

shall exceed one thousand dollars (\$1000), shall be done under [a contract or] *separate* contracts to be entered into by such school district with the lowest responsible bidder, upon proper terms, after due public notice has been given asking for competitive bids. [The board of school directors shall, in its discretion, have prepared by an architect, engineer or other person preparing the specifications, separate specifications for construction, plumbing, heating and ventilating, and electrical work, or specifications covering all of the work of the building or project. The school district shall advertise for proposals on plans and specifications for the project determined to be undertaken and for bids covering the plans and specifications for the facilities, repairs or improvements intended to be contracted for. The board of school directors may receive separate bids on each of the branches of work or combinations thereof or a single bid on all the work. The board of school directors shall award the contract or contracts to the lowest responsible bidder or bidders] *Whenever a board of school directors shall approve the use of a prefabricated unit, complete in itself, for a school building or other proper structure to be erected upon school property, the board of school directors may have prepared appropriate specifications detailing the size and material desired in a particular prefabricated unit, including all utilities such as plumbing, heating and ventilating, and electrical work, and may advertise for a single bid on all the work and award the contract therefor to the lowest responsible bidder.* Provided, That if due to an emergency a school plant or any part thereof becomes unusable competitive bids for repairs or replacement may be solicited from at least three responsible bidders, and upon the approval of any of these bids by the State Superintendent of Public Instruction, the board of school directors may proceed at once to make the necessary repairs or replacements in accordance with the terms of said approved bid or bids.

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Section 2. This act shall take effect immediately.

APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 754

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," prohibiting the reduction of a charge of larceny to a charge of shoplifting.

The Penal Code.

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

Section 1. Section 816.1, act of June 24, 1939 (P. L. 872), known as "The Penal Code," added July 5, 1957 (P. L. 501), is amended to read:

Section 816.1,
act of June 24,
1939, P. L. 872,
added July 5,
1957, P. L. 501,
amended.

Section 816.1. Shoplifting.—(a) Whoever shall wilfully take possession of any goods, wares or merchandise offered for sale by any store or other mercantile establishment, with the intention of converting the same to his own use without paying the purchase price thereof, shall be guilty of shoplifting, and, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of not less than twenty-five dollars (\$25) and not more than fifty dollars (\$50), or to undergo imprisonment of not less than five (5) days and not more than ten (10) days, or both.

(b) Any person wilfully concealing unpurchased goods or merchandise of any store or other mercantile establishment, either on the premises or outside the premises of such store, shall be prima facie presumed to have so concealed such article with the intention of converting the same to his own use without paying the purchase price thereof within the meaning of subsection (a) of this section. and the finding of such unpurchased goods or merchandise concealed, upon the person or among the belongings of such person, shall be prima facie evidence of wilful concealment, and, if such person conceals, or causes to be concealed, such unpurchased goods or merchandise, upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of wilful concealment on the part of the person so concealing such goods. Persons so concealing such goods may be detained, in a reasonable manner and for a reasonable length of time, by a peace officer or a merchant or a merchant's employe in order that recovery of such goods may be effected. Such detention by a peace officer, merchant or a merchant's employe shall not render such peace officer, merchant or merchant's employe, criminally or civilly, liable for false arrest, false imprisonment or unlawful detention.

(c) The offenses for which penalties and the presumptions are herein provided shall not be exclusive, and shall be in addition to previously existing offenses, and such rights and presumptions as were heretofore provided by law. *No magistrate, alderman or justice of the peace shall have the power to reduce any charge of larceny to a charge of shoplifting as defined in this section.*

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 30th day of December, A. D. 1959.

DAVID L. LAWRENCE