

The purchaser of such ticket, policy or device shall not be liable to any prosecution or penalty, by virtue of this or any other law of the Commonwealth, and shall in all respects, be a competent witness to prove the offense.

Section 628. Uniform Firearms Act.—

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(k) Petition to [Common Pleas] *Quarter Sessions* for Reversal.—Any applicant aggrieved by the refusal of his application for a license to carry a firearm or for a dealer's license, or any person or retail dealer whose license has been revoked, may file, within thirty (30) days thereafter, in the court of quarter sessions of his county, a petition against the official who refused his application, as defendant, alleging therein, in brief detail, the refusal complained of, and praying for reversal thereof. Upon service of a copy of the petition upon the defendant, returnable within ten (10) days from its date, the defendant shall, on or before the return day, file an answer in which he may allege by way of defense the reason for his refusal, and such other reasons as may in the meantime have been discovered. Upon application of either party, the cause shall be heard without delay. The court may either sustain or reverse the action of the defendant. If the defendant's action is reversed, he shall forthwith issue the license upon payment of the fee. A judgment sustaining a refusal to grant a license shall not bar, after one (1) year, a new application; nor shall a judgment in favor of the petitioner prevent the defendant from thereafter revoking or refusing to renew such license for any proper cause which may thereafter occur. The court shall have full power to dispose of all costs.

Section 817. Receiving Stolen Property.—Whoever buys, has, or receives any goods, chattels, money or securities, or any other matter or thing, which shall have been stolen or feloniously taken, either in this Commonwealth or in any other state or country, knowing, or *having reasonable cause to know* the same to have been stolen or feloniously taken, is guilty of a felony, and on conviction, shall be imprisoned not exceeding five (5) years or fined not exceeding one thousand dollars (\$1,000), or both.

Section 836. Cheating by Fraudulent Pretenses.—Whoever, by any false pretense, obtains the signature of any person to any written instrument, or obtains from any other person any chattel, money, or valuable security, with intent to cheat and defraud any person of the same, or being an officer, manager, agent, employe of or in any way interested in any person, by false pretense, knowingly and with intent to defraud, procures, obtains, or aids, assists, or abets in obtaining from any other person, any chattels, moneys, or valuable securities for such person of which he is an officer, manager, agent, employe or in which he is in any way interested, is guilty of a felony, and on conviction, shall be sentenced to pay a fine not exceeding five thousand dollars (\$5,000), or undergo imprisonment not exceeding five (5) years, or both.

If, upon the trial of any person indicted for such a [misdemeanor] *felony*, it shall be proved that he obtained the property in question in such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted of such [misdemeanor] *felony*. No person tried for such [misdemeanor] *felony* shall be liable to be afterwards prosecuted for larceny upon the same facts.

Section 881. Fraudulent Entry of Horses in Races.—Whoever enters or causes to be entered for competition, or competes for any purse, prize, premium, stake or sweepstake, offered or given by any agricultural or other society, association, or person, any horse, mare or gelding, colt or filly, under an assumed name, or out of its proper class, when such [price] *prize*, purse, premium, stake or sweepstake is to be decided by a contest, in running, trotting or pacing races, is guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment not exceeding six (6) months, or to pay a fine not exceeding two hundred dollars (\$200), or both.

Section 954. Trespass upon Posted Land.—Whoever wilfully enters upon any land, which the owner, *lessee*, or *occupant* has caused to be prominently posted with printed notices that the said land is private property, and warning all persons from trespassing thereon, under the penalties provided in this section, shall, upon conviction thereof in a summary proceeding, be sentenced to a fine not exceeding ten dollars (\$10), together with the costs of prosecution, and in default of payment of said fine and costs, shall be committed to jail for one (1) day for each dollar of fine imposed.

Section 1105. Principals in the Second Degree and Accessories, Aiders and Abettors.—Every principal in the second degree or accessory before the fact, to any felony at the common law or under any act of Assembly may be indicted, tried, convicted, and if no punishment is provided, may be punished in all respects as if he were the principal felon.

Every accessory after the fact to any felony at the common law or under any act of Assembly for whom no punishment is provided, shall *be guilty of a misdemeanor and*, on conviction, be sentenced to pay a fine not exceeding one thousand dollars (\$1,000), or to undergo imprisonment, with or without labor, not exceeding two (2) years, or both.

Every person who shall counsel, aid or abet the commission of any misdemeanor punishable under any act of Assembly for whom no punishment is provided, shall be liable to be proceeded against and punished as the principal offender.

Section 2. Sections 809 and 810 of said act, are hereby repealed.

Section 3. The following act is hereby repealed absolutely:

The act, approved the ninth day of July, one thousand nine hundred one (Pamphlet Laws, six hundred twelve), entitled "An act making it willful trespass to hunt, trap and take game birds or game animals upon cultivated lands, and providing for the punishment of such trespass."

APPROVED—The 21st day of May, A. D. 1943.

EDWARD MARTIN

No. 144

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by permitting the use of red signal lights and sound devices on certain additional vehicles; changing the provisions concerning rights of way; and providing penalties.

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

Section 1. Section eight hundred nine of the act, approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, nine hundred five), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and

"The Vehicle Code."

Certain sections of "The Vehicle Code" amended.