

No. 334

AN ACT

SB 455

Amending the act of November 25, 1970 (No. 230), entitled "An act codifying and compiling a part of the law of the Commonwealth," adding provisions relating to crimes, offenses and punishment, and making repeals.

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

Section 1. Title 18, act of November 25, 1970 (No. 230), known as the "Consolidated Pennsylvania Statutes," is amended to read:

TITLE 18
CRIMES AND OFFENSES

Part

- I. Preliminary Provisions
- II. Definition of Specific Offenses

PART I
PRELIMINARY PROVISIONS

Chapter

1. General Provisions
3. Culpability
5. General Principles of Justification
7. Responsibility
9. Inchoate Crimes
11. Authorized Disposition of Offenders
13. Authority of Court in Sentencing

CHAPTER 1
GENERAL PROVISIONS

Sec.

101. Short title of title.
102. Territorial applicability.
103. Definitions.
104. Purposes.
105. Principles of construction.
106. Classes of offenses.
107. Application of preliminary provisions.
108. Time limitations.
109. When prosecution barred by former prosecution for the same offense.

110. When prosecution barred by former prosecution for different offense.
111. When prosecution barred by former prosecution in another jurisdiction.
112. Former prosecution before court lacking jurisdiction or when fraudulently procured by the defendant.

§ 101. Short title of title.

This title shall be known, and may be cited as, the "Crimes Code."

§ 102. Territorial applicability.

(a) General rule.—Except as otherwise provided in this section, a person may be convicted under the law of this Commonwealth of an offense committed by his own conduct or the conduct of another for which he is legally accountable if either:

(1) the conduct which is an element of the offense or the result which is such an element occurs within this Commonwealth;

(2) conduct occurring outside this Commonwealth is sufficient under the law of this Commonwealth to constitute an attempt to commit an offense within this Commonwealth;

(3) conduct occurring outside this Commonwealth is sufficient under the law of this Commonwealth to constitute a conspiracy to commit an offense within this Commonwealth and an overt act in furtherance of such conspiracy occurs within this Commonwealth;

(4) conduct occurring within this Commonwealth establishes complicity in the commission of, or an attempt, solicitation or conspiracy to commit, an offense in another jurisdiction which also is an offense under the law of this Commonwealth;

(5) the offense consists of the omission to perform a legal duty imposed by the law of this Commonwealth with respect to domicile, residence or a relationship to a person, thing or transaction in this Commonwealth; or

(6) the offense is based on a statute of this Commonwealth which expressly prohibits conduct outside this Commonwealth when the conduct bears a reasonable relation to a legitimate interest of this Commonwealth and the actor knows or should know that his conduct is likely to affect that interest.

(b) Exception.—Paragraph (a)(1) of this section does not apply when causing a particular result is an element of an offense and the result is caused by conduct occurring outside this Commonwealth which would not constitute an offense if the result had occurred there, unless the actor intentionally or knowingly caused the result within this Commonwealth.

(c) Homicide.—When the offense is homicide, either the death of the victim or the bodily impact causing death constitutes a "result," within the meaning of paragraph (a)(1) of this section and if the body of a homicide victim is found within this Commonwealth, it is presumed that such result occurred within this Commonwealth.

(d) Air space.—This Commonwealth includes the land and water and the air space above such land and water with respect to which the Commonwealth has legislative jurisdiction.

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific parts, articles, chapters or other provisions of this part, the following words and phrases, when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Act” or “action.” A bodily movement whether voluntary or involuntary.

“Actor.” Includes, where relevant, a person guilty of an omission.

“Acted” Includes, where relevant, “omitted to act.”

“Cohabit.” To live together under the representation or appearance of being married.

“Conduct.” An action or omission and its accompanying state of mind, or, where relevant, a series of acts and omissions.

“Element of an offense.” Such conduct or such attendant circumstances or such a result of conduct as:

- (1) is included in the description of the forbidden conduct in the definition of the offense;
- (2) establishes the required kind of culpability;
- (3) negatives an excuse or justification for such conduct;
- (4) negatives a defense under the statute of limitation; or
- (5) establishes jurisdiction or venue.

“Fiduciary.” Includes trustee, guardian, executor, administrator, receiver and any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

“Intentionally.” The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as “with intent,” “designed” or “with design” have the same meaning.

“Knowingly.” The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as “knowing” or “with knowledge” have the same meaning.

“Material element of an offense.” An element that does not relate exclusively to the statute of limitations, jurisdiction, venue or to any other matter similarly unconnected with:

- (1) the harm or evil incident to conduct, sought to be prevented by the law defining the offense; or
- (2) the existence of a justification or excuse for such conduct.

“Negligently.” The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as “negligence” or “with negligence” have the same meaning.

“Omission.” A failure to act.

“Purposely” or “with purpose.” Intentionally.

“Reasonably believes” or “reasonable belief.” A belief which the actor is not reckless or negligent in holding.

“Recklessly.” The meaning specified in section 302 of this title (relating to general requirements of culpability) and equivalent terms such as “recklessness” or “with recklessness” have the same meaning.

“Statute.” Includes the Constitution of Pennsylvania and a local law or ordinance of a political subdivision.

“Whoever.” Includes any person.

§ 104. Purposes.

The general purposes of this title are:

(1) To forbid and prevent conduct that unjustifiably inflicts or threatens substantial harm to individual or public interest.

(2) To safeguard conduct that is without fault from condemnation as criminal.

(3) To safeguard offenders against excessive, disproportionate or arbitrary punishment.

(4) To give fair warning of the nature of the conduct declared to constitute an offense, and of the sentences that may be imposed on conviction of an offense.

(5) To differentiate on reasonable grounds between serious and minor offenses, and to differentiate among offenders with a view to a just individualization in their treatment.

§ 105. Principles of construction.

The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title and the special purposes of the particular provision involved. The discretionary powers conferred by this title shall be exercised in accordance with the criteria stated in this title and, in so far as such criteria are not decisive, to further the general purposes stated in this title.

§ 106. Classes of offenses.

(a) General rule.—An offense defined by this title for which a sentence of death or of imprisonment is authorized constitutes a crime.

The classes of crime are:

(1) Murder of the first degree.

(2) Felony of the first degree.

(3) Felony of the second degree.

(4) Felony of the third degree.

(5) Misdemeanor of the first degree.

(6) Misdemeanor of the second degree.

(7) Misdemeanor of the third degree.

(b) Classification of crimes.—

(1) A crime is a murder of the first degree if it is so designated in this title or if a person convicted of criminal homicide may be sentenced

in accordance with the provisions of section 1102 of this title (relating to sentence for murder of the first degree).

(2) A crime is a felony of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is more than ten years.

(3) A crime is a felony of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than ten years.

(4) A crime is a felony of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than seven years.

(5) A crime declared to be a felony, without specification of degree, is of the third degree.

(6) A crime is a misdemeanor of the first degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than five years.

(7) A crime is a misdemeanor of the second degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than two years.

(8) A crime is a misdemeanor of the third degree if it is so designated in this title or if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than one year.

(9) A crime declared to be a misdemeanor, without specification of degree, is of the third degree.

(c) Summary offenses.—An offense defined by this title constitutes a summary offense if:

(1) it is so designated in this title, or in a statute other than this title;
or

(2) if a person convicted thereof may be sentenced to a term of imprisonment, the maximum of which is not more than 90 days.

(d) Other crimes.—Any offense declared by law to constitute a crime, without specification of the class thereof, is a misdemeanor of the second degree, if the maximum sentence does not make it a felony under this section.

(e) Section applicable to other statutes.—An offense hereafter defined by any statute other than this title shall be classified as provided in this section.

§ 107. Application of preliminary provisions.

(a) General rule.—The provisions of Part I of this title (relating to preliminary provisions) are applicable to offenses defined by this title or by any other statute.

(b) Common law crimes abolished.—No conduct constitutes a crime unless it is a crime under this title or another statute of this Commonwealth.

(c) Exceptions.—This section does not affect the power of a court to declare forfeitures or to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree, nor does it bar, suspend, or otherwise affect any right of liability to damages, penalty, forfeiture or other remedy authorized by law to be recovered or enforced in a civil action, regardless of whether the conduct involved in such civil action or matter constitutes an offense defined in this title.

§ 108. Time limitations.

(a) Murder.—A prosecution for murder of the first degree or of the second degree may be commenced at any time.

(b) Other offenses.—Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitation:

(1) A prosecution for any of the following offenses under this code must be commenced within five years after it is committed:

Section 3123 (relating to involuntary deviate sexual intercourse)

Section 3301 (relating to arson and related offenses)

Section 3502 (relating to burglary)

Section 3701 (relating to robbery)

Section 4101 (relating to forgery)

Section 4902 (relating to perjury)

(2) A prosecution for any other offense under this code must be commenced within two years after it is committed.

(c) Exceptions.—If the period prescribed in subsection (b) of this section has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(2) Any offense committed by a public officer or employe in the course of or in connection with his office or employment at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(d) Commission of offense.—An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the complicity of the defendant therein is terminated. Time starts to run on the day after the offense is committed.

(e) Commencement of prosecution.—A prosecution is commenced

either when an indictment is found or when a warrant or summons is issued, if such warrant or summons is executed without reasonable delay.

(f) Tolling of statute.—The period of limitation does not run:

(1) during any time when the accused is continuously absent from this Commonwealth or has no reasonably ascertainable place of abode or work within this Commonwealth; or

(2) during any time when a prosecution against the accused for the same conduct is pending in this Commonwealth.

§ 109. When prosecution barred by former prosecution for the same offense.

When a prosecution is for a violation of the same provision of the statutes and is based upon the same facts as a former prosecution, it is barred by such former prosecution under the following circumstances:

(1) The former prosecution resulted in an acquittal. There is an acquittal if the prosecution resulted in a finding of not guilty by the trier of fact or in a determination that there was insufficient evidence to warrant a conviction. A finding of guilty of a lesser included offense is an acquittal of the greater inclusive offense, although the conviction is subsequently set aside.

(2) The former prosecution was terminated, after the indictment had been found, by a final order or judgment for the defendant, which has not been set aside, reversed, or vacated and which necessarily required a determination inconsistent with a fact or a legal proposition that must be established for conviction of the offense.

(3) The former prosecution resulted in a conviction. There is a conviction if the prosecution resulted in a judgment of conviction which has not been reversed or vacated, a verdict of guilty which has not been set aside and which is capable of supporting a judgment, or a plea of guilty accepted by the court. In the latter two cases failure to enter judgment must be for a reason other than a motion of the defendant.

(4) The former prosecution was improperly terminated after the first witness was sworn but before a verdict, or after a plea of guilty was accepted by the court.

§ 110. When prosecution barred by former prosecution for different offense.

Although a prosecution is for a violation of a different provision of the statutes than a former prosecution or is based on different facts, it is barred by such former prosecution under the following circumstances:

(1) The former prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title (relating to when prosecution barred by former prosecution for same offense) and the subsequent prosecution is for:

(i) any offense of which the defendant could have been convicted on the first prosecution;

(ii) any offense based on the same conduct or arising from the same criminal episode, if such offense was known to the appropriate prosecuting officer at the time of the commencement of the first trial

and was within the jurisdiction of a single court unless the court ordered a separate trial of the charge of such offense; or

(iii) the same conduct, unless:

(A) the offense of which the defendant was formerly convicted or acquitted and the offense for which he is subsequently prosecuted each requires proof of a fact not required by the other and the law defining each of such offenses is intended to prevent a substantially different harm or evil; or

(B) the second offense was not consummated when the former trial began.

(2) The former prosecution was terminated, after the indictment was found, by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed or vacated and which acquittal, final order or judgment necessarily required a determination inconsistent with a fact which must be established for conviction of the second offense.

(3) The former prosecution was improperly terminated, as improper termination is defined in section 109 of this title (relating to when prosecution barred by former prosecution for same offense) and the subsequent prosecution is for an offense of which the defendant could have been convicted had the former prosecution not been improperly terminated.

§ 111. When prosecution barred by former prosecution in another jurisdiction.

When conduct constitutes an offense within the concurrent jurisdiction of this Commonwealth and of the United States or another state, a prosecution in any such other jurisdiction is a bar to a subsequent prosecution in this Commonwealth under the following circumstances:

(1) The first prosecution resulted in an acquittal or in a conviction as defined in section 109 of this title (relating to when prosecution barred by former prosecution for same offense) and the subsequent prosecution is based on the same conduct unless:

(i) the offense of which the defendant was formerly convicted or acquitted and the offense for which he is subsequently prosecuted each requires proof of a fact not required by the other and the law defining each of such offenses is intended to prevent a substantially different harm or evil; or

(ii) the second offense was not consummated when the former trial began.

(2) The former prosecution was terminated, after the indictment was found, by an acquittal or by a final order or judgment for the defendant which has not been set aside, reversed or vacated and which acquittal, final order or judgment necessarily required a determination inconsistent with a fact which must be established for conviction of the offense of which the defendant is subsequently prosecuted.

§ 112. Former prosecution before court lacking jurisdiction or when fraudulently procured by the defendant.

A prosecution is not a bar within the meaning of section 109 of this title (relating to when prosecution barred by former prosecution for same offense) through section 111 of this title (relating to when prosecution barred by former prosecution in another jurisdiction) under any of the following circumstances:

- (1) The former prosecution was before a court which lacked jurisdiction over the defendant or the offense.
- (2) The former prosecution was procured by the defendant without the knowledge of the appropriate prosecuting officer and with the purpose of avoiding the sentence which might otherwise be imposed.
- (3) The former prosecution resulted in a judgment of conviction which was held invalid in a subsequent proceeding on a writ of habeas corpus, coram nobis or similar process.

**CHAPTER 3
CULPABILITY**

Sec.

301. Requirement of voluntary act.
302. General requirements of culpability.
303. Causal relationship between conduct and result.
304. Ignorance or mistake.
305. Limitations on scope of culpability requirements.
306. Liability for conduct of another; complicity.
307. Liability of organizations and certain related persons.
308. Intoxication or drugged condition.
309. Duress.
310. Military orders.
311. Consent.
312. De minimis infractions.
313. Entrapment.

§ 301. Requirement of voluntary act.

(a) General rule.—A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act or the omission to perform an act of which he is physically capable.

(b) Omission as basis of liability.—Liability for the commission of an offense may not be based on an omission unaccompanied by action unless:

- (1) the omission is expressly made sufficient by the law defining the offense; or
- (2) a duty to perform the omitted act is otherwise imposed by law.

(c) Possession as an act.—Possession is an act, within the meaning of this section, if the possessor knowingly procured or received the thing possessed or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

§ 302. General requirements of culpability.

(a) Minimum requirements of culpability.—Except as provided in section 305 of this title (relating to limitations on scope of culpability requirements), a person is not guilty of an offense unless he acted intentionally, knowingly, recklessly or negligently, as the law may require, with respect to each material element of the offense.

(b) Kinds of culpability defined.—

(1) A person acts intentionally with respect to a material element of an offense when:

(i) if the element involves the nature of his conduct or a result thereof, it is his conscious object to engage in conduct of that nature or to cause such a result; and

(ii) if the element involves the attendant circumstances, he is aware of the existence of such circumstances or he believes or hopes that they exist.

(2) A person acts knowingly with respect to a material element of an offense when:

(i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and

(ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

(3) A person acts recklessly with respect to a material element of an offense when he consciously disregards a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that, considering the nature and intent of the actor's conduct and the circumstances known to him, its disregard involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor's situation.

(4) A person acts negligently with respect to a material element of an offense when he should be aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct. The risk must be of such a nature and degree that the actor's failure to perceive it, considering the nature and intent of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the actor's situation.

(c) Culpability required unless otherwise provided.—When the culpability sufficient to establish a material element of an offense is not prescribed by law, such element is established if a person acts intentionally, knowingly or recklessly with respect thereto.

(d) Prescribed culpability requirement applies to all material elements.—When the law defining an offense prescribes the kind of culpability that is sufficient for the commission of an offense, without distinguishing among the material elements thereof, such provision shall

apply to all the material elements of the offense, unless a contrary purpose plainly appears.

(e) Substitutes for negligence, recklessness and knowledge.—When the law provides that negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

(f) Requirement of intent satisfied if intent is conditional.—When a particular intent is an element of an offense, the element is established although such intent is conditional, unless the condition negatives the harm or evil sought to be prevented by the law defining the offense.

(g) Requirement of willfulness satisfied by acting knowingly.—A requirement that an offense be committed willfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements appears.

(h) Culpability as to illegality of conduct.—Neither knowledge nor recklessness or negligence as to whether conduct constitutes an offense or as to the existence, meaning or application of the law determining the elements of an offense is an element of such offense, unless the definition of the offense or this title so provides.

§ 303. Causal relationship between conduct and result.

(a) General rule.—Conduct is the cause of a result when:

(1) it is an antecedent but for which the result in question would not have occurred; and

(2) the relationship between the conduct and result satisfies any additional causal requirements imposed by this title or by the law defining the offense.

(b) Divergence between result designed or contemplated and actual result.—When intentionally or knowingly causing a particular result is an element of an offense, the element is not established if the actual result is not within the intent or the contemplation of the actor unless:

(1) the actual result differs from that designed or contemplated as the case may be, only in the respect that a different person or different property is injured or affected or that the injury or harm designed or contemplated would have been more serious or more extensive than that caused; or

(2) the actual result involves the same kind of injury or harm as that designed or contemplated and is not too remote or accidental in its occurrence to have a bearing on the actor's liability or on the gravity of his offense.

(c) Divergence between probable and actual result.—When recklessly or negligently causing a particular result is an element of an offense, the element is not established if the actual result is not within the risk of which the actor is aware or, in the case of negligence, of which he should be aware unless:

(1) the actual result differs from the probable result only in the respect that a different person or different property is injured or affected or that the probable injury or harm would have been more serious or more extensive than that caused; or

(2) the actual result involves the same kind of injury or harm as the probable result and is not too remote or accidental in its occurrence to have a bearing on the liability of the actor or on the gravity of his offense.

(d) Absolute liability.—When causing a particular result is a material element of an offense for which absolute liability is imposed by law, the element is not established unless the actual result is a probable consequence of the conduct of the actor.

§ 304. Ignorance or mistake.

Ignorance or mistake as to a matter of fact, for which there is reasonable explanation or excuse, is a defense if:

(1) the ignorance or mistake negatives the intent, knowledge, belief, recklessness, or negligence required to establish a material element of the offense; or

(2) the law provides that the state of mind established by such ignorance or mistake constitutes a defense.

§ 305. Limitations on scope of culpability requirements.

(a) When culpability requirements are inapplicable to summary offenses and to offenses defined by other statutes.—The requirements of culpability prescribed by section 301 of this title (relating to requirement of voluntary act) and section 302 of this title (relating to general requirements of culpability) do not apply to:

(1) summary offenses, unless the requirement involved is included in the definition of the offense or the court determines that its application is consistent with effective enforcement of the law defining the offense; or

(2) offenses defined by statutes other than this title, in so far as a legislative purpose to impose absolute liability for such offenses or with respect to any material element thereof plainly appears.

(b) Effect of absolute liability in reducing grade of offense to summary offense.—Notwithstanding any other provision of existing law and unless a subsequent statute otherwise provides:

(1) when absolute liability is imposed with respect to any material element of an offense defined by a statute other than this title and a conviction is based upon such liability, the offense constitutes a summary offense; and

(2) although absolute liability is imposed by law with respect to one or more of the material elements of an offense defined by a statute other than this title, the culpable commission of the offense may be charged and proved, in which event negligence with respect to such elements constitutes sufficient culpability and the classification of the offense and

the sentence that may be imposed therefor upon conviction are determined by section 106 of this title (relating to classes of offenses) and Chapter 11 of this title (relating to authorized disposition of offenders).

§ 306. Liability for conduct of another; complicity.

(a) General rule.—A person is guilty of an offense if it is committed by his own conduct or by the conduct of another person for which he is legally accountable, or both.

(b) Conduct of another.—A person is legally accountable for the conduct of another person when:

(1) acting with the kind of culpability that is sufficient for the commission of the offense, he causes an innocent or irresponsible person to engage in such conduct;

(2) he is made accountable for the conduct of such other person by this title or by the law defining the offense; or

(3) he is an accomplice of such other person in the commission of the offense.

(c) Accomplice defined.—A person is an accomplice of another person in the commission of an offense if:

(1) with the intent of promoting or facilitating the commission of the offense, he:

(i) solicits such other person to commit it; or

(ii) aids or agrees or attempts to aid such other person in planning or committing it; or

(2) his conduct is expressly declared by law to establish his complicity.

(d) Culpability of accomplice.—When causing a particular result is an element of an offense, an accomplice in the conduct causing such result is an accomplice in the commission of that offense, if he acts with the kind of culpability, if any, with respect to that result that is sufficient for the commission of the offense.

(e) Status of actor.—In any prosecution for an offense in which criminal liability of the defendant is based upon the conduct of another person pursuant to this section, it is no defense that the offense in question, as defined, can be committed only by a particular class or classes of persons, and the defendant, not belonging to such class or classes, is for that reason legally incapable of committing the offense in an individual capacity.

(f) Exceptions.—Unless otherwise provided by this title or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:

(1) he is a victim of that offense;

(2) the offense is so defined that his conduct is inevitably incident to its commission; or

(3) he terminates his complicity prior to the commission of the offense and:

(i) wholly deprives it of effectiveness in the commission of the offense; or

(ii) gives timely warning to the law enforcement authorities or otherwise makes proper effort to prevent the commission of the offense.

(g) Prosecution of accomplice only.—An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree of offense or has an immunity to prosecution or conviction or has been acquitted.

§ 307. Liability of organizations and certain related persons.

(a) Corporations generally.—A corporation may be convicted of the commission of an offense if:

(1) the offense is a summary offense or the offense is defined by a statute other than this title in which a legislative purpose to impose liability on corporations plainly appears and the conduct is performed by an agent of the corporation acting in behalf of the corporation within the scope of his office or employment, except that if the law defining the offense designates the agents for whose conduct the corporation is accountable or the circumstances under which it is accountable, such provisions shall apply;

(2) the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or

(3) the commission of the offense was authorized, requested, commanded, performed or recklessly tolerated by the board of directors or by a high managerial agent acting in behalf of the corporation within the scope of his office or employment.

(b) Corporations, absolute liability.—When absolute liability is imposed for the commission of an offense, a legislative purpose to impose liability on a corporation shall be assumed, unless the contrary plainly appears.

(c) Unincorporated associations.—An unincorporated association may be convicted of the commission of an offense if:

(1) the offense is defined by a statute other than this title which expressly provides for the liability of such an association and the conduct is performed by an agent of the association acting in behalf of the association within the scope of his office or employment, except that if the law defining the offense designates the agents for whose conduct the association is accountable or the circumstances under which it is accountable, such provisions shall apply; or

(2) the offense consists of an omission to discharge a specific duty of affirmative performance imposed on associations by law.

(d) Defenses.—In any prosecution of a corporation or an unincorporated association for the commission of an offense included

within the terms of paragraph (a)(1) or paragraph (c)(1) of this section, other than an offense for which absolute liability has been imposed, it shall be a defense if the defendant proves by a preponderance of evidence that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission. This subsection shall not apply if it is plainly inconsistent with the legislative purpose in defining the particular offense.

(e) Persons acting or under a duty to act for organizations.—

(1) A person is legally accountable for any conduct he performs or causes to be performed in the name of a corporation or an unincorporated association or in its behalf to the same extent as if it were performed in his own name or behalf.

(2) Whenever a duty to act is imposed by law upon a corporation or an unincorporated association, any agent of the corporation or association having primary responsibility for the discharge of the duty is legally accountable for a reckless omission to perform the required act to the same extent as if the duty were imposed by law directly upon himself.

(3) When a person is convicted of an offense by reason of his legal accountability for the conduct of a corporation or an unincorporated association, he is subject to the sentence authorized by law when a natural person is convicted of an offense of the grade and the degree involved.

(f) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Agent.” Any director, officer, servant, employe or other person authorized to act in behalf of the corporation or association and, in the case of an unincorporated association, a member of such association.

“Corporation.” Does not include an entity organized as or by a governmental agency for the execution of a governmental program.

“High managerial agent.” An officer of a corporation or an unincorporated association, or, in the case of a partnership, a partner, or any other agent of a corporation or association having duties of such responsibility that his conduct may fairly be assumed to represent the policy of the corporation or association.

§ 308. Intoxication or drugged condition.

Intoxication or drugged condition are not, as such, defenses to a criminal charge; but in any prosecution for any offense, evidence of intoxication or drugged condition of the defendant may be offered by the defendant whenever it is relevant to negative an element of the offense.

§ 309. Duress.

(a) General rule.—It is a defense that the actor engaged in the conduct charged to constitute an offense because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

(b) Exception.—The defense provided by subsection (a) of this section is unavailable if the actor recklessly placed himself in a situation in which it was probable that he would be subjected to duress. The defense is also unavailable if he was negligent in placing himself in such a situation, whenever negligence suffices to establish culpability for the offense charged.

§ 310. Military orders.

It is a defense that the actor, in engaging in the conduct charged to constitute an offense, does no more than execute an order of his superior in the armed services which he does not know and cannot reasonably be expected to know to be unlawful.

§ 311. Consent.

(a) General rule.—The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(b) Consent to bodily injury.—When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

(1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

(2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

(c) Ineffective consent.—Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

(1) it is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense;

(2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;

(3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or

(4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

§ 312. De minimis infractions.

(a) General rule.—The court shall dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the conduct of the defendant:

(1) was within a customary license or tolerance, neither expressly negated by the person whose interest was infringed nor inconsistent with the purpose of the law defining the offense;

(2) did not actually cause or threaten the harm or evil sought to be

prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or

(3) presents such other extenuations that it cannot reasonably be regarded as envisaged by the General Assembly or other authority in forbidding the offense.

(b) **Written statement.**—The court shall not dismiss a prosecution under paragraph (a)(3) of this section without filing a written statement of its reasons.

§ 313. Entrapment.

(a) **General rule.**—A public law enforcement official or a person acting in cooperation with such an official perpetrates an entrapment if for the purpose of obtaining evidence of the commission of an offense, he induces or encourages another person to engage in conduct constituting such offense by either:

(1) making knowingly false representations designed to induce the belief that such conduct is not prohibited; or

(2) employing methods of persuasion or inducement which create a substantial risk that such an offense will be committed by persons other than those who are ready to commit it.

(b) **Burden of proof.**—Except as provided in subsection (c) of this section, a person prosecuted for an offense shall be acquitted if he proves by a preponderance of evidence that his conduct occurred in response to an entrapment.

(c) **Exception.**—The defense afforded by this section is unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening such injury to a person other than the person perpetrating the entrapment.

CHAPTER 5
GENERAL PRINCIPLES OF JUSTIFICATION

Sec.

501. Definitions.

502. Justification a defense.

503. Justification generally.

504. Execution of public duty.

505. Use of force in self-protection.

506. Use of force for the protection of other persons.

507. Use of force for the protection of property.

508. Use of force in law enforcement.

509. Use of force by persons with special responsibility for care, discipline or safety of others.

510. Justification in property crimes.

§ 501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Believes” or “belief.” Means “reasonably believes” or “reasonable belief.”

“Correctional institution.” Any penal institution, penitentiary, State farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

“Deadly force.” Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

“Dwelling.” Any building or structure though movable or temporary, or a portion thereof, which is for the time being the home or place of lodging of the actor.

“Peace officer.” Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to section 311, of the act of May 27, 1949 (P.L.1903), known as “The Military Code of 1949.”

“Unlawful force.” Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it otherwise is legally effective, except assent to the infliction of death or serious bodily injury.

§ 502. Justification a defense.

In any prosecution based on conduct which is justifiable under this chapter, justification is a defense.

§ 503. Justification generally.

(a) General rule.—Conduct which the actor believes to be necessary to avoid a harm or evil to himself or to another is justifiable if:

(1) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged;

(2) neither this title nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and

(3) a legislative purpose to exclude the justification claimed does not otherwise plainly appear.

(b) Choice of evils.—When the actor was reckless or negligent in

bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct, the justification afforded by this section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

§ 504. Execution of public duty.

(a) General rule.—Except as provided in subsection (b) of this section, conduct is justifiable when it is required or authorized by any law of the following:

(1) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties.

(2) The law governing the execution of legal process.

(3) The judgment or order of a competent court or tribunal.

(4) The law governing the armed services or the lawful conduct of war.

(5) Any other provision of law imposing a public duty.

(b) Exceptions.—The other sections of this chapter apply to:

(1) The use of force upon or toward the person of another for any of the purposes dealt with in such sections.

(2) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.

(c) Requisite state of mind.—The justification afforded by subsection (a) of this section applies:

(1) when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and

(2) when the actor believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

§ 505. Use of force in self-protection.

(a) Use of force justifiable for protection of the person.—The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

(b) Limitations on justifying necessity for use of force.—

(1) The use of force is not justifiable under this section:

(i) to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(ii) to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or

(C) the actor believes that such force is necessary to protect himself against death or serious bodily injury.

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(A) the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be; and

(B) a public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as required by paragraphs (1) and (2) of this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

(c) Use of confinement as protective force.—The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

§ 506. Use of force for the protection of other persons.

(a) General rule.—The use of force upon or toward the person of another is justifiable to protect a third person when:

(1) the actor would be justified under section 505 of this title (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;

(2) under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and

(3) the actor believes that his intervention is necessary for the protection of such other person.

(b) Exceptions.—Notwithstanding subsection (a) of this section:

(1) When the actor would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-protection, he is not obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person.

(2) When the person whom the actor seeks to protect would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the actor is obliged to try to cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way.

(3) Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the dwelling or place of work of the other to any greater extent than in his own.

§ 507. Use of force for the protection of property.

(a) Use of force justifiable for protection of property.—The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary:

(1) to prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible movable property, if such land or movable property is, or is believed by the actor to be, in his possession or in the possession of another person for whose protection he acts; or

(2) to effect an entry or reentry upon land or to retake tangible movable property, if:

(i) the actor believes that he or the person by whose authority he acts or a person from whom he or such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession; and

(ii) —

(A) the force is used immediately or on fresh pursuit after such dispossession; or

(B) the actor believes that the person against whom he uses force has no claim of right to the possession of the property and, in the case of land, the circumstances, as the actor believes them

to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained.

(b) Meaning of possession.—For the purpose of subsection (a) of this section:

(1) A person who has parted with the custody of property to another who refuses to restore it to him is no longer in possession, unless the property is movable and was and still is located on land in his possession.

(2) A person who has been dispossessed of land does not regain possession thereof merely by setting foot thereon.

(3) A person who has a license to use or occupy real property is deemed to be in possession thereof except against the licensor acting under claim of right.

(c) Limitations on justifiable use of force.—

(1) The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor believes that:

(i) such request would be useless;

(ii) it would be dangerous to himself or another person to make the request; or

(iii) substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.

(2) The use of force to prevent or terminate a trespass is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily injury.

(3) The use of force to prevent an entry or reentry upon land or the recaption of movable property is not justifiable under this section, although the actor believes that such reentry or caption is unlawful, if:

(i) the reentry or recaption is made by or on behalf of a person who was actually dispossessed of the property; and

(ii) it is otherwise justifiable under paragraph (a)(2) of this section.

(4) The use of deadly force is not justifiable under this section unless the actor believes that:

(i) the person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(ii) such force is necessary to prevent the commission of a felony in the dwelling.

(d) Use of confinement as protective force.—The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.

(e) Use of device to protect property.—The justification afforded by this section extends to the use of a device for the purpose of protecting property only if:

(1) the device is not designed to cause or known to create a substantial risk of causing death or serious bodily injury;

(2) the use of the particular device to protect the property from entry or trespass is reasonable under the circumstances, as the actor believes them to be; and

(3) the device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

(f) Use of force to pass wrongful obstructor.—The use of force to pass a person whom the actor believes to be intentionally or knowingly and unjustifiably obstructing the actor from going to a place to which he may lawfully go is justifiable, if:

(1) the actor believes that the person against whom he uses force has no claim of right to obstruct the actor;

(2) the actor is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the person obstructing him, or in the possession or custody of another person by whose authority the obstructor acts, unless the circumstances, as the actor believes them to be, are of such urgency that it would not be reasonable to postpone the entry or movement on such land until a court order is obtained; and

(3) the force used is not greater than it would be justifiable if the person obstructing the actor were using force against him to prevent his passage.

§ 508. Use of force in law enforcement.

(a) Peace officer's use of force in making arrest.—

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

(i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and

(ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

(2) A peace officer making an arrest pursuant to an invalid warrant

is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(b) Private person's use of force in making arrest.—

(1) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another.

(2) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

(3) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:

(i) he believes the arrest is lawful; and

(ii) the arrest would be lawful if the facts were as he believes them to be.

(c) Use of force to prevent escape.—

(1) A peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.

(2) A guard or other peace officer is justified in the use of force, including deadly force, which he believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(d) Use of force to prevent suicide or the commission of crime.—

(1) The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily injury upon himself, committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace, except that:

(i) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

(ii) The use of deadly force is not in any event justifiable under this subsection unless:

(A) the actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

(B) the actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

(2) The justification afforded by this subsection extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under subparagraph (1)(ii) of this section.

(3) The actor is the guardian or other person similarly responsible for the general care and supervision of an incompetent person; and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the incompetent person, including the prevention of his misconduct, or, when such incompetent person is in a hospital or other institution for his care and custody, for the maintenance of reasonable discipline in such institution; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme or unnecessary pain, mental distress, or humiliation.

(4) The actor is a doctor or other therapist or a person assisting him at his direction; and:

(i) the force is used for the purpose of administering a recognized form of treatment not prohibited by law of this Commonwealth which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(ii) the treatment is administered with the consent of the patient, or, if the patient is a minor or an incompetent person with the consent of his parent or guardian or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(5) The actor is a warden or other authorized official of a correctional institution; and:

(i) he believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his error is due to ignorance or mistake as to the provisions of this title, any other provision of the criminal law or the law governing the administration of the institution;

(ii) the nature or degree of force used is not forbidden by law; and

(iii) if deadly force is used, its use is otherwise justifiable under this chapter.

(6) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his direction; and:

(i) he believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order, unless his belief in the lawfulness of the order is erroneous and his error is due to ignorance or mistake as to the law defining his authority; and

(ii) if deadly force is used, its use is otherwise justifiable under this chapter.

(7) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train or other carrier or in a place where others are assembled; and:

(i) he believes that the force used is necessary for such purpose; and

(ii) the force used is not designed to cause death, or known to create a substantial risk of causing death, bodily injury, or extreme mental distress.

§ 510. Justification in property crimes.

Conduct involving the appropriation, seizure or destruction of, damage to, intrusion on or interference with property is justifiable under circumstances which would establish a defense of privilege in a civil action based thereon, unless:

- (1) this title or the law defining the offense deals with the specific situation involved; or
- (2) a legislative purpose to exclude the justification claimed otherwise plainly appears.

CHAPTER 7
RESPONSIBILITY
(Reserved)

CHAPTER 9
INCHOATE CRIMES

Sec.

901. Criminal attempt.

902. Criminal solicitation.

903. Criminal conspiracy.

904. Incapacity, irresponsibility or immunity of party to solicitation or conspiracy.

905. Grading of criminal attempt, solicitation and conspiracy.

906. Multiple convictions barred.

907. Possessing instruments of crime.

908. Prohibited offensive weapons.

909. Manufacture, distribution or possession of master keys for motor vehicles.

910. Manufacture, distribution or possession of devices for theft of telecommunications services.

911. Corrupt organizations.

§ 901. Criminal attempt.

(a) Definition of attempt.—A person commits an attempt when, with intent to commit a specific crime, he does any act which constitutes a substantial step toward the commission of that crime.

(b) Impossibility.—It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the crime attempted.

(c) Renunciation.—

(1) In any prosecution for an attempt to commit a crime, it is a defense that, under circumstances manifesting a voluntary and complete renunciation of his criminal intent, the defendant avoided the commission of the crime attempted by abandoning his criminal effort and, if the mere abandonment was insufficient to accomplish such

avoidance, by taking further and affirmative steps which prevented the commission thereof.

(2) A renunciation is not "voluntary and complete" within the meaning of this subsection if it is motivated in whole or part by:

(i) a belief that circumstances exist which increase the probability of detection or apprehension of the defendant or another participant in the criminal enterprise, or which render more difficult the accomplishment of the criminal purpose; or

(ii) a decision to postpone the criminal conduct until another time or to transfer the criminal effort to another victim or another but similar objective.

§ 902. Criminal solicitation.

(a) Definition of solicitation.—A person is guilty of solicitation to commit a crime if with the intent of promoting or facilitating its commission he commands, encourages or requests another person to engage in specific conduct which would constitute such crime or an attempt to commit such crime or which would establish his complicity in its commission or attempted commission.

(b) Renunciation.—It is a defense that the actor, after soliciting another person to commit a crime, persuaded him not to do so or otherwise prevented the commission of the crime, under circumstances manifesting a complete and voluntary renunciation of his criminal intent.

§ 903. Criminal conspiracy.

(a) Definition of conspiracy.—A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

(1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

(b) Scope of conspiratorial relationship.—If a person guilty of conspiracy, as defined by subsection (a) of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring with such other person or persons, to commit such crime whether or not he knows their identity.

(c) Conspiracy with multiple criminal objectives.—If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

(d) Joinder and venue in conspiracy prosecutions.—

(1) Subject to the provisions of paragraph (2) of this subsection, two or more persons charged with criminal conspiracy may be prosecuted jointly if:

- (i) they are charged with conspiring with one another; or
 - (ii) the conspiracies alleged, whether they have the same or different parties, are so related that they constitute different aspects of a scheme of organized criminal conduct.
- (2) In any joint prosecution under paragraph (1) of this subsection:
- (i) no defendant shall be charged with a conspiracy in any county other than one in which he entered into such conspiracy or in which an overt act pursuant to such conspiracy was done by him or by a person with whom he conspired;
 - (ii) neither the liability of any defendant nor the admissibility against him of evidence of acts or declarations of another shall be enlarged by such joinder; and
 - (iii) the court shall order a severance or take a special verdict as to any defendant who so requests, if it deems it necessary or appropriate to promote the fair determination of his guilt or innocence, and shall take any other proper measures to protect the fairness of the trial.
- (e) Overt act.—No person may be convicted of conspiracy to commit a crime unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with whom he conspired.
- (f) Renunciation.—It is a defense that the actor, after conspiring to commit a crime, thwarted the success of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of his criminal intent.
- (g) Duration of conspiracy.—For purposes of section 108(d) of this title (relating to commission of offense):
- (1) conspiracy is a continuing course of conduct which terminates when the crime or crimes which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired;
 - (2) such abandonment is presumed if neither the defendant nor anyone with whom he conspired does any overt act in pursuance of the conspiracy during the applicable period of limitation; and
 - (3) if an individual abandons the agreement, the conspiracy is terminated as to him only if and when he advises those with whom he conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation therein.
- § 904. Incapacity, irresponsibility or immunity of party to solicitation or conspiracy.**
- (a) General rule.—Except as provided in subsection (b) of this section, it is immaterial to the liability of a person who solicits or conspires with another to commit a crime that:
- (1) he or the person whom he solicits or with whom he conspires

does not occupy a particular position or have a particular characteristic which is an element of such crime, if he believes that one of them does;
or

(2) the person whom he solicits or with whom he conspires is irresponsible or has an immunity to prosecution or conviction for the commission of the crime.

(b) Exception.—It is a defense to a charge of solicitation or conspiracy to commit a crime that if the criminal object were achieved, the actor would not be guilty of a crime under the law defining the offense or as an accomplice under section 306(e) of this title (relating to status of actor) or section 306(f)(1) or (2) of this title (relating to exceptions).

§ 905. Grading of criminal attempt, solicitation and conspiracy.

(a) Grading.—Except as otherwise provided in this section, attempt, solicitation and conspiracy are crimes of the same grade and degree as the most serious offense which is attempted or solicited or is an object of the conspiracy. An attempt, solicitation or conspiracy to commit murder of the first degree or a felony of the first degree is a felony of the second degree.

(b) Mitigation.—If the particular conduct charged to constitute a criminal attempt, solicitation or conspiracy is so inherently unlikely to result or culminate in the commission of a crime that neither such conduct nor the actor presents a public danger warranting the grading of such offense under this section, the court may dismiss the prosecution.

§ 906. Multiple convictions barred.

A person may not be convicted of more than one offense defined by this chapter for conduct designed to commit or to culminate in the commission of the same crime.

§ 907. Possessing instruments of crime.

(a) Criminal instruments generally.—A person commits a misdemeanor of the first degree if he possesses any instrument of crime with intent to employ it criminally.

(b) Possession of weapon.—A person commits a misdemeanor of the first degree if he possesses a firearm or other weapon concealed upon his person with intent to employ it criminally.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Instrument of crime.”

(1) Anything specially made or specially adapted for criminal use;
or

(2) anything commonly used for criminal purposes and possessed by the actor under circumstances not manifestly appropriate for lawful uses it may have.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a clip or

other component to render it immediately operable, and components which can readily be assembled into a weapon.

§ 908. Prohibited offensive weapons.

(a) **Offense defined.**—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells, or otherwise deals in, uses, or possesses any offensive weapon.

(b) **Exception.**—It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(c) **Definition.**—As used in this section “offensive weapon” means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge, any blackjack, sandbag, metal knuckles, dagger, knife, razor or cutting instrument, the blade of which is exposed in an automatic way by switch, push-button, spring mechanism, or otherwise, or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

§ 909. Manufacture, distribution or possession of master keys for motor vehicles.

(a) **Offense defined.**—A person commits a misdemeanor of the first degree if he manufactures, distributes, or possesses any motor vehicle master key.

(b) **Exception.**—Subsection (a) of this section shall not apply to:

(1) The introduction, manufacture for introduction, transportation, distribution, sale or possession in commerce in this Commonwealth of motor vehicle master keys for use in the ordinary course of business by any commercial or professional locksmith, common carrier, contract carrier, motor vehicle fleet owner, new or used car dealer, rental car agency, car manufacturer, automobile club or association operating in more than one state or an affiliate thereof, or any department, agency, or instrumentality of:

(i) the Commonwealth of Pennsylvania, the United States, any state, the District of Columbia, or any possession of the United States; or

(ii) any political subdivision of any entity specified in subparagraph (i) of this paragraph.

(2) The shipment, transportation, or delivery for shipment in commerce in this Commonwealth of motor vehicle master keys in the ordinary course of business by any common carrier or contract carrier.

(c) **Definition.**—As used in this section “master key” means any key adapted to fit the ignition switch, trunk or door of two or more motor vehicles, the ignition switches, trunks or doors of which are designed to be operated by keys.

§ 910. Manufacture, distribution or possession of devices for theft of telecommunications services.

Any person is guilty of a misdemeanor of the second degree if he:

(1) makes or possesses any instrument, apparatus, equipment or device designed, adapted or which can be used:

(i) for commission of a theft of telecommunications service; or

(ii) to conceal or to assist another to conceal from any supplier of telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(2) sells, gives or otherwise transfers to another, or offers or advertises for sale any instrument, apparatus, equipment or device described in paragraph (1) of this section, or plans or instructions for making or assembling the same, under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment or device, or to allow the same to be used or employed for a purpose described in paragraph (1) of this section, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or device.

§ 911. Corrupt organizations.

(a) Findings of fact.—The General Assembly finds that:

(1) organized crime is a highly sophisticated, diversified, and widespread phenomenon which annually drains billions of dollars from the national economy by various patterns of unlawful conduct including the illegal use of force, fraud, and corruption;

(2) organized crime exists on a large scale within the Commonwealth of Pennsylvania, engaging in the same patterns of unlawful conduct which characterize its activities nationally;

(3) the vast amounts of money and power accumulated by organized crime are increasingly used to infiltrate and corrupt legitimate businesses operating within the Commonwealth, together with all of the techniques of violence, intimidation, and other forms of unlawful conduct through which such money and power are derived;

(4) in furtherance of such infiltration and corruption, organized crime utilizes and applies to its unlawful purposes laws of the Commonwealth of Pennsylvania conferring and relating to the privilege of engaging in various types of business and designed to insure that such businesses are conducted in furtherance of the public interest and the general economic welfare of the Commonwealth;

(5) such infiltration and corruption provide an outlet for illegally obtained capital, harm innocent investors, entrepreneurs, merchants and consumers, interfere with free competition, and thereby constitute a substantial danger to the economic and general welfare of the Commonwealth of Pennsylvania; and

(6) in order to successfully resist and eliminate this situation, it is necessary to provide new remedies and procedures.

(b) Prohibited activities.—

(1) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity in which such person participated as a principal, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in the acquisition of any interest in, or the establishment or operation of, any enterprise: Provided, however, That a purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issue held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern of racketeering activity after such purchase, do not amount in the aggregate to 1% of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer: Provided, further, That if, in any proceeding involving an alleged investment in violation of this subsection, it is established that over half of the defendant's aggregate income for a period of two or more years immediately preceding such investment was derived from a pattern of racketeering activity, a rebuttable presumption shall arise that such investment included income derived from such pattern of racketeering activity.

(2) It shall be unlawful for any person through a pattern of racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.

(3) It shall be unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

(4) It shall be unlawful for any person to conspire to violate any of the provisions of subsections (1), (2) or (3) of this subsection.

(c) Grading.—Whoever violates any provision of subsection (b) of this section is guilty of a felony of the first degree. A violation of this subsection shall be deemed to continue so long as the person who committed the violation continues to receive any benefit from the violation.

(d) Civil remedies.—

(1) The several courts of common pleas, and the Commonwealth Court, shall have jurisdiction to prevent and restrain violations of subsection (b) of this section by issuing appropriate orders, including but not limited to:

(i) ordering any person to divest himself of any interest direct or indirect, in the enterprise; imposing reasonable restrictions on the future activities or investments of any person, including but not

limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in; and

(ii) making due provision for the rights of innocent persons, ordering the dissolution of the enterprise, ordering the denial, suspension or revocation of charters of domestic corporations, certificates of authority authorizing foreign corporations to do business within the Commonwealth of Pennsylvania, licenses, permits, or prior approval granted to any enterprise by any department or agency of the Commonwealth of Pennsylvania; or prohibiting the enterprise from engaging in any business.

(2) In any proceeding under this subsection, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination, the court may enter preliminary or special injunctions, or take such other actions, including the acceptance of satisfactory performance bonds, as it may deem proper.

(3) A final judgment or decree rendered in favor of the Commonwealth of Pennsylvania in any criminal proceeding under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this subsection.

(4) Proceedings under this subsection, at pretrial, trial and appellate levels, shall be governed by the Pennsylvania Rules of Civil Procedure and all other rules and procedures relating to civil actions, except to the extent inconsistent with the provisions of this section.

(e) Enforcement.—

(1) The Attorney General shall have the power and duty to enforce the provisions of this section, including the authority to issue civil investigative demands pursuant to subsection (f), institute proceedings under subsection (d), and to take such actions as may be necessary to ascertain and investigate alleged violations of this section.

(2) The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under the provisions of this section.

(3) Nothing contained in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons, enterprises, or matters falling within the scope of this section.

(f) Civil investigative demand.—

(1) Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary material relevant to a racketeering investigation, he may issue in writing, and cause to be served upon such person or enterprise, a civil investigative demand requiring the production of such material for examination.

(2) Each such demand shall:

(i) state the nature of the conduct constituting the alleged racketeering violation which is under investigation, the provision of law applicable thereto and the connection between the documentary material demanded and the conduct under investigation;

(ii) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(iii) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction;

(iv) identify a racketeering investigator to whom such material shall be made available; and

(v) contain the following statement printed conspicuously at the top of the demand: "You have the right to seek the assistance of any attorney and he may represent you in all phases of the racketeering investigation of which this civil investigative demand is a part."

(3) No such demand shall:

(i) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged racketeering violation; or

(ii) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged racketeering violation.

(4) Service of any such demand or any petition filed under this subsection shall be made in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of writs and complaints.

(5) A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

(6) (i) Any party upon whom any demand issued under this subsection has been duly served shall make such material available for inspection and copying or reproduction to the racketeering investigator designated therein at the principal place of business of such party, or at such other place as such investigator and such party thereafter may agree or as the court may direct pursuant to this subsection, on the return date specified in such demand. Such party may upon agreement of the investigator substitute copies of all or any part of such material for the originals thereof.

(ii) The racketeering investigator to whom any documentary

material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for its return pursuant to this subsection. The investigator may cause the preparation of such copies of such documentary material as may be required for official use. While in the possession of the investigator, no material so produced shall be available for examination, without the consent of the party who produced such material, by any individual other than the Attorney General or any racketeering investigator. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the investigator shall be available for examination by the party who produced such material or any duly authorized representatives of such party.

(iii) Upon completion of:

(A) the racketeering investigation for which any documentary material was produced under this subsection; and

(B) any case or proceeding arising from such investigation, the investigator shall return to the party who produced such material all such material other than copies thereof made pursuant to this subsection which have not passed into the control of any court or grand jury through introduction into the record of such case or proceeding.

(iv) When any documentary material has been produced by any party under this subsection for use in any racketeering investigation, and no case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such party shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material, other than copies thereof made pursuant to this subsection, so produced by such party.

(7) Whenever any person or enterprise fails to comply with any civil investigative demand duly served upon him under this subsection or whenever satisfactory copying or reproduction of any such material cannot be done and such party refuses to surrender such material, the Attorney General may file, in the court of common pleas for any county in which such party resides or transacts business, and serve upon such party a petition for an order of such court for the enforcement of this subsection, except that if such person transacts business in more than one county such petition shall be filed in the county in which party maintains his or its principal place of business.

(8) Within 20 days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file, in the court of common pleas of the county within which such party resides

or transacts business, and serve upon the Attorney General a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this subsection or upon any constitutional or other legal right or privilege of such party.

(9) At any time during which the Attorney General is in custody or control of any documentary material delivered by any party in compliance with any such demand, such party may file, in the court of common pleas of the county within which such documentary material was delivered, and serve upon the Attorney General a petition for an order of such court requiring the performance of any duty imposed by this subsection.

(10) Whenever any petition is filed in any court of common pleas under this subsection, such court shall have jurisdiction to hear and determine the matter so presented, and, after a hearing at which all parties are represented, to enter such order or orders as may be required to carry into effect the provisions of this subsection.

(g) Immunity.—Whenever any individual refuses, on the basis of his privilege against self-incrimination, to comply with a civil investigative demand issued pursuant to subsection (f) of this section or to testify or produce other information in any proceeding under subsection (d) of this section, the Attorney General may invoke the provisions of the act of November 22, 1968 (No. 333), entitled “An act authorizing courts of record to grant witnesses immunity from prosecution for or on account of any matter or thing concerning which they were ordered to testify in a proceeding before certain grand juries, investigating committees or commissions and courts of record; making the refusal to testify after such immunity criminal contempt and providing penalties,” by presenting a petition pursuant to section 2 of that act: Provided, however, That the phrase “cause of action” in section 3 of that act shall not refer to civil proceedings brought pursuant to the provisions of subsection (d) of this section.

(h) Definitions.—As used in this section:

(1) “Racketeering activity” means:

(i) any act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)

Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)

Chapter 33 (relating to arson, etc.)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to perjury and other falsification in official matters)

Section 5512 through 5514 (relating to gambling)

Chapter 59 (relating to public indecency)

(ii) any offense indictable under section 20 (d) of the act of September 26, 1961 (P.L.1664), known as "The Drug, Device and Cosmetic Act" (relating to the sale and dispensing of narcotic drugs);

(iii) any conspiracy to commit any of the offenses set forth in subclauses (i) and (ii) of this clause; or

(iv) the collection of any money or other property in full or partial satisfaction of a debt which arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

Any act which otherwise would be considered racketeering activity by reason of the application of this clause, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

(2) "Person" means any individual or entity capable of holding a legal or beneficial interest in property.

(3) "Enterprise" means any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity, engaged in commerce.

(4) "Pattern of racketeering activity" refers to a course of conduct requiring two or more acts of racketeering activity one of which occurred after the effective date of this section.

(5) "Racketeering investigator" means an attorney, investigator or investigative body so designated in writing by the Attorney General and charged with the duty of enforcing or carrying into effect the provisions of this section.

(6) "Racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this section or of any order, judgment, or decree of any court duly entered in any case or proceeding arising under this section.

(7) "Documentary material" means any book, paper, record, recording, tape, report, memorandum, written communication, or other document relating to the business affairs of any person or enterprise.

CHAPTER 11
AUTHORIZED DISPOSITION OF OFFENDERS

Sec.

1101. Fines.

1102. Sentence for murder of the first degree.

1103. Sentence of imprisonment for felony.

1104. Sentence of imprisonment for misdemeanors.

1105. Sentence of imprisonment for summary offenses.

§ 1101. Fines.

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

(1) \$25,000, when the conviction is of a felony of the first or second degree.

(2) \$15,000, when the conviction is of a felony of the third degree.

(3) \$10,000, when the conviction is of a misdemeanor of the first degree.

(4) \$5,000, when the conviction is of a misdemeanor of the second degree.

(5) \$2,500, when the conviction is of a misdemeanor of the third degree.

(6) \$300, when the conviction is of a summary offense.

(7) Any higher amount equal to double the pecuniary gain derived from the offense by the offender.

(8) Any higher or lower amount specifically authorized by statute.

§ 1102. Sentence for murder of the first degree.

A person who has been convicted of a murder of the first degree shall be sentenced to death or to a term of life imprisonment.

§ 1103. Sentence of imprisonment for felony.

A person who has been convicted of a felony may be sentenced to imprisonment as follows:

(1) In the case of a felony of the first degree, for a term which shall be fixed by the court at not more than 20 years.

(2) In the case of a felony of the second degree, for a term which shall be fixed by the court at not more than ten years.

(3) In the case of a felony of the third degree, for a term which shall be fixed by the court at not more than seven years.

§ 1104. Sentence of imprisonment for misdemeanors.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than:

(1) Five years in the case of a misdemeanor of the first degree.

(2) Two years in the case of a misdemeanor of the second degree.

(3) One year in the case of a misdemeanor of the third degree.

§ 1105. Sentence of imprisonment for summary offenses.

A person who has been convicted of a summary offense may be sentenced to imprisonment for a term which shall be fixed by the court at not more than 90 days.

CHAPTER 13
AUTHORITY OF COURT IN SENTENCING
(Reserved)

PART II
DEFINITION OF SPECIFIC OFFENSES

Article

- A. Offenses Against Existence or Stability of Government
- B. Offenses Involving Danger to the Person
- C. Offenses Against Property
- D. Offenses Against the Family
- E. Offenses Against Public Administration
- F. Offenses Against Public Order and Decency
- G. Miscellaneous Offenses

ARTICLE A

OFFENSES AGAINST EXISTENCE OR STABILITY OF
GOVERNMENT

Chapter

- 21. Offenses Against the Flag

CHAPTER 21
OFFENSES AGAINST THE FLAG

Sec.

- 2101. Display of flag at public meetings.
- 2102. Desecration of flag.
- 2103. Insults to national or Commonwealth flag.

§ 2101. Display of flag at public meetings.

(a) Offense defined.—A person is guilty of a summary offense if, being directly or indirectly in charge of any public gathering, in any place, he fails at such gathering to display publicly and visibly the flag of the United States reasonably clean and in good repair.

(b) Exceptions.—

(1) Subsection (a) of this section does not apply to gatherings for religious worship.

(2) The provisions of subsection (a) of this section do not prohibit the exhibition of torn, soiled or worn flags of the United States which have historical significance when exhibited in conjunction with the type of flag required by subsection (a) of this section.

§ 2102. Desecration of flag.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if, in any manner, he:

(1) for exhibition or display places any marks, writing or design of any nature or any advertisement upon any flag;

(2) exposes to public view any such marked or defiled flag;

(3) manufactures, sells, exposes for sale, gives away, or has in his possession for any of such purposes any article which uses the flag for the purposes of advertisement, sale or trade; or

(4) publicly or privately mutilates, defaces, defiles, or tramples upon, or casts contempt in any manner upon any flag.

(b) Exception.—Subsection (a) of this section does not apply:

(1) To any act permitted by the statutes of the United States, or by the regulations of the armed forces of the United States.

(2) In a case where the government of the United States has granted the use of such flag, standard, color, or ensign as a trademark.

(3) To any writing or instrument, or stationery for use in correspondence on any of which shall be printed, painted, or placed said flag, disconnected from any advertisement for the purpose of sale or trade.

(4) To any patriotic or political demonstration or decorations.

(c) Definitions.—As used in this section the word “flag,” shall include any flag, standard, color, ensign or any picture or representation of any thereof, made of any substance or represented on any substance and of any size, purporting to be a flag, standard, color or ensign of the United States or of the Commonwealth, or a picture or a representation of any thereof, upon which shall be shown the colors or any color, or any combination of colors, or either the stars or the stripes, or the stars and the stripes, in any number of either thereof, or anything which the person seeing the same, may reasonably believe the same to represent the flag, colors, standard or ensign of the United States or of the Commonwealth.

§ 2103. Insults to national or Commonwealth flag.

A person is guilty of a misdemeanor of the second degree if he maliciously takes down, defiles, injures, removes or in any manner damages, insults, or destroys any American flag or the flag of the Commonwealth which is displayed anywhere.

ARTICLE B**OFFENSES INVOLVING DANGER TO THE PERSON****Chapter**

- 23. General Provisions
- 25. Criminal Homicide
- 27. Assault
- 29. Kidnapping
- 31. Sexual Offenses

CHAPTER 23
GENERAL PROVISIONS

Sec.

2301. Definitions.

§ 2301. **Definitions.**

Subject to additional definitions contained in subsequent provisions of this article which are applicable to specific chapters or other provisions of this article, the following words and phrases, when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Bodily injury.” Impairment of physical condition or substantial pain.

“Deadly weapon.” Any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or serious bodily injury, or any other device or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

“Serious bodily injury.” Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Serious provocation.” Conduct sufficient to excite an intense passion in a reasonable person.

CHAPTER 25
CRIMINAL HOMICIDE

Sec.

2501. Criminal homicide.

2502. Murder.

2503. Voluntary manslaughter.

2504. Involuntary manslaughter.

2505. Causing or aiding suicide.

§ 2501. **Criminal homicide.**

(a) Offense defined.—A person is guilty of criminal homicide if he intentionally, knowingly, recklessly or negligently causes the death of another human being.

(b) Classification.—Criminal homicide shall be classified as murder, voluntary manslaughter, or involuntary manslaughter.

§ 2502. **Murder.**

(a) Murder of the first degree.—A criminal homicide constitutes murder of the first degree when it is committed by means of poison, or by lying in wait, or by any other kind of willful, deliberate, and premeditated killing. A criminal homicide constitutes murder of the first

degree if the actor is engaged in or is an accomplice in the commission of, or an attempt to commit, or flight after committing, or attempting to commit robbery, rape, or deviate sexual intercourse by force or threat of force, arson, burglary, or kidnapping.

(b) Murder of the second degree.—All other kinds of murder shall be murder of the second degree. Murder of the second degree is a felony of the first degree.

§ 2503. Voluntary manslaughter.

(a) General rule.—A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by:

- (1) the individual killed; or
- (2) another whom the actor endeavors to kill, but he negligently or accidentally causes the death of the individual killed.

(b) Unreasonable belief killing justifiable.—A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 of this title, but his belief is unreasonable.

(c) Grading.—Voluntary manslaughter is a felony of the second degree.

§ 2504. Involuntary manslaughter.

(a) General rule.—A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.

(b) Grading.—Involuntary manslaughter is a misdemeanor of the first degree.

§ 2505. Causing or aiding suicide.

(a) Causing suicide as criminal homicide.—A person may be convicted of criminal homicide for causing another to commit suicide only if he intentionally causes such suicide by force, duress or deception.

(b) Aiding or soliciting suicide as an independent offense.—A person who intentionally aids or solicits another to commit suicide is guilty of a felony of the second degree if his conduct causes such suicide or an attempted suicide, and otherwise of a misdemeanor of the second degree.

CHAPTER 27
ASSAULT

Sec.

2701. Simple assault.

2702. Aggravated assault.

2703. Assault by prisoner.

- 2704. Assault by life prisoner.
- 2705. Recklessly endangering another person.
- 2706. Terroristic threats.
- 2707. Propulsion of missiles into an occupied vehicle.
- 2708. Use of tear or noxious gas in labor disputes.
- 2709. Harassment.

§ 2701. Simple assault.

(a) Offense defined.—A person is guilty of assault if he:

- (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another;
- (2) negligently causes bodily injury to another with a deadly weapon; or
- (3) attempts by physical menace to put another in fear of imminent serious bodily injury.

(b) Grading.—Simple assault is a misdemeanor of the second degree unless committed in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree.

§ 2702. Aggravated assault.

(a) Offense defined.—A person is guilty of aggravated assault if he:

- (1) attempts to cause serious bodily injury to another, or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life;
- (2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a police officer making or attempting to make a lawful arrest;
- (3) attempts to cause or intentionally or knowingly causes bodily injury to a police officer making or attempting to make a lawful arrest;

or

- (4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon.

(b) Grading.—Aggravated assault under paragraphs (a)(1) and (a)(2) of this section is a felony of the second degree. Aggravated assault under paragraphs (a)(3) and (a)(4) of this section is a misdemeanor of the first degree.

§ 2703. Assault by prisoner.

A person who has been sentenced to imprisonment for any term of years in any penal or correctional institution, located in this Commonwealth, is guilty of a felony of the second degree if he, while undergoing imprisonment, intentionally or knowingly commits an assault upon another with a deadly weapon or instrument, or by any means or force likely to produce serious bodily injury.

§ 2704. Assault by life prisoner.

Every person who has been sentenced to death or life imprisonment in any penal institution located in this Commonwealth, and whose sentence has not been commuted, who commits an aggravated assault with a deadly

weapon or instrument upon another, or by any means of force likely to produce serious bodily injury, is guilty of a crime, the penalty for which shall be the same as the penalty for murder of the first degree.

§ 2705. Recklessly endangering another person.

A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

§ 2706. Terroristic threats.

A person is guilty of a misdemeanor of the first degree if he threatens to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

§ 2707. Propulsion of missiles into an occupied vehicle.

Whoever intentionally throws, shoots or propels a rock, stone, brick, or piece of iron, steel or other like metal, or any deadly or dangerous missile, or fire bomb, into a vehicle or instrumentality of public transportation that is occupied by one or more persons commits a misdemeanor of the first degree.

§ 2708. Use of tear or noxious gas in labor disputes.

(a) **Offense defined.**—A person other than a duly constituted officer of the law is guilty of a misdemeanor of the first degree if he uses or directs the use of tear or noxious gas against any person involved in a labor dispute.

(b) **Definition.**—As used in this section the term “tear or noxious gas” means any liquid or gaseous substance that, when dispersed in the atmosphere, blinds the eyes with tears or irritates or injures other organs and tissues of the human body or causes nausea.

§ 2709. Harassment.

A person commits a summary offense when, with intent to harass, annoy or alarm another person:

- (1) he strikes, shoves, kicks or otherwise subjects him to physical contact, or attempts or threatens to do the same; or
- (2) he follows a person in or about a public place or places; or
- (3) he engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

CHAPTER 29
KIDNAPPING

Sec.

2901. Kidnapping.

2902. Felonious restraint.

2903. False imprisonment.

2904. Interference with custody of children.

2905. Interference with custody of committed persons.

2906. Criminal coercion.

§ 2901. Kidnapping.

(a) Offense defined.—A person is guilty of kidnapping if he unlawfully removes another a substantial distance under the circumstances from the place where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following intentions:

- (1) To hold for ransom or reward, or as a shield or hostage.
- (2) To facilitate commission of any felony or flight thereafter.
- (3) To inflict bodily injury on or to terrorize the victim or another.
- (4) To interfere with the performance by public officials of any governmental or political function.

(b) Grading.—Kidnapping is a felony of the first degree. A removal or confinement is unlawful within the meaning of this section if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 years or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

§ 2902. Felonious restraint.

A person commits a misdemeanor of the first degree if he knowingly:

- (1) restrains another unlawfully in circumstances exposing him to risk of serious bodily injury; or
- (2) holds another in a condition of involuntary servitude.

§ 2903. False imprisonment.

A person commits a misdemeanor of the second degree if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

§ 2904. Interference with custody of children.

(a) Offense defined.—A person commits an offense if he knowingly or recklessly takes or entices any child under the age of 18 years from the custody of its parent, guardian or other lawful custodian, when he has no privilege to do so.

(b) Defenses.—It is a defense that:

- (1) the actor believed that his action was necessary to preserve the child from danger to its welfare; or
- (2) the child, being at the time not less than 14 years old, was taken away at its own instigation without enticement and without purpose to commit a criminal offense with or against the child; or
- (3) the actor is the child's parent or guardian or other lawful custodian and is not acting contrary to an order entered by a court of competent jurisdiction.

(c) Grading.—The offense is a misdemeanor of the second degree unless the actor, not being a parent or person in equivalent relation to the child, acted with knowledge that his conduct would cause serious alarm

for the safety of the child, or in reckless disregard of a likelihood of causing such alarm, in which case the offense is a misdemeanor of the first degree.

§ 2905. Interference with custody of committed persons.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he knowingly or recklessly takes or entices any committed person away from lawful custody when he is not privileged to do so.

(b) Definitions.—As used in this section the term “committed person” means, in addition to anyone committed under judicial warrant, any orphan, neglected or delinquent child, mentally defective or insane person, or other dependent or incompetent person entrusted to the custody of another by or through a recognized social agency or otherwise by authority of law.

§ 2906. Criminal coercion.

(a) Offense defined.—A person is guilty of criminal coercion, if, with intent unlawfully to restrict freedom of action of another to the detriment of the other, he threatens to:

- (1) commit any criminal offense;
- (2) accuse anyone of a criminal offense;
- (3) expose any secret tending to subject any person to hatred, contempt or ridicule; or
- (4) take or withhold action as an official, or cause an official to take or withhold action.

(b) Defense.—It is a defense to prosecution based on paragraphs (a)(2),(a)(3) or (a)(4) of this section that the actor believed the accusation or secret to be true or the proposed official action justified and that his intent was limited to compelling the other to behave in a way reasonably related to the circumstances which were the subject of the accusation, exposure or proposed official action, as by desisting from further misbehavior, making good a wrong done, refraining from taking any action or responsibility for which the actor believes the other disqualified.

(c) Grading.—Criminal coercion is a misdemeanor of the second degree unless the threat is to commit a felony or the intent of the actor is felonious, in which cases the offense is a misdemeanor of the first degree.

CHAPTER 31
SEXUAL OFFENSES

Subchapter

- A. General Provisions
- B. Definition of Offenses

SUBCHAPTER A
GENERAL PROVISIONS

Sec.

- 3101. Definitions.
- 3102. Mistake as to age.
- 3103. Spouse relationships.
- 3104. Sexually promiscuous complainants.
- 3105. Prompt complaint.
- 3106. Testimony of complainants.

§ 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Deviate sexual intercourse.” Sexual intercourse per os or per anus between human beings who are not husband and wife, and any form of sexual intercourse with an animal.

“Indecent” contact.” Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

“Sexual intercourse.” In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

§ 3102. Mistake as to age.

Whenever in this chapter the criminality of conduct depends on a child's being below the age of 15 years, it is no defense that the actor did not know the age of the child, or reasonably believed the child to be older than 15 years. When criminality depends on the child's being below a critical age other than 15 years, it is a defense for the actor to prove by a preponderance of the evidence that he reasonably believed the child to be above the critical age.

§ 3103. Spouse relationships.

Whenever in this chapter the definition of an offense excludes conduct with a spouse, the exclusion shall be deemed to extend to persons living as man and wife, regardless of the legal status of their relationship. The exclusion shall be inoperative as respects spouses living apart under a decree of judicial separation. Where the definition of an offense excludes conduct with a spouse or conduct by a woman, this shall not preclude conviction of a spouse or woman as accomplice in a sexual act which he or she causes another person, not within the exclusion, to perform.

§ 3104. Sexually promiscuous complainants.

It is a defense to prosecution under section 3125 of this title (relating to corruption of minors) and section 3126 (5) of this title (relating to indecent assault) for the actor to prove by a preponderance of the evidence that the alleged victim had, prior to the time of the offense charged, engaged promiscuously in sexual relations with others.

§ 3105. Prompt complaint.

No prosecution may be instituted or maintained under this chapter unless the alleged offense was brought to the notice of public authority within three months of its occurrence or, where the alleged victim was less than 16 years old or otherwise incompetent to make complaint, within three months after a parent, guardian or other competent person specially interested in the victim learns of the offense.

§ 3106. Testimony of complainants.

In any prosecution before a jury for an offense under this chapter, the jury shall be instructed to evaluate the testimony of a victim or complaining witness with special care in view of the emotional involvement of the witness and the difficulty of determining the truth with respect to alleged sexual activities carried out in private.

SUBCHAPTER B DEFINITION OF OFFENSES

Sec.

3121. Rape.

3122. Statutory rape.

3123. Involuntary deviate sexual intercourse.

3124. Voluntary deviate sexual intercourse.

3125. Corruption of Minors.

3126. Indecent assault.

3127. Indecent exposure.

§ 3121. Rape.

A person commits a felony of the first degree when he engages in sexual intercourse with another person not his spouse:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious; or
- (4) who is so mentally deranged or deficient that such person is incapable of consent.

§ 3122. Statutory rape.

A person who is 16 years of age or older commits statutory rape, a felony of the second degree, when he engages in sexual intercourse with another person not his spouse who is less than 16 years of age.

§ 3123. Involuntary deviate sexual intercourse.

A person commits a felony of the first degree when he engages in deviate sexual intercourse with another person:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious;
- (4) who is so mentally deranged or deficient that such person is incapable of consent; or
- (5) who is less than 16 years of age.

§ 3124. Voluntary deviate sexual intercourse.

A person who engages in deviate sexual intercourse under circumstances not covered by section 3123 of this title (relating to involuntary deviate sexual intercourse) is guilty of a misdemeanor of the second degree.

§ 3125. Corruption of minors.

(a) Whoever, being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any child under the age of 18 years, or who aids, abets, entices or encourages any such child in the commission of any crime, or who knowingly assists or encourages such child in violating his or her parole or any order of court, is guilty of a misdemeanor of the second degree.

(b) A conviction under the provisions of this section may be had whether or not the jurisdiction of any juvenile court has attached or shall thereafter attach to such child or whether or not such child has been adjudicated a delinquent or shall thereafter be adjudicated a delinquent.

(c) In trials and hearings upon charges of violating the provisions of this section, knowledge of the minor's age and of the court's orders and decrees concerning such minor shall be presumed in the absence of proof to the contrary.

§ 3126. Indecent assault.

A person who has indecent contact with another not his spouse, or causes such other to have indecent contact with him is guilty of indecent assault, a misdemeanor of the second degree, if:

- (1) he knows that the contact is offensive to the other person;
- (2) he knows that the other person suffers from a mental disease or defect which renders him or her incapable of appraising the nature of his or her conduct;
- (3) he knows that the other person is unaware that a indecent contact is being committed;
- (4) he has substantially impaired the other person's power to appraise or control his or her conduct, by administering or employing without the knowledge of the other drugs, intoxicants or other means for the purpose of preventing resistance; or
- (5) the other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over him.

§ 3127. Indecent exposure.

A person commits a misdemeanor of the second degree if, for the purpose of arousing or gratifying sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or alarm.

ARTICLE C

OFFENSES AGAINST PROPERTY

Chapter

- 33. Arson, Criminal Mischief and Other Property Destruction
- 35. Burglary and Other Criminal Intrusion
- 37. Robbery
- 39. Theft and Related Offenses
- 41. Forgery and Fraudulent Practices

CHAPTER 33

ARSON, CRIMINAL MISCHIEF AND OTHER PROPERTY
DESTRUCTION

Sec.

- 3301. Arson and related offenses.
- 3302. Causing or risking catastrophe.
- 3303. Failure to prevent catastrophe.
- 3304. Criminal mischief.

§ 3301. Arson and related offenses.

(a) Endangering persons.—A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, whether on his own property or on that of another, and thereby recklessly places another person in danger of death or bodily injury.

(b) Endangering property.—A person commits a felony of the second degree if he:

- (1) starts a fire or causes an explosion with intent of destroying a building or occupied structure of another;
- (2) intentionally starts a fire or causes an explosion, whether on his own property or on that of another, and thereby recklessly places a building or occupied structure of another in danger of damage or destruction; or
- (3) starts a fire or causes an explosion with intent of destroying or damaging any property, whether his own or of another, to collect insurance for such loss.

(c) Definitions.—As used in this section the term “occupied structure” means any structure, vehicle or place adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present. Property is that of another, for the purposes of this section, if anyone other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

§ 3302. Causing or risking catastrophe.

(a) Causing catastrophe.—A person who causes a catastrophe by

explosion, fire, flood, avalanche, collapse of building, release of poison gas, radioactive material or other harmful or destructive force or substance, or by any other means of causing potentially widespread injury or damage, commits a felony of the first degree if he does so intentionally or knowingly, or a felony of the second degree if he does so recklessly.

(b) Risking catastrophe.—A person is guilty of a felony of the third degree if he recklessly creates a risk of catastrophe in the employment of fire, explosives or other dangerous means listed in subsection (a) of this section.

§ 3303. Failure to prevent catastrophe.

A person who knowingly or recklessly fails to take reasonable measures to prevent or mitigate a catastrophe, when he can do so without substantial risk to himself, commits a misdemeanor of the second degree if:

- (1) he knows that he is under an official, contractual or other legal duty to take such measures; or
- (2) he did or assented to the act causing or threatening the catastrophe.

§ 3304. Criminal mischief.

(a) Offense defined.—A person is guilty of criminal mischief if he:

- (1) damages tangible property of another intentionally, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in section 3302(a) of this title (relating to causing or risking catastrophe);
- (2) intentionally or recklessly tampers with tangible property of another so as to endanger person or property; or
- (3) intentionally or recklessly causes another to suffer pecuniary loss by deception or threat.

(b) Grading.—Criminal mischief is a felony of the third degree if the actor intentionally causes pecuniary loss in excess of \$5,000, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor of the second degree if the actor intentionally causes pecuniary loss in excess of \$1,000, or a misdemeanor of the third degree if he intentionally or recklessly causes pecuniary loss in excess of \$500. Otherwise criminal mischief is a summary offense.

**CHAPTER 35
BURGLARY AND OTHER CRIMINAL INTRUSION**

Sec.

3501. Definitions.
3502. Burglary.
3503. Criminal trespass.

§ 3501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words or phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Occupied structure.” Any structure, vehicle or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

§ 3502. Burglary.

(a) **Offense defined.**—A person is guilty of burglary if he enters a building or occupied structure, or separately secured or occupied portion thereof, with intent to commit a crime therein, unless the premises are at the time open to the public or the actor is licensed or privileged to enter.

(b) **Defense.**—It is a defense to prosecution for burglary that the building or structure was abandoned.

(c) **Grading.**—Burglary is a felony of the first degree.

(d) **Multiple convictions.**—A person may not be convicted both for burglary and for the offense which it was his intent to commit after the burglarious entry or for an attempt to commit that offense, unless the additional offense constitutes a felony of the first or second degree.

§ 3503. Criminal trespass.

(a) **Buildings and occupied structures.**—

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or gains entrance by subterfuge or surreptitiously remains in any building or occupied structure, or separately secured or occupied portion thereof.

(2) An offense under this subsection is a felony of the second degree.

(b) **Defiant trespasser.**—

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(i) actual communication to the actor; or

(ii) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(iii) fencing or other enclosure manifestly designed to exclude intruders.

(2) An offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. Otherwise it is a summary offense.

(c) **Defenses.**—It is a defense to prosecution under this section that:

(1) a building or occupied structure involved in an offense under subsection (a) of this section was abandoned;

(2) the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) the actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

CHAPTER 37 ROBBERY

Sec.

3701. Robbery.

§ 3701. **Robbery.**

(a) Offense defined.—

(1) A person is guilty of robbery if, in the course of committing a theft, he:

(i) inflicts serious bodily injury upon another;

(ii) threatens another with or intentionally puts him in fear of immediate serious bodily injury; or

(iii) commits or threatens immediately to commit any felony of the first or second degree.

(2) An act shall be deemed “in the course of committing a theft” if it occurs in an attempt to commit theft or in flight after the attempt or commission.

(b) Grading.—Robbery is a felony of the first degree.

CHAPTER 39 THEFT AND RELATED OFFENSES

Subchapter

A. General Provisions

B. Definition of Offenses

SUBCHAPTER A GENERAL PROVISIONS

Sec.

3901. Definitions.

3902. Consolidation of theft offenses.

3903. Grading of theft offenses.

§ 3901. **Definitions.**

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Deprive.”—

(1) To withhold property of another permanently or for so extended

a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation;
or

(2) to dispose of the property so as to make it unlikely that the owner will recover it.

“Financial institution.” A bank, insurance company, credit union, building and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

“Government.” The United States, any state, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

“Movable property.” Property the location of which can be changed, including things growing on, affixed to, or found in land, and documents although the rights represented thereby have no physical location.

“Immovable property” is all other property.

“Obtain.”—

(1) To bring about a transfer or purported transfer of legal interest in property, whether to the obtainer or another; or

(2) in relation to labor or service, to secure performance thereof.

“Property.” Anything of value, including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power.

“Property of another.” Includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

§ 3902. Consolidation of theft offenses.

Conduct denominated theft in this chapter constitutes a single offense. An accusation of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the complaint or indictment, subject only to the power of the court to ensure fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

§ 3903. Grading of theft offenses.

(a) Felony of the third degree.—Theft constitutes a felony of the third degree if the amount involved exceeds \$2,000, or if the property stolen

is a firearm, automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle, or in the case of theft by receiving stolen property, if the receiver is in the business of buying or selling stolen property.

(b) Other grades.—Theft not within subsection (a) of this section, constitutes a misdemeanor of the first degree, except that if the property was not taken from the person or by threat, or in breach of a fiduciary obligation, and the actor proves by a preponderance of the evidence that:

- (1) the amount involved was \$50 or more but less than \$200 the offense constitutes a misdemeanor of the second degree; or
- (2) the amount involved was less than \$50 the offense constitutes a misdemeanor of the third degree.

(c) Valuation.—The amount involved in a theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which the actor stole or attempted to steal. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

SUBCHAPTER B
DEFINITION OF OFFENSES

Sec.

- 3921. Theft by unlawful taking or disposition.
- 3922. Theft by deception.
- 3923. Theft by extortion.
- 3924. Theft of property lost, mislaid, or delivered by mistake.
- 3925. Receiving stolen property.
- 3926. Theft of services.
- 3927. Theft by failure to make required disposition of funds received.
- 3928. Unauthorized use of automobiles and other vehicles.
- 3929. Retail theft.
- 3930. Theft of trade secrets.
- 3931. Theft of unpublished dramas and musical compositions.

§ 3921. Theft by unlawful taking or disposition.

(a) Movable property.—A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof.

(b) Immovable property.—A person is guilty of theft if he unlawfully transfers, or exercises unlawful control over, immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.

§ 3922. Theft by deception.

(a) Offense defined.—A person is guilty of theft if he intentionally obtains or withholds property of another by deception. A person deceives if he intentionally:

(1) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(2) prevents another from acquiring information which would affect his judgment of a transaction; or

(3) fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship.

(b) Exception.—The term “deceive” does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed.

§ 3923. Theft by extortion.

(a) Offense defined.—A person is guilty of theft if he intentionally obtains or withholds property of another by threatening to:

(1) inflict bodily injury on anyone or commit another criminal offense;

(2) accuse anyone of a criminal offense;

(3) expose any secret tending to subject any person to hatred, contempt or ridicule;

(4) take or withhold action as an official, or cause an official to take or withhold action;

(5) bring about or continue a strike, boycott or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;

(6) testify or provide information or withhold testimony or information with respect to the legal claim or defense of another; or

(7) inflict any other harm which would not benefit the actor.

(b) Defenses.—It is a defense to prosecution based on paragraphs (a)(2), (a)(3) or (a)(4) of this section that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services.

§ 3924. Theft of property lost, mislaid, or delivered by mistake.

A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient is guilty of theft if, with intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it.

§ 3925. Receiving stolen property.

(a) Offense defined.—A person is guilty of theft if he intentionally receives, retains, or disposes of movable property of another knowing that

it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with intent to restore it to the owner.

(b) Definition.—As used in this section the word “receiving” means acquiring possession, control or title, or lending on the security of the property.

§ 3926. Theft of services.

(a) Acquisition of services.—

(1) A person is guilty of theft if he intentionally obtains services which he knows are available only for compensation, by deception or threat, or by false token or other trick or artifice to avoid payment for the service.

(2) As used in this section, the word “service” includes, but is not limited to, labor, professional service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water, and telephone service.

(3) Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(b) Diversion of services.—A person is guilty of theft if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

§ 3927. Theft by failure to make required disposition of funds received.

(a) Offense defined.—A person who obtains property upon agreement, or subject to a known legal obligation, to make specified payments or other disposition, whether from such property or its proceeds or from his own property to be reserved in equivalent amount, is guilty of theft if he intentionally deals with the property obtained as his own and fails to make the required payment or disposition. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the failure of the actor to make the required payment or disposition.

(b) Presumptions.—An officer or employe of the government or of a financial institution is presumed:

(1) to know any legal obligation relevant to his criminal liability under this section; and

(2) to have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals a shortage or falsification of accounts.

§ 3928. Unauthorized use of automobiles and other vehicles.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he operates the automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle of another without consent of the owner.

(b) Defense.—It is a defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had he known of it.

§ 3929. Retail theft.

(a) A person is guilty of a retail theft if he:

(1) takes possession of any merchandise offered for sale by any store or other retail mercantile establishment with the intention of converting it to his own use without paying to the owner the value thereof; or

(2) alters, transfers or removes any label, price tag or marking upon any merchandise offered for sale by any store or other retail mercantile establishment; or

(3) transfers any merchandise offered for sale by any store or other retail mercantile establishment from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

(b) Grading.—

(1) Any person committing the first offense of retail theft when the value of the merchandise is less than \$100 is guilty of a summary offense.

(2) Upon conviction of a second offense when the value of the merchandise is less than \$100, the person shall be guilty of a misdemeanor of the second degree.

(3) Upon commission of a third or any subsequent offense, regardless of the value of the merchandise, the person shall be guilty of a misdemeanor of the first degree.

(4) When the value of the merchandise shall be \$100 or more, any person who shall commit the offense of retail theft whether same shall be a first or subsequent offense, shall be guilty of a misdemeanor of the first degree.

(c) Presumptions.—Any person intentionally concealing unpurchased property 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 property with the intention of converting it 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 property concealed, upon the person or among the belongings of such person, shall be prima facie evidence of intentional concealment, and, if such person conceals, or causes to be concealed, such unpurchased property, upon the person or among the belongings of another, such fact shall also be prima facie evidence of intentional concealment on the part of the person so concealing such property.

(d) Detention.—A peace officer, merchant or merchant's employe or an agent under contract with a merchant, who has probable cause to believe that retail theft has occurred or is occurring on or about a store or other retail mercantile establishment and who has probable cause to believe that a specific person has committed or is committing the retail theft may detain the suspect in a reasonable manner for a reasonable time on or off the premises for all or any of the following purposes: to require the suspect to identify himself, to verify such identification, to determine whether such suspect has in his possession unpurchased merchandise taken from the mercantile establishment and, if so, to recover such merchandise, to inform a peace officer, or to institute criminal proceedings against the suspect. Such detention shall not impose civil or criminal liability upon the peace officer, merchant, employe, or agent so detaining.

(e) Reduction prohibited.—No justice of the peace or other magistrate shall have the power to reduce any other charge of theft to a charge of retail theft as defined in this section.

(f) Definitions.—

(1) "Store or other retail mercantile establishment." A place where merchandise is sold or offered to the public for sale.

(2) "Merchandise." Any goods, chattels, foodstuffs or wares of any type and description, regardless of the value thereof.

§ 3930. Theft of trade secrets.

(a) Felony of the third degree.—A person is guilty of a felony of the third degree if he:

(1) by force or violence or by putting him in fear takes from the person of another any article representing a trade secret; or

(2) willfully and maliciously enters any building or other structure with intent to obtain unlawful possession of, or access to, an article representing a trade secret.

(b) Misdemeanor of the first degree.—A person is guilty of a misdemeanor of the first degree if he, with intent to wrongfully deprive of, or withhold from the owner, the control of a trade secret, or with intent to wrongfully appropriate a trade secret for his use, or for the use of another:

(1) unlawfully obtains possession of, or access to, an article representing a trade secret; or

(2) having lawfully obtained possession of an article representing a trade secret, or access thereto, converts such article to his own use or that of another person, while having possession thereof or access thereto makes, or causes to be made, a copy of such article, or exhibits such article to another.

(c) Further disposition irrelevant.—The crime or crimes defined in subsections (a) and (b) of this section shall be deemed complete without regard to the further disposition, return, or intent to return, of the article representing a trade secret.

(d) Defense.—It shall be a complete defense to any prosecution under subsection (b) of this section for the defendant to show that information comprising the trade secret was rightfully known or available to him from a source other than the owner of the trade secret.

(e) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Article.” Any object, material, device or substance or copy thereof, including any writing, record, recording, drawing, description, sample, specimen, prototype, model, photograph, microorganism, blueprint or map.

“Copy.” Any facsimile, replica, photograph or reproduction of, an article, or any note, drawing, sketch, or description made of, or from an article.

“Representing.” Describing, depicting, containing, constituting, reflecting or recording.

“Trade secret.” The whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is of value and has been specifically identified by the owner as of a confidential character, and which has not been published or otherwise become a matter of general public knowledge. There shall be a rebuttable presumption that scientific or technical information has not been published or otherwise become a matter of general public knowledge when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by him to have access thereto for limited purposes.

§ 3931. Theft of unpublished dramas and musical compositions.

A person is guilty of theft if he publicly presents for profit, without the consent of the author thereof, any unpublished dramatic play or musical composition.

**CHAPTER 41
FORGERY AND FRAUDULENT PRACTICES**

Sec.

- 4101. Forgery.
- 4102. Simulating objects of antiquity, rarity, etc.
- 4103. Fraudulent destruction, removal or concealment of recordable instruments.
- 4104. Tampering with records or identification.
- 4105. Bad checks.
- 4106. Credit cards.
- 4107. Deceptive business practices.
- 4108. Commercial bribery and breach of duty to act disinterestedly.
- 4109. Rigging publicly exhibited contest.

- 4110. Defrauding secured creditors.
- 4111. Fraud in insolvency.
- 4112. Receiving deposits in a failing financial institution.
- 4113. Misapplication of entrusted property and property of government or financial institutions.
- 4114. Securing execution of documents by deception.
- 4115. Falsely impersonating persons privately employed.
- 4116. Copying; recording devices.

§ 4101. Forgery.

(a) Offense defined.—A person is guilty of forgery if, with intent to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, the actor:

(1) alters any writing of another without his authority;

(2) makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or

(3) utters any writing which he knows to be forged in a manner specified in paragraphs (1) or (2) of this subsection.

(b) Definition.—As used in this section the word “writing” includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

(c) Grading.—Forgery is a felony of the second degree if the writing is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by the government, or part of an issue of stock, bonds or other instruments representing interests in or claims against any property or enterprise. Forgery is a felony of the third degree if the writing is or purports to be a will, deed, contract, release, commercial instrument, or other document evidencing, creating, transferring, altering, terminating, or otherwise affecting legal relations. Otherwise forgery is a misdemeanor of the first degree.

§ 4102. Simulating objects of antiquity, rarity, etc.

A person commits a misdemeanor of the first degree if, with intent to defraud anyone or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he makes, alters or utters any object so that it appears to have value because of antiquity, rarity, source, or authorship which it does not possess.

§ 4103. Fraudulent destruction, removal or concealment of recordable instruments.

A person commits a felony of the third degree if, with intent to deceive or injure anyone, he destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording.

§ 4104. Tampering with records or identification.

A person commits a misdemeanor of the first degree if, knowing that he has no privilege to do so, he falsifies, destroys, removes or conceals any writing or record, or distinguishing mark or brand or other identification with intent to deceive or injure anyone or to conceal any wrongdoing.

§ 4105. Bad checks.

(a) **Offense defined.**—A person commits an offense if he issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.

(b) **Presumption.**—For the purposes of this section as well as in any prosecution for theft committed by means of a bad check, an issuer is presumed to know that the check or order (other than a post-dated check or order) would not be paid, if:

(1) the issuer had no account with the drawee at the time the check or order was issued; or

(2) payment was refused by the drawee for lack of funds, upon presentation within 30 days after issue, and the issuer failed to make good within ten days after receiving notice of that refusal.

(c) **Grading.**—An offense under this section is a misdemeanor of the second degree if the amount of the check or order exceeds \$200; otherwise it is a summary offense.

§ 4106. Credit cards.

(a) **Offense defined.**—A person commits an offense if he uses a credit card for the purpose of obtaining property or services with knowledge that:

(1) the card is stolen or forged;

(2) the card has been revoked or canceled; or

(3) for any other reason his use of the card is unauthorized by the issuer.

(b) **Defenses.**—It is a defense to prosecution under paragraph (a)(3) of this section, if the actor proves by a preponderance of the evidence that he had the intent and ability to meet all obligations to the issuer arising out of his use of the card.

(c) **Grading.**—An offense under this section is a felony of the third degree if the value of the property or services secured or sought to be secured by means of the credit card exceeds \$500; otherwise it is a misdemeanor of the second degree.

(d) **Definition.**—As used in this section the word “credit card” means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

§ 4107. Deceptive business practices.

(a) **Offense defined.**—A person commits a misdemeanor of the second degree if, in the course of business, he:

(1) uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

(2) sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;

(3) takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure;

(4) sells, offers or exposes for sale adulterated or mislabeled commodities;

(5) makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;

(6) makes a false or misleading written statement for the purpose of obtaining property or credit; or

(7) makes a false or misleading written statement for the purpose of promoting the sale of securities, or omits information required by law to be disclosed in written documents relating to securities.

(b) Defenses.—It is a defense to prosecution under this section if the defendant proves by a preponderance of the evidence that his conduct was not knowingly or recklessly deceptive.

(c) Definitions.—As used in this section the following words shall have the meanings given to them in this subsection:

“Adulterated.” Varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage.

“Mislabeled.” Varying from the standard of trust or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance, or set by established commercial usage.

§ 4108. Commercial bribery and breach of duty to act disinterestedly.

(a) Corrupt employe, agent or fiduciary.—An employe, agent or fiduciary commits a misdemeanor of the second degree when, without the consent of his employer or principal, he solicits, accepts, or agrees to accept any benefit from another person upon agreement or understanding that such benefit will influence his conduct in relation to the affairs of his employer or principal.

(b) Corrupt disinterested person.—A person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities or services commits a misdemeanor of the second degree if he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.

(c) Solicitation.—A person commits a misdemeanor of the second degree if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under subsections (a) or (b) of this section.

§ 4109. Rigging publicly exhibited contest.

(a) Offense defined.—A person commits a misdemeanor of the first

degree if, with intent to prevent a publicly exhibited contest from being conducted in accordance with the rules and usages purporting to govern it, he:

(1) confers or offers or agrees to confer any benefit upon, or threatens any injury to a participant, official or other person associated with the contest or exhibition; or

(2) tampers with any person, animal or thing.

(b) **Soliciting or accepting benefit for rigging.**—A person commits a misdemeanor of the first degree if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under subsection (a) of this section.

(c) **Participation in rigged contest.**—A person commits a misdemeanor of the first degree if he knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest knowing that the contest is not being conducted in compliance with the rules and usages purporting to govern it, by reason of conduct which would be criminal under this section.

§ 4110. Defrauding secured creditors.

A person commits a misdemeanor of the second degree if he destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest or after levy has been made thereon with intent to hinder enforcement of such interest.

§ 4111. Fraud in insolvency.

A person commits a misdemeanor of the second degree if, knowing that proceedings have been or are about to be instituted for the appointment of a receiver or other person entitled to administer property for the benefit of creditors, or that any other composition or liquidation for the benefit of creditors has been or is about to be made, he:

(1) destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with intent to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors;

(2) knowingly falsifies any writing or record relating to the property; or

(3) knowingly misrepresents or refuses to disclose to a receiver or other person entitled to administer property for the benefit of creditors, the existence, amount or location of the property, or any other information which the actor could be legally required to furnish in relation to such administration.

§ 4112. Receiving deposits in a failing financial institution.

An officer, manager or other person directing or participating in the direction of a financial institution commits a misdemeanor of the second degree if he receives or permits the receipt of a deposit, premium payment or other investment in the institution knowing that:

(1) due to financial difficulties the institution is about to suspend operations or go into receivership or reorganization; and

(2) the person making the deposit or other payment is unaware of the precarious situation of the institution.

§ 4113. Misapplication of entrusted property and property of government or financial institutions.

(a) Offense defined.—A person commits an offense if he applies or disposes of property that has been entrusted to him as a fiduciary, or property of the government or of a financial institution, in a manner which he knows is unlawful and involves substantial risk of loss or detriment to the owner of the property or to a person for whose benefit the property was entrusted.

(b) Grading.—The offense is a misdemeanor of the second degree if the amount involved exceeds \$50; otherwise it is a misdemeanor of the third degree.

§ 4114. Securing execution of documents by deception.

A person commits a misdemeanor of the second degree if by deception he causes another to execute any instrument affecting or purporting to affect or likely to affect the pecuniary interest of any person.

§ 4115. Falsely impersonating persons privately employed.

A person commits a misdemeanor of the second degree if, without due authority, he pretends or holds himself out to any one as an employe of any person for the purpose of gaining access to any premises.

§ 4116. Copying; recording devices.

(a) As used in this section, "owner" means the person who owns the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded and from which the transferred sounds are directly or indirectly derived.

(b) It shall be unlawful for any person to:

(1) knowingly transfer or cause to be transferred, directly or indirectly by any means, any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with the intent to sell or cause to be sold, or to be used for profit through public performance, such article on which sounds are so transferred, without consent of the owner; or

(2) manufacture, distribute or wholesale any article with the knowledge that the sounds are so transferred, without consent of the owner.

(c) Subsection (b) shall not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds other than from the sound track of a motion picture intended for, or in connection with broadcast or telecast transmission or related uses, or for archival purposes.

(d) It shall be unlawful for any person to knowingly retail or possess for the purpose of retailing any recorded device that has been produced,

manufactured, distributed, or acquired at wholesale in violation of any provision of this section.

(e) Every recorded device sold or transferred or possessed for the purpose of sale by any manufacturer, distributor, or wholesale or retail merchant shall contain on its packaging the true name of the manufacturer. The term "manufacturer" shall not include the manufacturer of the cartridge or casing itself.

(f) It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recorded devices that do not conform to the provisions of subsection (e). The non-conforming recorded devices shall be delivered to the district attorney of the county in which the confiscation was made. The district attorney by court order may give the same to a charitable or educational organization. The provisions of this section shall apply to any non-conforming recorded device, regardless of the requirement in subsection (d) of knowledge or intent of a retail seller.

(g) Every individual manufacture, distribution, or sale or transfer at wholesale of such recorded devices in contravention of the provisions of this act constitutes a separate offense. An offense under this section is a misdemeanor of the first degree.

(h) (1) Any owner of a recorded device whose work is allegedly the subject of a violation of the provisions of subsection (b) of this act shall have a cause of action for all damages resultant therefrom, including actual and punitive damages.

(2) Any lawful producer of a recorded device whose product is allegedly the subject of a violation of the provisions of subsection (b) shall have a cause of action for all damages resultant therefrom, including actual and punitive damages.

ARTICLE D

OFFENSES AGAINST THE FAMILY

Chapter

43. Offenses Against the Family

CHAPTER 43

OFFENSES AGAINST THE FAMILY

Subchapter

- A. Definition of Offenses Generally
- B. Nonsupport

SUBCHAPTER A

DEFINITION OF OFFENSES GENERALLY

Sec.

- 4301. Bigamy.
- 4302. Incest.
- 4303. Concealing death of bastard child.
- 4304. Endangering welfare of children.
- 4305. Dealing in infant children.

§ 4301. Bigamy.

(a) Bigamy.—A married person is guilty of bigamy, a misdemeanor of the second degree, if he contracts or purports to contract another marriage, unless at the time of the subsequent marriage:

(1) the actor believes that the prior spouse is dead;

(2) the actor and the prior spouse have been living apart for two consecutive years throughout which the prior spouse was not known by the actor to be alive; or

(3) a court has entered a judgment purporting to terminate or annul any prior disqualifying marriage, and the actor does not know that judgment to be invalid.

(b) Other party to bigamous marriage.—A person is guilty of bigamy if he contracts or purports to contract marriage with another knowing that the other is thereby committing bigamy.

§ 4302. Incest.

A person is guilty of incest, a misdemeanor of the first degree, if he knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood. The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.

§ 4303. Concealing death of bastard child.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if she, being a woman, endeavors privately, either by herself or the procurement of others, to conceal the death of her bastard child, so that it may not come to light, whether it was born dead or alive or whether it was murdered or not.

(b) Procedure.—If the grand jury, in the same indictment, charges any woman with the murder of her bastard child, as well as with the offense of the concealment of the death, the jury may acquit or convict her of both offenses, or find her guilty of one and acquit her of the other.

§ 4304. Endangering welfare of children.

A parent, guardian, or other person supervising the welfare of a child under 18 years of age commits a misdemeanor of the second degree if he knowingly endangers the welfare of the child by violating a duty of care, protection or support.

§ 4305. Dealing in infant children.

A person is guilty of a misdemeanor of the first degree if he deals in humanity, by trading, bartering, buying, selling, or dealing in infant children.

SUBCHAPTER B

NONSUPPORT

Sec.

4321. Willful separation or nonsupport.

4322. Support orders.

4323. Neglect to support bastard.

§ 4321. Willful separation or nonsupport.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he, being a husband or father, separates himself from his wife or from his children or from wife and children, without reasonable cause, or willfully neglects to maintain his wife or children, such wife or children being destitute, or being dependent wholly or in part on their earnings for adequate support.

(b) Disposition of fine.—Any fine imposed under this section may be paid or applied, in whole or in part, to the wife or children, as the court may direct.

(c) Effect of conviction and sentence on support orders.—

(1) No conviction, payment, or fine, or undergoing imprisonment under subsection (a) of this section shall in any manner affect the obligation of any order for support theretofore made against the defendant in any competent court.

(2) In any such case, the court may suspend sentence upon and during compliance by the defendant with any order for support as already made or as thereafter modified. If no such order shall have been made, then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them, which order shall be subject to modification by the court on cause shown, and may suspend sentence upon and during the compliance by defendant with such order upon entry of bond by defendant with surety approved by the court, conditioned on compliance with such order.

(d) Definition.—

(1) As used in this section the words “separation” or “nonsupport” shall include every case where a husband has caused his wife to leave him by conduct on his part which would be grounds for divorce, or a father has neglected to provide for maintenance, support, and care of his wife or children or both.

(2) As used in this section the word “children” shall mean persons under 16 years of age and such persons over 16 and under 18 years of age who by reasons of infirmity are incapable of supporting themselves.

§ 4322. Support orders.

(a) Application for relief.—If any husband, or father, being within the limits of this Commonwealth, separates himself from his wife or from his children, or from both, without reasonable cause or willfully neglects to maintain his wife or children:

(1) his wife or children may file a petition, prepared by the district attorney and joined in and consented to by the husband or father, in the court of common pleas of the county in which the wife or children reside or in the county wherein the desertion or failure to maintain took place, setting forth the facts relating to the separation from or neglect to maintain his wife or children, or both, whereupon the court, or any judge thereof in chambers, shall enter an order fixing a time and place for hearing; or

(2) any justice of the peace or other magistrate, upon information made before him under oath or affirmation, by the wife or children, or either of them, of such husband or father or by any person, may issue his warrant for the arrest of the person against whom the information shall have been made, and bind him over, with one sufficient surety, to appear at the court of common pleas there to answer the said charge of desertion.

(b) Further procedure.—The court, after hearing in a summary proceeding, may order the person against whom complaint has been made or petition filed, being of sufficient ability, to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children, or both, and to commit such person to prison, there to remain until he shall comply with such order, or give security, by one or more sureties, to the Commonwealth, and in such sum as the court shall direct for the compliance therewith. In each instance in which security for compliance is ordered, the court shall enter upon the record the findings on the basis of which the order is made.

(c) Philadelphia cases.—In no instance shall the defendant be required in any county of the first class to give security for compliance, or be imprisoned for failure to give security for compliance, unless and until the court finds on substantial evidence:

(1) that the defendant is possessed of property, real or personal, in sufficient amount and in such form, as to enable him to give the required security; and

(2) that the defendant is likely to dissipate his assets or flee the jurisdiction.

(d) Property subject to execution.—

(1) The court may also issue the appropriate writ of execution against any property, real or personal, belonging to the defendant, and its writ of attachment execution against any money or property to which he may be in any way entitled, whether under what is known as a spendthrift trust or otherwise, which shall not exceed 50% thereof, and shall remain a continuing levy until the order has been paid in full with costs. The person against whom an order is made shall not be entitled to the benefits of any exemption statute now in force or hereafter passed.

(2) The provisions of this section shall apply to any trust, whether

it is known as a spendthrift trust or otherwise, and whether such trust was created or came into existence before or after the enactment of this section. Where an attachment execution is issued the further proceedings thereon shall be in the manner provided in the case of foreign attachments.

(e) Visitation rights.—The court, after hearing as provided in this section, may also determine and make orders with respect to the right of parents to visit their children.

(f) Competency of spouses as witnesses.—Any wife so deserted shall be a competent witness on the part of the Commonwealth, and the husband shall also be a competent witness.

(g) Arrest of defendant.—Should any such person abscond, remove or be found in any other county of this Commonwealth than the one in which said warrant issued, he may be arrested by the said warrant being backed by any magistrate of the county in which such person may be found.

(h) Discharge from imprisonment.—Whenever any court of common pleas commits the person complained of to the county prison, there to remain until he complies with their order or gives security, etc., the court may at any time after three months, if it shall be satisfied of the inability of such person to comply with the said order and give such security, discharge him from imprisonment.

§ 4323. Neglect to support bastard.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he, being a parent, willfully neglects or refuses to contribute reasonably to the support and maintenance of a child born out of lawful wedlock, whether within or without this Commonwealth.

(b) Limitation of action.—All prosecutions under this section must be brought within two years of the birth of the child, except where the reputed father shall have voluntarily contributed to the support of the child, or shall have acknowledged in writing his paternity, in which case a prosecution may be brought at any time within two years of any such contribution or acknowledgment by the reputed father.

(c) Support orders.—Before the trial, with the consent of the defendant indorsed on the bill of indictment, as now provided by law, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the fine provided by this title, or in addition thereto, the court having regard to the circumstances and to the financial capacity of the defendant, may make an order, subject to change from time to time, as circumstances may require, directing the defendant to pay a certain sum periodically, for such time and to such person as the court may direct. The court shall have the power to suspend the sentence provided in this section, and release the defendant from custody on probation, in the manner provided in section 4322 of this title (relating to support orders), if the defendant has entered into a recognizance, in such sum, with or without surety, as the court shall direct, for compliance with such order.

(d) Section not cumulative.—Whenever a parent is paying for the support of a child, under an order of court made in any other proceeding, civil, criminal, or quasicriminal, the parent shall not be subject to proceedings for support for the same child under this section, unless he has failed to obey such order of court.

ARTICLE E

OFFENSES AGAINST PUBLIC ADMINISTRATION

Chapter

- 45. General Provisions
- 47. Bribery and Corrupt Influence
- 49. Perjury and Other Falsification in Official Matters
- 51. Obstructing Governmental Operations
- 53. Abuse of Office

CHAPTER 45 GENERAL PROVISIONS

Sec.

4501. Definitions.

§ 4501. Definitions.

Subject to additional definitions contained in subsequent provisions of this article which are applicable to specific chapters or other provisions of this article, the following words and phrases, when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Administrative proceeding.” Any proceeding other than a judicial proceeding, the outcome of which is required to be based on a record or documentation prescribed by law, or in which law or regulation is particularized in application to individuals.

“Benefit.” Gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested, but not an advantage promised generally to a group or class of voters as a consequence of public measures which a candidate engages to support or oppose.

“Government.” Includes any branch, subdivision or agency of:

- (1) the Commonwealth government;
- (2) any political subdivision; or
- (3) any municipal or local authority.

“Harm.” Loss, disadvantage or injury, or anything so regarded by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.

“Official proceeding.” A proceeding heard or which may be heard before any legislative, judicial, administrative or other government

agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

“Party official.” A person who holds an elective or appointive post in a political party in the United States by virtue of which he directs or conducts, or participates in directing or conducting party affairs at any level of responsibility.

“Pecuniary benefit.” Benefit in the form of money, property, commercial interests or anything else the primary significance of which is economic gain.

“Public servant.” Any officer or employe of government, including members of the General Assembly and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses.

CHAPTER 47 BRIBERY AND CORRUPT INFLUENCE

Sec.

4701. Bribery in official and political matters.

4702. Threats and other improper influence in official and political matters.

4703. Retaliation for past official action.

§ 4701. **Bribery in official and political matters.**

(a) Offenses defined.—A person is guilty of bribery, a felony of the third degree, if he offers, confers or agrees to confer upon another, or solicits, accepts or agrees to accept from another:

(1) any pecuniary benefit as consideration for the decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter by the recipient;

(2) any benefit as consideration for the decision, vote, recommendation or other exercise of official discretion by the recipient in a judicial, administrative or legislative proceeding; or

(3) any benefit as consideration for a violation of a known legal duty as public servant or party official.

(b) Defenses prohibited.—It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assumed office, had left office, or lacked jurisdiction, or for any other reason.

§ 4702. **Threats and other improper influence in official and political matters.**

(a) Offenses defined.—A person commits an offense if he:

(1) threatens unlawful harm to any person with intent to influence his decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter;

(2) threatens unlawful harm to any public servant with intent to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or

(3) threatens unlawful harm to any public servant or party official with intent to influence him to violate his known legal duty.

(b) Defense prohibited.—It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

(c) Grading.—An offense under this section is a misdemeanor of the second degree unless the actor threatened to commit a crime or made a threat with intent to influence a judicial or administrative proceeding, in which cases the offense is a felony of the third degree.

§ 4703. Retaliation for past official action.

A person commits a misdemeanor of the second degree if he harms another by any unlawful act in retaliation for anything lawfully done by the latter in the capacity of public servant.

CHAPTER 49

PERJURY AND OTHER FALSIFICATION IN OFFICIAL MATTERS

Sec.

4901. Definition.

4902. Perjury.

4903. False swearing.

4904. Unsworn falsification to authorities.

4905. False alarms to agencies of public safety.

4906. False reports to law enforcement authorities.

4907. Tampering with witnesses and informants.

4908. Retaliation against witness or informant.

4909. Witness or informant taking bribe.

4910. Tampering with or fabricating physical evidence.

4911. Tampering with public records or information.

4912. Impersonating a public servant.

§ 4901. Definitions.

As used in this chapter, unless a different meaning plainly is required "statement" means any representation, but includes a representation of opinion, belief or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

§ 4902. Perjury.

(a) Offense defined.—A person is guilty of perjury, a felony of the third degree, if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

(b) **Materiality.**—Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

(c) **Irregularities no defense.**—It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

(d) **Retraction.**—No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(e) **Inconsistent statements.**—Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

(f) **Corroboration.**—In any prosecution under this section, except under subsection (e) of this section, falsity of a statement may not be established by the uncorroborated testimony of a single witness.

§ 4903. False swearing.

(a) **False swearing in official matters.**—A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true is guilty of a misdemeanor of the second degree if:

- (1) the falsification occurs in an official proceeding; or
- (2) the falsification is intended to mislead a public servant in performing his official function.

(b) **Other false swearing.**—A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a misdemeanor of the third degree, if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(c) **Perjury provisions applicable.**—Section 4902(c) through (f) of this title (relating to perjury) applies to this section.

§ 4904. Unsworn falsification to authorities.

(a) **In general.**—A person commits a misdemeanor of the second

degree if, with intent to mislead a public servant in performing his official function, he:

- (1) makes any written false statement which he does not believe to be true;
- (2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
- (3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

(b) Statements "under penalty."—A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(c) Perjury provisions applicable.—Section 4902(c) through (f) of this title (relating to perjury) applies to this section.

§ 4905. False alarms to agencies of public safety.

A person who knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property commits a misdemeanor of the first degree.

§ 4906. False reports to law enforcement authorities.

(a) Falsely incriminating another.—A person who knowingly gives false information to any law enforcement officer with intent to implicate another commits a misdemeanor of the second degree.

(b) Fictitious reports.—A person commits a misdemeanor of the third degree if he:

- (1) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur; or
- (2) pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

§ 4907. Tampering with witnesses and informants.

(a) Offense defined.—A person commits an offense if, believing that an official proceeding or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a witness or informant to:

- (1) testify or inform falsely;
- (2) withhold any testimony, information, document or thing except on advice of counsel;
- (3) elude legal process summoning him to testify or supply evidence; or
- (4) absent himself from any proceeding or investigation to which he has been legally summoned.

(b) Grading.—The offense is a felony of the third degree if the actor employs force, deception, threat or offer of pecuniary benefit. Otherwise it is a misdemeanor of the second degree.

§ 4908. Retaliation against witness or informant.

A person commits a misdemeanor of the second degree if he harms another by any unlawful act in retaliation for anything lawfully done in the capacity of witness or informant.

§ 4909. Witness or informant taking bribe.

A person commits a felony of the third degree if he solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in section 4907 (a)(1) through (a)(4) of this title (relating to tampering with witnesses and informants).

§ 4910. Tampering with or fabricating physical evidence.

A person commits a misdemeanor of the second degree if, believing that an official proceeding or investigation is pending or about to be instituted, he:

(1) alters, destroys, conceals or removes any record, document or thing with intent to impair its verity or availability in such proceeding or investigation; or

(2) makes, presents or uses any record, document or thing knowing it to be false and with intent to mislead a public servant who is or may be engaged in such proceeding or investigation.

§ 4911. Tampering with public records or information.

(a) Offense defined.—A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;

(2) makes, presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in paragraph (1) of this subsection; or

(3) intentionally and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such record, document or thing.

(b) Grading.—An offense under this section is a misdemeanor of the second degree unless the intent of the actor is to defraud or injure anyone, in which case the offense is a felony of the third degree.

§ 4912. Impersonating a public servant.

A person commits a misdemeanor of the second degree if he falsely pretends to hold a position in the public service with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.

CHAPTER 51**OBSTRUCTING GOVERNMENTAL OPERATIONS****Subchapter**

A. Definition of Offenses Generally

B. Escape

SUBCHAPTER A
DEFINITION OF OFFENSES GENERALLY

Sec.

- 5101. Obstructing administration of law or other governmental function.
- 5102. Obstructing or impeding the administration of justice by picketing, etc.
- 5103. Unlawfully listening into deliberations of jury.
- 5104. Resisting arrest or other law enforcement.
- 5105. Hindering apprehension or prosecution.
- 5106. Failure to report injuries by firearm or criminal act.
- 5107. Aiding consummation of crime.
- 5108. Compounding.
- 5109. Barratry.
- 5110. Contempt of General Assembly.

§ 5101. Obstructing administration of law or other governmental function.

A person commits a misdemeanor of the second degree if he intentionally obstructs, impairs or perverts the administration of law or other governmental function by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

§ 5102. Obstructing or impeding the administration of justice by picketing, etc.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he intentionally interferes with, obstructs or impedes the administration of justice, or with the intent of influencing any judge, juror, witness or court officer in the discharge of his duty, pickets or parades in or near any building housing a court of this Commonwealth, or in or near a building or residence occupied by or used by such judge, juror, witness or court officer, or with such intent uses any sound-truck or similar device, or resorts to any other demonstration in or near any such building or residence.

(b) Exception.—Nothing in subsection (a) of this section shall interfere with or prevent the exercise by any court of this Commonwealth of its power to punish for contempt.

§ 5103. Unlawfully listening into deliberations of jury.

A person is guilty of a misdemeanor of the third degree if he, by any scheme or device, or in any manner, for any purpose, intentionally listens into the deliberations of any grand, petit, traverse, or special jury.

§ 5104. Resisting arrest or other law enforcement.

A person commits a misdemeanor of the second degree if, with the intent of preventing a public servant from effecting a lawful arrest or discharging any other duty, the person creates a substantial risk of bodily injury to the public servant or anyone else, or employs means justifying or requiring substantial force to overcome the resistance.

§ 5105. Hindering apprehension or prosecution.

(a) **Offense defined.**—A person commits an offense if, with intent to hinder the apprehension, prosecution, conviction or punishment of another for crime, he:

- (1) harbors or conceals the other;
- (2) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape;
- (3) conceals or destroys evidence of the crime, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence;
- (4) warns the other of impending discovery or apprehension, except that this clause does not apply to a warning given in connection with an effort to bring another into compliance with law; or
- (5) volunteers false information to a law enforcement officer.

(b) **Grading.**—The offense is a felony of the third degree if the conduct which the actor knows has been charged or is liable to be charged against the person aided would constitute a felony of the first or second degree. Otherwise it is a misdemeanor of the second degree.

§ 5106. Failure to report injuries by firearm or criminal act.

(a) **Offense defined.**—A physician, intern or resident, or any person conducting, managing or in charge of any hospital or pharmacy, or in charge of any ward or part of a hospital, to whom shall come or be brought any person:

- (1) suffering from any wound or other injury inflicted by his own act or by the act of another by means of a deadly weapon as defined in section 2301 of this title (relating to definitions); or
- (2) upon whom injuries have been inflicted in violation of any penal law of this Commonwealth, commits a summary offense if he fails to report such injuries immediately, both by telephone and in writing, to the chief of police or other head of the police department of the local government, or to the Pennsylvania State Police. The report shall state the name of the injured person, if known, his whereabouts and the character and extent of his injuries.

(b) **Immunity granted.**—No physician or other person shall be subject to civil or criminal liability by reason of making a report required by this section.

(c) **Physician-patient privilege unavailable.**—In any judicial proceeding resulting from a report pursuant to this section, the physician-patient privilege shall not apply in respect to evidence regarding such injuries or the cause thereof.

§ 5107. Aiding consummation of crime.

(a) Offense defined.—A person commits an offense if he intentionally aids another to accomplish an unlawful object of a crime, as by safeguarding the proceeds thereof or converting the proceeds into negotiable funds.

(b) Grading.—The offense is a felony of the third degree if the principal offense was a felony of the first or second degree. Otherwise it is a misdemeanor of the second degree.

§ 5108. Compounding.

(a) Offense defined.—A person commits a misdemeanor of the second degree if he accepts or agrees to accept any pecuniary benefit in consideration of refraining from reporting to law enforcement authorities the commission or suspected commission of any offense or information relating to an offense.

(b) Defense.—It is a defense to prosecution under this section that the pecuniary benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for harm caused by the offense.

§ 5109. Barratry.

A person is guilty of a misdemeanor of the third degree if he vexes others with unjust and vexatious suits.

§ 5110. Contempt of General Assembly.

A person is guilty of a misdemeanor of the third degree if he is disorderly or contemptuous in the presence of either branch of the General Assembly, or if he neglects or refuses to appear in the presence of either of such branches after having been duly served with a subpoena to so appear.

SUBCHAPTER B ESCAPE

Sec.

5121. Escape.

5122. Implements for escape.

5123. Contraband.

5124. Default in required appearance.

5125. Absconding witness.

§ 5121. Escape.

(a) Escape.—A person commits an offense if he unlawfully removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period.

(b) Permitting or facilitating escape.—A public servant concerned in detention commits an offense if he knowingly or recklessly permits an escape. Any person who knowingly causes or facilitates an escape commits an offense.

(c) Effect of legal irregularity in detention.—Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, shall not be a defense to prosecution under this section.

(d) Grading.—

(1) An offense under this section is a felony of the third degree where:

(i) the actor was under arrest for or detained on a charge of felony or following conviction of crime;

(ii) the actor employs force, threat, deadly weapon or other dangerous instrumentality to effect the escape; or

(iii) a public servant concerned in detention of persons convicted of crime intentionally facilitates or permits an escape from a detention facility.

(2) Otherwise an offense under this section is a misdemeanor of the second degree.

(e) Definition.—As used in this section the phrase “official detention” means arrest, detention in any facility for custody of persons under charge or conviction of crime or alleged or found to be delinquent, detention for extradition or deportation, or any other detention for law enforcement purposes; but the phrase does not include supervision of probation or parole, or constraint incidental to release on bail.

§ 5122. Implements for escape.

(a) Offense defined.—A person commits a misdemeanor of the first degree if he unlawfully introduces within a detention facility or mental hospital, or unlawfully provides an inmate thereof with any weapon, tool or other thing which may be used for escape. An inmate commits a misdemeanor of the second degree if he unlawfully procures, makes, or otherwise provides himself with, or has in his possession any such implement of escape.

(b) Definition.—As used in this section the word “unlawfully” means surreptitiously or contrary to law, regulation or order of the detaining authority.

§ 5123. Contraband.

A person commits a misdemeanor of the first degree if he sells, gives, or furnishes to any convict in a prison, or inmate in a mental hospital, or gives away in, or brings into any prison, mental hospital, or any building appurtenant thereto, or on the land granted to or owned or leased by the Commonwealth or county for the use and benefit of the prisoners or inmates, or puts in any place where it may be secured by a convict of a prison, inmate of a mental hospital, or employe thereof, any kind of spirituous or fermented liquor, drug, medicine, poison, opium, morphine, or other kind of narcotics, (except the ordinary hospital supply of the prison or mental hospital) without a written permit signed by the physician of such institution, specifying the quantity and quality of the

liquor or narcotic which may be furnished to any convict, inmate, or employe in the prison or mental hospital, the name of the prisoner, inmate, or employe for whom, and the time when the same may be furnished, which permit shall be delivered to and kept by the warden or superintendent of the prison or mental hospital.

§ 5124. Default in required appearance.

(a) Offense defined.—A person set at liberty by court order, with or without bail, upon condition that he will subsequently appear at a specified time and place, commits a misdemeanor of the second degree if, without lawful excuse, he fails to appear at that time and place. The offense constitutes a felony of the third degree where the required appearance was to answer to a charge of felony, or for disposition of any such charge, and the actor took flight or went into hiding to avoid apprehension, trial or punishment.

(b) Exception.—Subsection (a) of this section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

§ 5125. Absconding witness.

A person commits a misdemeanor of the third degree if, having been required by virtue of any legal process or otherwise to attend and testify in any prosecution for a crime before any court, judge, justice, or other judicial tribunal, or having been recognized or held to bail to attend as a witness on behalf of the Commonwealth or defendant, before any court having jurisdiction, to testify in any prosecution, he unlawfully and willfully conceals himself or absconds from this Commonwealth, or from the jurisdiction of such court, with intent to defeat the end of public justice, and refuses to appear as required by such legal process or otherwise.

CHAPTER 53 ABUSE OF OFFICE

Sec.

5301. Official oppression.

5302. Speculating or wagering on official action or information.

§ 5301. Official oppression.

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

(1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

(2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

§ 5302. Speculating or wagering on official action or information.

A public servant commits a misdemeanor of the second degree if, in contemplation of official action by himself or by a governmental unit with which he is associated, or in reliance on information to which he has access in his official capacity and which has not been made public, he:

- (1) acquires a pecuniary interest in any property, transaction or enterprise which may be affected by such information or official action;
- (2) speculates or wagers on the basis of such information or official action; or
- (3) aids another to do any of the foregoing.

ARTICLE F**OFFENSES AGAINST PUBLIC ORDER AND DECENCY****Chapter**

55. Riot, Disorderly Conduct and Related Offenses
57. Invasion of Privacy
59. Public Indecency

CHAPTER 55**RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES****Sec.**

5501. Riot.
5502. Failure of disorderly persons to disperse upon official order.
5503. Disorderly conduct.
5504. Harassment by communication or address.
5505. Public drunkenness.
5506. Loitering and prowling at night time.
5507. Obstructing highways and other public passages.
5508. Disrupting meetings and processions.
5509. Desecration of venerated objects.
5510. Abuse of corpse.
5511. Cruelty to animals.
5512. Lotteries, etc.
5513. Gambling devices, gambling, etc.
5514. Pool selling and bookmaking.

§ 5501. Riot.

A person is guilty of riot, a felony of the third degree, if he participates with two or more others in a course of disorderly conduct:

- (1) with intent to commit or facilitate the commission of a felony or misdemeanor;
- (2) with intent to prevent or coerce official action; or
- (3) when the actor or any other participant to the knowledge of the actor uses or plans to use a firearm or other deadly weapon.

§ 5502. Failure of disorderly persons to disperse upon official order.

Where three or more persons are participating in a course of disorderly conduct which causes or may reasonably be expected to cause substantial harm or serious inconvenience, annoyance or alarm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who refuses or knowingly fails to obey such an order commits a misdemeanor of the second degree.

§ 5503. Disorderly conduct.

(a) Offense defined.—A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he:

(1) engages in fighting or threatening, or in violent or tumultuous behavior;

(2) makes unreasonable noise;

(3) uses obscene language, or makes an obscene gesture; or

(4) creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(b) Grading.—An offense under this section is a misdemeanor of the third degree if the intent of the actor is to cause substantial harm or serious inconvenience, or if he persists in disorderly conduct after reasonable warning or request to desist. Otherwise disorderly conduct is a summary offense.

(c) Definition.—As used in this section the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are highways, transport facilities, schools, prisons, apartment houses, places of business or amusement, any neighborhood, or any premises which are open to the public.

§ 5504. Harassment by communication or address.

(a) Offense defined.—A person commits a misdemeanor of the third degree if, with intent to harass another, he:

(1) makes a telephone call without intent of legitimate communication or addresses to or about such other person any lewd, lascivious or indecent words or language or anonymously telephones another person repeatedly; or

(2) makes repeated communications anonymously or at extremely inconvenient hours, or in offensively coarse language.

(b) Venue.—Any offense committed under paragraph (a)(1) of this section may be deemed to have been committed at either the place at which the telephone call or calls were made or at the place where the telephone call or calls were received.

§ 5505. Public drunkenness.

A person is guilty of a summary offense if he appears in any public place manifestly under the influence of alcohol to the degree that he may

endanger himself or other persons or property, or annoy persons in his vicinity.

§ 5506. Loitering and prowling at night time.

Whoever at night time maliciously loiters or maliciously prowls around a dwelling house or any other place used wholly or in part for living or dwelling purposes, belonging to or occupied by another, is guilty of a misdemeanor of the third degree.

§ 5507. Obstructing highways and other public passages.

(a) Obstructing.—A person, who, having no legal privilege to do so, intentionally or recklessly obstructs any highway, railroad track or public utility right-of-way, sidewalk, navigable waters, other public passage, whether alone or with others, commits a summary offense, or, in case he persists after warning by a law officer, a misdemeanor of the third degree. No person shall be deemed guilty of an offense under this subsection solely because of a gathering of persons to hear him speak or otherwise communicate, or solely because of being a member of such a gathering.

(b) Refusal to move on.—

(1) A person in a gathering commits a summary offense if he refuses to obey a reasonable official request or order to move:

(i) to prevent obstruction of a highway or other public passage;

or

(ii) to maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.

(2) An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.

(c) Definition.—As used in this section the word “obstructs” means renders impassable without unreasonable inconvenience or hazard.

§ 5508. Disrupting meetings and processions.

A person commits a misdemeanor of the third degree if, with intent to prevent or disrupt a lawful meeting, procession or gathering, he disturbs or interrupts it.

§ 5509. Desecration of venerated objects.

(a) Offense defined.—A person commits a misdemeanor of the second degree if he intentionally desecrates any public monument or structure, or place of worship or burial, or if he intentionally desecrates any other object of veneration by the public or a substantial segment thereof in any public place.

(b) Definition.—As used in this section the word “desecrate” means defacing, damaging, polluting or otherwise physically mistreating in a way that the actor knows will outrage the sensibilities of persons likely to observe or discover the action.

§ 5510. Abuse of corpse.

Except as authorized by law, a person who treats a corpse in a way that

he knows would outrage ordinary family sensibilities commits a misdemeanor of the second degree.

§ 5511. Cruelty to animals.

(a) Offense defined.—A person commits a misdemeanor of the second degree if he intentionally or recklessly:

- (1) subjects any animal to cruel mistreatment;
- (2) subjects any animal in his custody to cruel neglect; or
- (3) kills or injures any animal belonging to another without legal privilege or consent of the owner.

(b) Exception.—Paragraphs (a)(1) and (a)(2) of this section shall not be deemed applicable to accepted veterinary practices and activities carried on for scientific research.

(c) Arrests, searches, and seizures.—Any agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth shall have the same power as a peace officer to make arrests for violations of this section and to make searches and seizures relating to violations of this section.

§ 5512. Lotteries, etc.

(a) Status of activity.—All unlawful lotteries or numbers games are hereby declared to be common nuisances. Every transfer of property which shall be in pursuance of any unlawful lottery or numbers game is hereby declared to be invalid and void.

(b) Offense defined.—A person is guilty of a misdemeanor of the first degree if he:

- (1) sets up, or maintains, any lottery or numbers game;
- (2) manufactures or prints, or sells, exposes for sale or has in his possession with intent to sell any unlawful lottery or numbers ticket or share, or any writing, token or other device purporting or intending to entitle the holder or bearer, or any other person, to any prize to be drawn or obtained in any lottery, or numbers game; or
- (3) publishes any advertisement of any lottery or numbers game.

(c) Status of purchaser.—The purchaser of any such ticket, or device, shall not be liable to any prosecution or penalty arising out of this crime, and shall in all respects be a competent witness to prove the offense.

(d) Definition.—As used in this section the term “unlawful” means not specifically authorized by law.

§ 5513. Gambling devices, gambling, etc.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he:

- (1) intentionally or knowingly makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any punch board, drawing card, slot machine or any device to be used for gambling purposes, except playing cards;
- (2) allows persons to collect and assemble for the purpose of unlawful gambling at any place under his control;

(3) solicits or invites any person to visit any unlawful gambling place for the purpose of gambling; or

(4) being the owner, tenant, lessee or occupant of any premises, knowingly permits or suffers the same, or any part thereof, to be used for the purpose of unlawful gambling.

(b) Confiscation of gambling devices.—Any gambling device possessed or used in violation of the provisions of subsection (a) of this section shall be seized and forfeited to the Commonwealth. All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under the provisions of this section.

§ 5514. Pool selling and bookmaking.

A person is guilty of a misdemeanor of the first degree if he:

(1) engages in pool selling or bookmaking;

(2) occupies any place for the purpose of receiving, recording or registering bets or wagers, or of selling pools;

(3) receives, records, registers, forwards, or purports or pretends to forward, to another, any bet or wager upon the result of any political nomination, appointment or election, or upon any contest of any nature;

(4) becomes the custodian or depository, for gain or ward, of any property staked, wagered or pledged, or to be staked, wagered, or pledged upon any such result; or

(5) being the owner, lessee, or occupant of any premises, knowingly permits or suffers the same, to be used or occupied for any of such purposes.

CHAPTER 57 INVASION OF PRIVACY

Sec.

5701. Definitions.

5702. Breach of privacy of telephone or telegraph communications.

5703. Admissibility in evidence.

5704. Civil damages.

§ 5701. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Divulge.” Includes divulgence to a fellow employe of official in government or private enterprise or in a judicial, administrative, legislative, or other proceeding.

“Person.” Includes persons acting or purporting to act for, or in behalf of, any government or subdivision thereof, whether Federal, State, or local.

“Private place.” A place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but the term does not include a place to which the public or a substantial group thereof has access.

§ 5702. Breach of privacy of telephone or telegraph communications.

A person commits a misdemeanor of the second degree if he:

(1) intercepts without permission of the parties to the communication a message or other communication by telephone or telegraph;

(2) installs or employs any device for overhearing or recording communications passing through a telephone or telegraph line with intent to intercept a communication in violation of this chapter; or

(3) divulges or uses without the consent of the sender or receiver the existence or contents of any such message or other communication if the actor knows that the message was illegally intercepted, or if he learned of the message in the course of employment with an agency engaged in transmitting it.

§ 5703. Admissibility in evidence.

Except as proof in a suit or prosecution for a violation of this chapter, no evidence obtained as a result of a violation of privacy or breach of privacy of messages shall be admissible as evidence in any legal proceeding.

§ 5704. Civil damages.

Any person who violates or aids, abets, or procures a violation of this chapter shall be liable to any person whose communication is unlawfully intercepted or divulged for treble the amount of any damage resulting from such unlawful interception, divulgence or use, but in no event less than \$100 and a reasonable attorney's fee.

CHAPTER 59 PUBLIC INDECENCY

Sec.

5901. Open lewdness.

5902. Prostitution and related offenses.

5903. Obscenity.

5904. Public exhibition of insane or deformed person.

§ 5901. Open lewdness.

A person commits a misdemeanor of the third degree if he does any lewd act which he knows is likely to be observed by others who would be affronted or alarmed.

§ 5902. Prostitution and related offenses.

(a) Prostitution.—A person is guilty of prostitution; a misdemeanor of the third degree, if he or she:

(1) is an inmate of a house of prostitution or otherwise engages in sexual activity as a business; or

(2) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

(b) Promoting prostitution.—A person who knowingly promotes prostitution of another commits a misdemeanor or felony as provided in subsection (c) of this section. The following acts shall, without limitation of the foregoing, constitute promoting prostitution:

(1) owning, controlling, managing, supervising or otherwise keeping, alone or in association with others, a house of prostitution or a prostitution business;

(2) procuring an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate;

(3) encouraging, inducing, or otherwise intentionally causing another to become or remain a prostitute;

(4) soliciting a person to patronize a prostitute;

(5) procuring a prostitute for a patron;

(6) transporting a person into or within this Commonwealth with intent to promote the engaging in prostitution by that person, or procuring or paying for transportation with that intent;

(7) leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or the promotion of prostitution, or failure to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means; or

(8) soliciting, receiving, or agreeing to receive any benefit for doing or agreeing to do anything forbidden by this subsection.

(c) Grading of offenses under subsection (b).—

(1) An offense under subsection (b) of this section constitutes a felony of the third degree if:

(i) the offense falls within paragraphs (b)(1), (b)(2) or (b)(3) of this section;

(ii) the actor compels another to engage in or promote prostitution;

(iii) the actor promotes prostitution of a child under the age of 16 years, whether or not he is aware of the age of the child; or

(iv) the actor promotes prostitution of his wife, child, ward or any person for whose care, protection or support he is responsible.

(2) Otherwise the offense is a misdemeanor of the second degree.

(d) Living off prostitutes.—A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is knowingly supported in whole or substantial part by the proceeds of prostitution is promoting prostitution in violation of subsection (b) of this section.

(e) Patronizing prostitutes.—A person commits a summary offense if he hires a prostitute to engage in sexual activity with him, or if he enters

or remains in a house of prostitution for the purpose of engaging in sexual activity.

(f) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“House of prostitution.” Any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

“Inmate.” A person who engages in prostitution in or through the agency of a house of prostitution.

“Public place.” Any place to which the public or any substantial group thereof has access.

“Sexual activity.” Includes homosexual and other deviate sexual relations.

§ 5903. Obscenity.

(a) Offenses defined.—Whoever sells, lends, distributes, exhibits, gives away or shows to any person 17 years of age or older or offers to sell, lend, distribute, exhibit or give away or show, or has in his possession with intent to sell, lend, distribute or give away or to show to any person 17 years of age or older, or knowingly advertises in any manner any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature, or any article or instrument of an obscene nature, or whoever designs, copies, draws, photographs, prints, utters, publishes or in any manner manufactures or prepares any such book, picture, drawing, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, figure, image, matter, article or thing or whoever writes, prints, publishes or utters or causes to be printed, published or uttered, any advertisement or notice of any kind giving information, directly or indirectly, stating or purporting to state where, how, or whom, or by what means any obscene book, picture, writing, paper, comic book, figure, image, matter, article or thing named in this section can be purchased, obtained or had, or whoever hires, employs, uses or permits any minor or child to do or assist in doing any act or thing mentioned in this section, is guilty of a misdemeanor of the second degree.

(b) Obscene defined.—“Obscene,” as used in this section, means that which, to the average person applying contemporary community standards, has as its dominant theme, taken as a whole, an appeal to prurient interest.

(c) Minors.—It shall be unlawful for any person knowingly to sell or loan for monetary or other valuable consideration to a minor:

(1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors; or

(2) any book, pamphlet, magazine, printed matter however

reproduced, or sound recording which contains any matter enumerated in clause (1) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse and which, taken as a whole, is harmful to minors.

(d) Admitting minor to show.—It shall be unlawful for any person knowingly to exhibit for monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited, a motion picture show or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors, except that the foregoing shall not apply to any minor accompanied by his parent.

(e) Definitions.—As used in subsections (c) and (d) of this section:

(1) “Minor” means any person under the age of 17 years.

(2) “Nudity” means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(3) “Sexual conduct” means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(4) “Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(5) “Sadomasochistic abuse” means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(6) “Harmful to minors” means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

(i) predominantly appeals to the prurient, shameful, or morbid interest of minors; and

(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

(iii) is utterly without redeeming social importance for minors.

(7) “Knowingly” means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

(i) the character and content of any material described herein which is reasonably susceptible of examination by the defendant; and

(ii) the age of the minor: Provided, however, That an honest mistake shall constitute an excuse from liability hereunder if the

defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

(f) Grading.—Any person who violates subsections (c) and (d) of this section is guilty of a misdemeanor of the first degree.

(g) Requiring sale.—A person who knowingly requires any distributor or retail seller as a condition to sale or delivery for resale or consignment of any literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature, or any article or instrument of an obscene nature to purchase or take by consignment for purposes of sale, resale, or distribution any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature or any article or instrument of an obscene nature, is guilty of a misdemeanor of the second degree.

(h) Injunction.—The district attorney of any county in which any person sells, lends, distributes, exhibits, gives away or shows, or is about to sell, lend, distribute, exhibit, give away or show, or has in his possession with intent to sell, resell, lend, distribute, exhibit, give away or show, any obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature, or any article or instrument of an obscene nature, may institute proceedings in equity in the court of common pleas of said county for the purpose of enjoining the sale, resale, lending, distribution, exhibit, gift or show of such obscene literature, book, magazine, pamphlet, newspaper, storypaper, paper, comic book, writing, drawing, photograph, figure or image, or any written or printed matter of an obscene nature, or any article or instrument of an obscene nature, contrary to the provisions of this section, and for such purposes jurisdiction is hereby conferred upon said courts. A preliminary injunction may issue and a hearing thereafter be held thereon in conformity with the Rules of Civil Procedure upon the averment of the district attorney that the sale, resale, lending, distribution, exhibit, gift or show of such publication constitutes a danger to the welfare or peace of the community. The district attorney shall not be required to give bond.

(i) Right to jury trial.—The right to trial by jury shall be preserved in all proceedings under this section.

§ 5904. Public exhibition of insane or deformed person.

A person is guilty of a misdemeanor of the second degree if he exhibits in any place, for a pecuniary consideration or reward, any insane, idiotic or deformed person, or imbecile.

ARTICLE G

MISCELLANEOUS OFFENSES

Chapter

- 61. Firearms and Other Dangerous Articles
- 63. Minors
- 65. Nuisances
- 67. Proprietary and Official Rights
- 69. Public Utilities
- 71. Sports and Amusements
- 73. Trade and Commerce
- 75. Other Offenses

CHAPTER 61

FIREARMS AND OTHER DANGEROUS ARTICLES

Subchapter

- A. Uniform Firearms Act
- B. Firearms Generally
- C. Other Dangerous Articles

SUBCHAPTER A

UNIFORM FIREARMS ACT

Sec.

- 6101. Short title of subchapter.
- 6102. Definitions.
- 6103. Crimes committed with firearms.
- 6104. Evidence of intent.
- 6105. Former convict not to own a firearm, etc.
- 6106. Firearms not to be carried without a license.
- 6107. Prohibited conduct during emergency.
- 6108. Carrying firearms on public streets or public property in Philadelphia.
- 6109. Licenses.
- 6110. Persons to whom delivery shall not be made.
- 6111. Sale of firearms.
- 6112. Retail dealer required to be licensed.
- 6113. Licensing of dealers.
- 6114. Judicial review.
- 6115. Loans on, or lending or giving firearms prohibited.
- 6116. False evidence of identity.
- 6117. Altering or obliterating marks of identification.
- 6118. Antique firearms.
- 6119. Violation penalty.

§ 6101. Short title of subchapter.

This subchapter shall be known, and may be cited as, the "Pennsylvania Uniform Firearms Act."

§ 6102. Definitions.

Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Firearm.” Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

“Crime of violence.” Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

§ 6103. Crimes committed with firearms.

If any person shall commit or attempt to commit a crime of violence when armed with a firearm contrary to the provisions of this subchapter, he may, in addition to the punishment provided for the crime, be punished also as provided by this subchapter.

§ 6104. Evidence of intent.

In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a firearm, used or attempted to be used, and had no license to carry the same, shall be evidence of his intention to commit said crime of violence.

§ 6105. Former convict not to own a firearm, etc.

No person who has been convicted in this Commonwealth or elsewhere of a crime of violence shall own a firearm, or have one in his possession or under his control.

§ 6106. Firearms not to be carried without a license.

(a) Offense defined.—No person shall carry a firearm in any vehicle or concealed on or about his person, except in his place of abode or fixed place of business, without a license therefor as provided in this subchapter.

(b) Exceptions.—The provisions of subsection (a) of this section shall not apply to:

(1) Constables, sheriffs, prison or jail wardens, or their deputies, policemen of this Commonwealth or its political subdivisions, or other law-enforcement officers.

(2) Members of the army, navy or marine corps of the United States or of the National Guard or organized reserves when on duty.

(3) The regularly enrolled members of any organization duly organized to purchase or receive such weapons from the United States or from this Commonwealth.

(4) The members of any organization incorporated under the laws of this Commonwealth, engaged in target shooting with rifle, pistol, or revolver, if such members are at or are going to or from their places of assembly or target practice.

(5) Officers or employes of the United States duly authorized to carry a concealed firearm.

(6) Agents, messengers and other employes of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property in the discharge of such duties.

(7) Any person engaged in the business of manufacturing, repairing, or dealing in firearms, or the agent or representative of any such person, having in his possession, using or carrying a firearm in the usual or ordinary course of such business.

(8) Any person while carrying a firearm unloaded and in a secure wrapper from the place of purchase to his home or place of business, or to a place of repair or back to his home or place of business, or in moving from one place of abode or business to another.

(9) Persons licensed to hunt or fish in this Commonwealth, if such persons are actually hunting or fishing or are going to the places where they desire to hunt or fish or returning from such places.

(10) Persons training dogs, if such persons are actually training dogs during the regular training season.

(c) Registration required in connection with field or stream exemptions.—Before any exemption shall be granted under paragraphs (b)(9) or (b)(10) of this section to any person licensed to hunt or fish or who desires to train dogs, such person shall at the time of securing his hunting or fishing license or any time after any such license has issued, register with the county treasurer the make of the firearm he desires to carry, and the caliber and number thereof, on a blank to be furnished by the Pennsylvania State Police. The original registration shall be delivered to the person registering such firearm, and a copy thereof shall be forwarded by the county treasurer to the Commissioner of the Pennsylvania State Police. The county treasurer shall be entitled to collect a fee of 50 cents for each such registration of a firearm. In all counties the treasurer shall retain 20 cents of each fee and the remaining 30 cents of each fee shall be paid to the county. The registration of a firearm, as provided in this subsection, shall be good only for the year for which the hunting or fishing license in connection with which it is granted, is issued.

(d) Revocation of registration.—Any registration of a firearm under subsection (c) of this section may be revoked by the county treasurer who issued it, upon written notice to the holder thereof.

§ 6107. Prohibited conduct during emergency.

No person shall carry a firearm, rifle or shotgun upon the public streets or upon any public property during an emergency proclaimed by a municipal or State governmental executive unless that person is:

(1) Actively engaged in a defense of his life or property from peril or threat.

(2) Licensed to carry firearms under section 6109 of this title (relating to licenses) or is exempt from licensing under section 6106(b) of this title (relating to firearms not to be carried without a license).

§ 6108. Carrying firearms on public streets or public property in Philadelphia.

No person shall carry a firearm, rifle or shotgun at any time upon the public streets or upon any public property in a city of the first class unless:

- (1) such person is licensed to carry a firearm; or
- (2) such person is exempt from licensing under section 6106(b) of this title (relating to firearms not to be carried without a license).

§ 6109. Licenses.

(a) Issue of license.—The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of a county, may, upon the application of any person, issue a license to such person to carry a firearm in a vehicle or concealed on or about his person within this Commonwealth for not more than one year from date of issue, if it appears that the applicant has good reason to fear an injury to his person or property, or has any other proper reason for carrying a firearm, and that he is a suitable person to be so licensed.

(b) Form of license.—The license shall be in triplicate, in form to be prescribed by the Pennsylvania State Police, and shall bear the name, address, description, and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall, within seven days, be sent by registered or certified mail to the Commissioner of the Pennsylvania State Police, and the triplicate shall be preserved for six years by the authority issuing said license.

(c) Fee.—The fee for issuing such license shall be 50 cents, which fee shall be paid into the county treasury, except that if the applicant exhibits a resident hunter's license issued to him for the current license year, the fee shall not be charged.

(d) Revocation.—Any such license to carry firearms may be revoked by the person issuing the same, at any time, upon written notice to the holder thereof.

§ 6110. Persons to whom delivery shall not be made.

No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

§ 6111. Sale of firearms.

(a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address,

occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. The seller shall, within six hours after such application, sign and attach his address and forward by registered or certified mail one copy of such statement to the chief or head of the police force or police department of the city, or the sheriff of the county of the place of business of the seller, the duplicate, duly signed by the seller, shall, within seven days, be sent by him, with his address, to the Commissioner of the Pennsylvania State Police, the triplicate he shall retain for six years, and the quadruplicate with the proper signature and address of the seller shall, within six hours after such application, be forwarded by registered or certified mail to the chief or head of the police force or police department of the city or to the sheriff of the county of which the buyer is a resident.

(c) Exemption.—This section shall not apply to sales at wholesale.

§ 6112. Retail dealer required to be licensed.

No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

§ 6113. Licensing of dealers.

(a) General rule.—The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale of firearms), for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

(6) No firearm or imitation thereof, or placard advertising the sale thereof, shall be displayed in any part of any premises where it can readily be seen from the outside. In the event that the Commissioner of the Pennsylvania State Police shall find a clear and present danger to public safety within the Commonwealth or any area thereof firearms, rifles and shotguns shall be stored by licensee during the hours when licensee is closed for business safeguarded pursuant to regulations to be established by the Pennsylvania State Police.

(b) Fee.—The fee for issuing said license shall be \$10, which fee shall be paid into the county treasury.

(c) Revocation.—Any license granted under subsection (a) of this section may be revoked by the person issuing the same, upon written notice to the holder thereof.

§ 6114. Judicial review.

The action of the chief of police, sheriff, county treasurer or other officer under this subchapter shall be subject to judicial review in the manner and within the time provided by the Local Agency Law. A judgment sustaining a refusal to grant a license shall not bar, after one 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.

§ 6115. Loans on, or lending or giving firearms prohibited.

No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

§ 6116. False evidence of identity.

No person shall, in purchasing or otherwise securing delivery of a firearm or in applying for a license to carry the same, give false information or offer false evidence of his identity.

§ 6117. Altering or obliterating marks of identification.

(a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm, upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

§ 6118. Antique firearms.

This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

§ 6119. Violation penalty.

An offense under this section constitutes a misdemeanor of the first degree.

SUBCHAPTER B
FIREARMS GENERALLY

Sec.

6141. Purchase of firearms in contiguous states.

§ 6141. Purchase of firearms in contiguous states.

(a) General rule.—It is lawful for a person residing in this Commonwealth, including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or transport such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—

(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances.

(2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—

(1) As used in this section the term “a state contiguous to this Commonwealth” means any state having a common border with this Commonwealth.

(2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the “Gun Control Act of 1968.”

SUBCHAPTER C
OTHER DANGEROUS ARTICLES

Sec.

6161. Carrying explosives on conveyances.

6162. Shipping explosives.

§ 6161. Carrying explosives on conveyances.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he enters into or upon any railroad train, locomotive, tender or car thereof, or into or upon any automobile or other conveyance used for the carrying of freight or passengers, having in his custody or about his person any nitroglycerine or other explosive, other than as freight regularly shipped as such.

(b) Powers of crew.—The conductor or person having charge and control of any railroad train, coach, or other conveyance for the carriage of freight or passengers, may arrest any person found violating the provisions of this section and detain such person until reaching some

place, where such person may be delivered to a constable or other police authority.

(c) Venue.—It shall be lawful to prosecute such offenders in any county through which said public conveyance passes, without reference to the place where such offenders were arrested.

§ 6162. Shipping explosives.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he knowingly delivers, or causes to be delivered to any transportation company, or to any person engaged in the business of transportation, any explosive material adapted for blasting, or for any other purpose for which such articles may be used, under any false or deceptive invoice or description, or without informing the carrier at or before the time when such delivery is made, of the true nature of the same, and without having the keg, barrel, can or package containing the same plainly marked with the name of the explosive material therein contained, together with the word “dangerous.”

(b) Damages.—Any person convicted of an offense under this section shall, in addition to any other penalty, be responsible for all damages to persons or property directly or indirectly resulting from the explosion of any such article.

(c) Opening of suspected containers.—Any person engaged in the business of transportation, upon affidavit made of the fact that any container tendered for transportation, not in compliance with the provisions of this section is believed to contain explosive material, may require such container to be opened, and refuse to receive any such container unless such requirement is complied with.

(d) Disposition of explosives.—If such container is opened and found to contain any explosive material, the container and its contents shall be forthwith removed to any lawful place for the storing of explosives. After conviction of the offender, or after three months from such removal, the container, with its contents, shall be sold at public sale, after the expiration of ten days from notice of the time and place of such sale, published in one newspaper in the county where such seizure shall have been made. The proceeds of such sale, after deducting therefrom the expenses of removal, storage, advertisement and sale, shall be paid into the treasury of the county.

**CHAPTER 63
MINORS**

Sec.

- 6301. Corrupting children.
- 6302. Sale or lease of weapons and explosives.
- 6303. Sale of starter pistols.
- 6304. Sale and use of air rifles.

6305. Sale of tobacco.

6306. Furnishing cigarettes or cigarette papers.

6307. Misrepresentation of age to secure liquor.

6308. Purchase, consumption, possession or transportation of intoxicating beverages.

6309. Representing to liquor dealers that minor is of age.

6310. Inducement of minors to buy liquor.

6311. Tattooing.

§ 6301. Corrupting children.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he, being of the age of 18 years and upwards, by any act corrupts or tends to corrupt the morals of any child under the age of 18 years, or if he aids, abets, entices or encourages any such child in the commission of any crime, or who knowingly assists or encourages such child in violating his or her parole or any order of court.

(b) Adjudication of delinquency unnecessary.—A conviction under this section may be had whether or not the jurisdiction of any juvenile court has or shall thereafter attach to such child or whether or not such child has been or shall thereafter be adjudicated a delinquent.

(c) Presumptions.—In trials and hearings upon charges of violating the provisions of this section, knowledge of the age of the minors and of the orders and decrees of the court concerning such minor shall be presumed in the absence of proof to the contrary.

§ 6302. Sale or lease of weapons and explosives.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

§ 6303. Sale of starter pistols.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as “starter pistol” specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

§ 6304. Sale and use of air rifles.

(a) Sale or transfer of air rifles.—

(1) It shall be unlawful for any dealer to sell, lend, rent, give, or otherwise transfer an air rifle to any person under the age of 18 years,

where the dealer knows, or has reasonable cause to believe, the person to be under 18 years of age, or where such dealer has failed to make reasonable inquiry relative to the age of such person, and such person is under 18 years of age.

(2) It shall be unlawful for any person to sell, give, lend, or otherwise transfer any air rifle to any person under 18 years of age, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the person under 18 years of age.

(b) Carrying or discharging air rifles.—

(1) It shall be unlawful for any person under 18 years of age to carry any air rifle on the highways or public lands unless accompanied by an adult, except that a person under 18 years of age may carry such rifle unloaded in a suitable case or securely wrapped.

(2) It shall be unlawful for any person to discharge any air rifle from or across any highway or public land or any public place, except on a properly constructed target range.

(c) Exceptions.—

(1) Nothing in this section shall make it unlawful for any person under 18 years of age to have in his possession any air rifle, if it is:

(i) kept within his domicile;

(ii) used by the person under 18 years of age and he is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as part of its facilities or having written permission to use an indoor or outdoor rifle range under the supervision, guidance and instruction of a responsible adult, and then only, if said air rifle is actually being used in connection with the activities of said club, team or society under the supervision of a responsible adult; or

(iii) used in or on any private grounds or residence under circumstances when such air rifle can be fired, discharged or operated in such a manner as not to endanger persons or property, and then only, if it is used in such manner as to prevent the projectile from transversing any grounds or space outside the limits of such grounds or residence.

(2) Nothing in this section shall prohibit sales of air rifles:

(i) By wholesale dealers or jobbers.

(ii) To be shipped out of this Commonwealth.

(iii) To be used at a target range operated in accordance with paragraph (1) of this subsection or by members of the armed services of the United States or veterans' organizations.

(d) Seizure.—Any law enforcement officer may seize, take, remove or cause to be removed, at the expense of the owner, all air rifles used or offered for sale in violation of this section.

(e) No preemption.—The provisions of any ordinance enacted by any

political subdivision which impose greater restrictions or limitations in respect to the sale and purchase, use or possession of air rifles, than is imposed by this section, shall not be invalidated or affected by this section.

(f) Grading.—Any dealer violating the provisions of paragraph (a)(1) of this section shall be guilty of a misdemeanor of the third degree. Any person violating any other provision of this section shall be guilty of a summary offense.

(g) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Air rifles.” Any air gun, air pistol, spring gun, spring pistol, B-B gun, or any implement that is not a firearm, which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm.

“Dealer.” Any person engaged in the business of selling at retail or renting any air rifles.

§ 6305. Sale of tobacco.

A person is guilty of a summary offense if he sells tobacco, in any form, to any minor under the age of 16 years, or by purchase, gift or other means, furnishes tobacco, in any form, to a minor under the age of 16 years.

§ 6306. Furnishing cigarettes or cigarette papers.

(a) Offense defined.—A person commits an offense if he furnishes to any minor, by gift, sale or otherwise, any cigarettes or cigarette paper.

(b) Grading.—Whoever commits an offense under this section shall, upon being convicted thereof in a summary proceeding, be sentenced for the first offense to pay a fine not exceeding \$25 and for the second offense shall be fined not exceeding \$100; and for the third or subsequent offense shall be guilty of a misdemeanor of the third degree.

§ 6307. Misrepresentation of age to secure liquor.

A person is guilty of a misdemeanor of the third degree if he, being under the age of 21 years, knowingly and falsely represents himself to be 21 years of age to any licensed dealer or other person, for the purpose of procuring or having furnished to him, any intoxicating liquors.

§ 6308. Purchase, consumption, possession or transportation of intoxicating beverages.

(a) Offense defined.—A person is guilty of a summary offense if he, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or transports any alcohol, liquor or malt or brewed beverages.

(b) Disposition of fine.—Any fine under this section shall be decreed to be paid to the local government in which the offense was committed, for the use of such local government.

§ 6309. Representing to liquor dealers that minor is of age.

A person is guilty of a misdemeanor of the third degree if he knowingly, willfully, and falsely represents to any licensed dealer, or other person, any minor to be of full age, for the purpose of inducing any such licensed dealer or other person, to sell or furnish any intoxicating liquors to the minor.

§ 6310. Inducement of minors to buy liquor.

A person is guilty of a misdemeanor of the third degree if he hires or requests or induces any minor to purchase, or offer to purchase, spirituous, vinous or brewed and malt liquors from a duly licensed dealer for any purpose.

§ 6311. Tattooing.

A person is guilty of a misdemeanor of the third degree if he tattoos any person under the age of 18 years without the consent of the parent or guardian of such person.

**CHAPTER 65
NUISANCES**

Sec.

6501. Scattering rubbish.

6502. Refrigerators and iceboxes.

6503. Posting advertisements on property of another.

6504. Public nuisances.

§ 6501. Scattering rubbish.

A person is guilty of a summary offense if he:

(1) throws any waste paper, sweepings, ashes, household waste, glass, metal, refuse or rubbish, or any dangerous or detrimental substance into or upon any road, street, highway, or alley, or upon the land of another or into or upon any stream or navigable river; or

(2) interferes with, scatters, or disturbs the contents of any receptacle containing ashes, garbage, household waste, or rubbish.

§ 6502. Refrigerators and iceboxes.

(a) Offense defined.—A person is guilty of a summary offense if he discards or abandons in any place accessible to children any refrigerator or icebox having a capacity of 1.5 cubic feet or more with an attached lid or door, or being the owner, lessee or manager of any place accessible to children knowingly permits an abandoned or discarded refrigerator, icebox or chest to remain there with an attached lid or door.

(b) Effect of violation.—A violation of this section shall not in itself render a person guilty of manslaughter, assault or other crime against a person who may suffer death or injury from entrapment in an icebox or refrigerator.

§ 6503. Posting advertisements on property of another.

(a) Offense defined.—A person is guilty of a summary offense if he pastes, paints, brands or stamps or in any manner whatsoever places upon or attaches to any building, fence, bridge, gate, outbuilding or other object, upon the grounds of any charitable, educational or penal institution of the Commonwealth, or upon any property belonging to the Commonwealth government, any political subdivision, or municipal or

local authority, any written, printed, painted or other advertisement, bill, notice, sign or poster, or pastes, paints, brands, stamps or in any manner whatsoever places upon, or attaches to any building, fence, bridge, gate, outbuilding or property of another, whether within or without the limits of a highway, any written, printed, painted or other advertisement, bill, notice, sign, card or poster, without first having obtained the written consent of the owner, or tenant lawfully in possession or occupancy thereof.

(b) Exception.—Subsection (a) of this section shall not prevent the posting or placing of any notice required by law or order of court, nor to prevent the posting or placing of any notice particularly concerning or pertaining to premises upon which the same is so posted or placed.

§ 6504. Public nuisances.

Whoever erects, sets up, establishes, maintains, keeps or continues, or causes to be erected, set up, established, maintained, kept or continued, any public or common nuisance is guilty of a misdemeanor of the second degree.

Where the nuisance is in existence at the time of the conviction and sentence, the court, in its discretion, may direct either the defendant or the sheriff of the county at the expense of the defendant to abate the same.

**CHAPTER 67
PROPRIETARY AND OFFICIAL RIGHTS**

Sec.

- 6701. Wearing of uniforms and insignia.
- 6702. Sale of veterans' flowers.
- 6703. Dealing in military decorations.
- 6704. Fraud on association having grand lodge.
- 6705. Use of containers bearing owner's name.
- 6706. Use or possession of stamped containers.
- 6707. False registration of domestic animals.
- 6708. Retention of library property after notice to return.

§ 6701. Wearing of uniforms and insignia.

A person is guilty of a summary offense if, without authority, he:

(1) wears or displays the uniform, decoration, insignia or other distinctive emblem of any branch of the armed forces of the United States or of any of the several states, or of any association, for the purpose of obtaining aid or profit, or while soliciting contributions or subscriptions; or

(2) wears an honorable discharge button issued or authorized by the United States.

§ 6702. Sale of veterans' flowers.

A person is guilty of a summary offense if, without authority, he sells, or offers for sale, the labeled artificial flowers, or any imitation thereof, of any bona fide war veterans' organization, or affiliate thereof.

§ 6703. Dealing in military decorations.

A person is guilty of a misdemeanor of the third degree if, without authority, he purchases, sells, or offers for sale, or accepts as a pledge or pawn, any medal, insignia or decoration granted by the United States for service in the armed forces.

§ 6704. Fraud on association having grand lodge.

A person is guilty of a summary offense if, without the authority of the grand lodge described in this section, he:

- (1) fraudulently uses, in any manner, the name or title of any secret fraternal association, which has had a grand lodge having jurisdiction in this Commonwealth for at least ten years;
- (2) imitates such name or title with intent to deceive;
- (3) wears or uses any insignia of such association with intent to deceive;
- (4) publishes or distributes, in any manner, any written or printed matter soliciting applications for membership in such secret fraternal association, or any alleged association claiming to be known by such title, or by a title in imitation or resemblance of such title; or
- (5) sells or gives or offers to sell or give any information as to how any alleged degree, secret work or secret of such fraternal association or of any alleged association, claiming to be known by such title, or by a title in imitation or resemblance of such title may be obtained.

§ 6705. Use of containers bearing owner's name.

A person is guilty of a summary offense if he uses, in the sale, exchange, transportation, delivery or preparation for sale of milk or cream, or their products, or of bread, or any other bakery products, or any other products, any bottle, jar, vessel, can, box, or other container of another, upon which is stamped, blown, or engraved the name, title, or mark of the owner, without the permission of the owner thereof.

§ 6706. Use or possession of stamped containers.

A person is guilty of a summary offense if he, without the consent of the owner thereof, sells or offers for sale, any milk can, butter tub or box, bread box, or other container used for the transportation of milk, cream, butter, bread or other bakery products, or any other products, having the name of the owner stamped thereon, or detains for his own use, or has in his possession for any cause, any milk can, butter tub or box, bread box, or any other container belonging to another, without the consent of the owner thereof, or willfully removes, obliterates, mutilates or otherwise destroys any lettering or plate containing the name and residence of such owner or owners of any milk can, butter tub or box, bread box, or container used for the transportation or handling of milk, cream, butter, bread or other bakery products, or any other products, without the consent of the owner.

§ 6707. False registration of domestic animals.

A person is guilty of a misdemeanor of the third degree if he, by any false

pretense, obtains from any club, association, society or company for improving the breed of domestic animals the registration or transfer of registration, of any animal in its herd, or other register, or knowingly gives a false pedigree of any animal.

§ 6708. Retention of library property after notice to return.

(a) Offense defined.—A person is guilty of a summary offense if he retains any book, pamphlet, magazine, newspaper, manuscript, map or other property belonging in, or to, or on deposit with, any library open to the public or any part thereof, for a period exceeding 30 days after such library has given written notice to return the same.

(b) Disposition of fine.—Any fine imposed under this section shall be paid over by the magistrate imposing such fine to the library instituting the prosecution, and costs of prosecution.

(c) Form of notice.—Such notice may be given by personal service upon the borrower, or by the mailing of a registered or certified letter to the address of the borrower on file with said library. The notice shall recite this section, and shall contain a demand that the property be returned.

CHAPTER 69 PUBLIC UTILITIES

Sec.

6901. Extension of water line.

6902. Willful obstruction of emergency telephone calls.

6903. Railroad employe abandoning train.

6904. Interfering with railroad employe.

6905. Nails and other hard substances attached to utility poles.

6906. Erection of crossing signboards.

6907. Obstructing public crossings.

6908. Obstructing private crossings.

6909. Lights obstructing view of signals.

6910. Unauthorized sale or transfer of tickets.

§ 6901. Extension of water line.

A person is guilty of a misdemeanor of the third degree if he, without first securing a permit from the water company or municipality or municipal authority supplying such person with water, shall convey, or permit or procure another to convey, any part of such water by means of pipe, hose or other conduit to any building, residence or structure beyond the limits of the tract occupied by such person.

§ 6902. Willful obstruction of emergency telephone calls.

(a) Offense defined.—A person is guilty of a summary offense if he willfully refuses to relinquish immediately a party line when informed that the line is needed for an emergency call to a fire department or police department or for medical aid or ambulance service, or if he secures the use of a party line by falsely stating that the line is needed for an emergency call.

(b) Notice to public.—Every telephone directory distributed to the members of the general public in this Commonwealth, or in any portion thereof, which lists the calling numbers of telephones of any telephone exchange located in this Commonwealth, shall contain a notice which explains the offense provided for in this section. The notice shall be printed in type which is not smaller than the smallest other type on the same page, and to be preceded by the word “warning” printed in type at least as large as the largest type on the same page. The provisions of this subsection shall not apply to those directories distributed solely for business advertising purposes commonly known as classified directories. Any person, providing telephone service which distributes, or causes to be distributed, in this Commonwealth copies of a telephone directory violating the provisions of this subsection, shall be guilty of a summary offense.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Emergency.” A situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

“Party line.” A subscriber’s line telephone circuit, consisting of two or more main telephone stations connected therewith each station with a distinctive ring or telephone number.

§ 6903. Railroad employe abandoning train.

A person is guilty of a summary offense if he, being a locomotive engineer or other railroad employe engaged in any strike, or with a view to incite others to such strike or in furtherance of any combination or preconcerted arrangement with any other person to bring about a strike, abandons the locomotive engine in his charge, when attached either to a passenger or freight train, at any place other than the scheduled or otherwise appointed destination of such train, or refuses or neglects to continue to discharge his duty, or to proceed with said train to the place of destination.

§ 6904. Interfering with railroad employe.

A person is guilty of a summary offense if he, in aid or furtherance of the objects of any strike upon any railroad, interferes with, molests or obstructs any locomotive engineer or other railroad employe engaged in the discharge and performance of his duty as such.

§ 6905. Nails and other hard substances attached to utility poles.

(a) Offense defined.—A person is guilty of a summary offense if he drives a nail or tack or attaches any metal or hard substance to or into any pole of any public utility pole line.

(b) Exceptions.—Subsection (a) of this section does not apply to:

(1) the public utility or its licensee using the poles from affixing its metal or other markers or from otherwise using the poles in its public service; or

(2) the erecting traffic signs and other signs similar thereto by a municipality when authorized by statute or by the owner of such poles.

§ 6906. Erection of crossing signboards.

(a) Offense defined.—A person is guilty of a summary offense if he erects or maintains any device or sign in the form of railway-crossing signboards on or near any of the public highways of this Commonwealth, or if he permits such a device or sign to remain on or near the public highways of this Commonwealth, unless such sign or device is erected under a permit from the Department of Transportation, which shall approve the location, construction, and design of such sign or device.

(b) Exception.—The provisions of subsection (a) of this section shall not apply to crossing signboards erected or maintained by any railroad or railway company.

§ 6907. Obstructing public crossings.

It shall be a summary offense for any railroad to obstruct or block up the passage of any crossings of a highway, or obstruct such crossings, with its rolling stock. If any engineer, or any member of the train crew, or other agent of any such railroad, shall obstruct or block up such crossings, he shall be guilty of a summary offense.

§ 6908. Obstructing private crossings.

It shall be a summary offense for any railroad to continue to obstruct or block up the passage of any private crossing, wherever any private road or crossing-place may be necessary to enable the occupant or occupants of land or farms to pass over the railroad with livestock, wagons and implements of husbandry, after the railroad shall have received at least 15 minutes verbal notice to remove its rolling stock, or other obstructions from any such private road or crossing-place.

§ 6909. Lights obstructing view of signals.

It shall be a summary offense to locate, maintain, or allow to remain, any light in such a place or manner that such light interferes with the view of any railroad signal to an extent which causes danger in the operation of trains.

§ 6910. Unauthorized sale or transfer of tickets.

(a) Sale of tickets.—A person, not possessed of authority, is guilty of a misdemeanor of the third degree if he sells, barter, or transfers, for any consideration whatever, the whole or any part of any ticket or tickets, passes, or other evidences of the title of the holder to travel on any public conveyance, whether the same be situated, operated, or owned within or without the limits of this Commonwealth.

(b) Disposition by passenger.—Every person, being a passenger for hire, to whom has been issued a nontransferable ticket valid in full or part payment of fare for passage upon any public conveyance operated upon the same or any other line or route, or any person into whose possession any such ticket may come, who shall sell, barter, give away, or otherwise transfer the same, and every person who shall offer for passage any such

ticket which was not issued to any person so offering it, is guilty of a summary offense.

CHAPTER 71 SPORTS AND AMUSEMENTS

Sec.

- 7101. Fraudulent entry of horses in race.
- 7102. Administering drugs to race horses.
- 7103. Horse racing.
- 7104. Fortune telling.
- 7105. Pool and billiard rooms.
- 7106. Theater operators to require proof of age.

§ 7101. **Fraudulent entry of horses in race.**

A person is guilty of a summary offense if he 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 prize, purse, premium, stake or sweepstake is to be decided by a contest, in running, trotting or pacing races.

§ 7102. **Administering drugs to race horses.**

A person is guilty of a misdemeanor of the first degree if he administers drugs or stimulants with the intent to affect the speed of horses in races where there is a monetary award offered.

§ 7103. **Horse racing.**

(a) **Offense defined.**—A person is guilty of a misdemeanor of the third degree if he races, runs, paces or trots any horse, mare or gelding for money, goods or other valuable things, or contributes or collects any money, goods or valuable things to make up a purse therefor, or prints or causes to be printed, sets up or causes to be set up any advertisement mentioning the time and place for the running, pacing or trotting of any horses, mares or geldings, or knowingly suffers any such advertisement to be attached to his property or to remain on his property.

(b) **Wagers void.**—All wagers and bets laid on any such race shall be null and void, and money, goods and valuable things lost on any such race, or the value thereof, may be recovered from the winner by action of assumpsit.

(c) **Exceptions.**—Nothing contained in this section shall be construed as applying to racing at exhibitions of agricultural societies and associations, nor to trials of speed in any incorporated driving park, nor to races given by regularly incorporated trotting or thoroughbred racing associations, nor to races conducted pursuant to other applicable provisions of law.

§ 7104. Fortune telling.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he pretends for gain or lucre, to tell fortunes or predict future events, by cards, tokens, the inspection of the head or hands of any person, or by the age of anyone, or by consulting the movements of the heavenly bodies, or in any other manner, or for gain or lucre, pretends to effect any purpose by spells, charms, necromancy, or incantation, or advises the taking or administering of what are commonly called love powders or potions, or prepares the same to be taken or administered, or publishes by card, circular, sign, newspaper or other means that he can predict future events, or for gain or lucre, pretends to enable anyone to get or to recover stolen property, or to tell where lost property is, or to stop bad luck, or to give good luck, or to put bad luck on a person or animal, or to stop or injure the business or health of a person or shorten his life, or to give success in business, enterprise, speculation, and games of chance, or to win the affection of a person, or to make one person marry another, or to induce a person to make or alter a will, or to tell where money or other property is hidden, or to tell where to dig for treasure, or to make a person to dispose of property in favor of another.

(b) Advertising as evidence.—Any publication contrary to this section may be given in evidence to sustain the indictment.

(c) Competency of witnesses.—Any person whose fortune may have been told shall be a competent witness against the person charged with violating this section.

§ 7105. Pool and billiard rooms.

A person is guilty of a summary offense if he, being a licensed keeper, proprietor, owner or superintendent of any public poolroom or billiard room except as otherwise provided in this section for cities of the first class, permits such place to remain open on Sunday or between the hours of one o'clock antemeridian and six o'clock antemeridian of any secular day, or knowingly allows or permits any person under the age of 18 years to be present in any public poolroom or billiard room, or if he, being a licensed keeper, proprietor, owner or superintendent of any public poolroom or billiard room having at least six tables, in a city of the first class, permits such place to remain open on Sunday, except between the hours of one o'clock postmeridian and ten o'clock postmeridian, or knowingly allows or permits any person under the age of 16 years to be present in any such public poolroom or billiard room.

§ 7106. Theater operators to require proof of age.

Every person who operates a motion picture theater, when showing a motion picture rated as being suitable for viewing for adults only, shall not sell to a minor under 16 years of age an admission ticket or pass, or shall not admit such minor for a monetary consideration to the theater wherein the motion picture is exhibited, unless such minor is accompanied by his parent. Whoever violates the provisions of this section is guilty of a summary offense.

CHAPTER 73
TRADE AND COMMERCE

Subchapter

- A. Definition of Offenses Generally
- B. Sunday Trading

SUBCHAPTER A
DEFINITION OF OFFENSES GENERALLY

Sec.

- 7301. Distribution of samples of medicine, dyes, etc.
- 7302. Sale of solidified alcohol.
- 7303. Sale or illegal use of certain solvents.
- 7304. Illegal sale or use of certain fire extinguishers.
- 7305. Sale of gasoline in glass container.
- 7306. Incendiary devices.
- 7307. Out-of-state convict made goods.
- 7308. Unlawful advertising of insurance business.
- 7309. Unlawful coercion in contracting insurance.
- 7310. Furnishing free insurance as inducement for purchases.
- 7311. Unlawful collection agency practices.
- 7312. Debt pooling.
- 7313. Buying or exchanging Federal food order stamps.
- 7314. Fraudulent traffic in food orders.
- 7315. Unauthorized disposition of donated food commodities.
- 7316. Keeping bucket-shop.
- 7317. Accessories in conduct of bucket-shop.
- 7318. Maintaining of premises in which bucket-shop operated.
- 7319. Bucket-shop contracts.
- 7320. Attaching advertisement without consent of publisher.
- 7321. Lie detector tests.
- 7322. Demanding property to secure employment.
- 7323. Discrimination on account of uniform.

§ 7301. Distribution of samples of medicine, dyes, etc.

(a) Offense defined.—A person is guilty of a summary offense if he distributes or deposits any package, parcel, or sample of any medicine, dye, ink, or polishing compounds, in any form of preparation, upon the ground, sidewalks, porches, yards, or into or under doors or windows so that children may get possession of or secure the same.

(b) Exception.—Nothing contained in this section shall prohibit such distribution to adult persons only.

§ 7302. Sale of solidified alcohol.

A person is guilty of a misdemeanor of the second degree if he manufactures, sells, or offers or exposes for sale, or has in his possession

with intent to distribute or sell, for use as a heating fuel any mixture or preparation of solidified alcohol which contains more than 4% methyl or wood alcohol.

§ 7303. Sale or illegal use of certain solvents.

(a) **Offense defined.**—No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, intentionally smell or inhale the fumes from any substance containing a solvent having the property of releasing toxic vapors or fumes.

(b) **Exception.**—Subsection (a) of this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(c) **Possession prohibited.**—No person shall, for the purpose of violating subsection (a) of this section, use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.

(d) **Sale prohibited.**—No person shall sell at retail, or offer to sell, to any other person any tube or other container of substance containing a solvent having the property of releasing toxic vapors or fumes, if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for the purpose set forth in subsection (a) of this section.

(e) **Grading.**—Any person who violates any provision of this section shall be guilty of a misdemeanor of the third degree.

(f) **Definition.**—As used in this section, the phrase “any substance containing a solvent having the property of releasing toxic vapors or fumes” shall mean any substance containing one or more of the following chemical compounds: acetone, acetate, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or toluene.

§ 7304. Illegal sale or use of certain fire extinguishers.

(a) **Use prohibited.**—It shall be unlawful for any building used for private, public or parochial school purposes, or any bus being used for the transportation of school children, to be equipped with or to have available for use a fire extinguisher containing carbon tetrachloride, and any person having immediate control over such buildings or buses, who permits them to be so equipped or to have such fire extinguishers available for use therein, is guilty of a summary offense.

(b) **Sale prohibited.**—Whoever sells any portable fire extinguisher containing carbon tetrachloride, chlorobromomethane, or methyl bromide, knowing it is intended for use in a single or multiple family dwelling or a hospital, rest-home, school, theater or other building generally open to the public, is guilty of a summary offense.

§ 7305. Sale of gasoline in glass container.

A person is guilty of a summary offense if he sells gasoline in a glass container.

§ 7306. Incendiary devices.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a “molotov cocktail.”

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase “incendiary device,” means any inflammable liquid enclosed in a readily breakable container that can be equipped with an igniter of any type.

§ 7307. Out-of-state convict made goods.

A person is guilty of a misdemeanor of the second degree if he sells or exchanges on the open market any goods, wares or merchandise prepared, wholly or in part, or manufactured by convicts or prisoners of other states, except convicts or prisoners on parole or probation.

§ 7308. Unlawful advertising of insurance business.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he publishes or prints in any newspaper, magazine, periodical, circular, letter, pamphlet, or in any other manner, or publishes by radio or television broadcasting, any advertisement or other notice, either directly or indirectly, setting forth the advantages of, or soliciting business for, any insurance company, association, society, exchange or person which has not been authorized to do business in this Commonwealth, or accepts for publication or printing in any newspaper, magazine or other periodical, or for radio or television broadcasting, any advertisement or other notice, either directly or indirectly, setting forth the advantages of or soliciting business for any insurance company, association, exchange or person, unless such newspaper, magazine or other periodical, or the radio or television broadcasting company has in its possession a true and attested or photostatic copy of a certificate of authority from the Insurance Department to the effect that the insurance company, association, society, exchange or person named therein is authorized to do business in this Commonwealth.

(b) Issue of certificate.—Such certificates shall be issued by the Insurance Department to any person applying therefor.

§ 7309. Unlawful coercion in contracting insurance.

(a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he, being engaged in the business of financing the purchase of real or personal property or of lending money on the security of real or personal property, requires, as a condition precedent to financing the purchase of such property, or to lending money upon the security of a mortgage thereon, or as a condition prerequisite for the renewal or extension of any such loan or mortgage, or for the performance of any other act in connection therewith, that the person for whom such

purchase is to be financed, or to whom the money is to be loaned, or for whom such extension, renewal or other act is to be granted or performed, shall negotiate through a particular insurance company, agent or broker, any policy of insurance or renewal thereof covering such property, or, with the exception of a group creditor policy, any policy covering the life or health of such person.

(b) Exception.—This section shall not prevent any person from approving or disapproving the insurance company selected to underwrite such insurance.

(c) Penalty.—A person other than individuals or the responsible officers, agents or employes of a corporation, partnership or association, who commits an offense under this section shall be sentenced to pay a fine not exceeding \$1,000.

§ 7310. Furnishing free insurance as inducement for purchases.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he, being a manufacturer, broker, wholesaler, retailer or agent of any manufacturer, broker, wholesaler or retailer, offers any policy of insurance free of cost as an inducement to any person to purchase any real or personal property.

(b) Exception.—The provisions of this section shall not affect the right of any person who, in connection with a sale of property or services or any credit transaction, shall have, retain or acquire an insurable interest in any subject of insurance, related to such sale or transaction, including person or property or risk pertaining thereto, to procure and maintain insurance embracing any or all insurable interests in such subject, or to agree to do so, and neither such insurance nor the procurement or maintaining thereof or agreement to procure or maintain the same shall be construed to be an inducement to purchase.

§ 7311. Unlawful collection agency practices.

(a) Appearance for creditor.—It is unlawful for a collection agency to appear for or represent a creditor or other person in any proceeding, or in any action or proceeding for or growing out of the appointment of a receiver or trustee, or in connection with an assignment for the benefit of creditors, or to present any claim or to vote on behalf of a creditor, whether an assignee or transferee of such claim or by virtue of a proxy or otherwise, or to represent any creditor in any action or proceeding in any court, or before any justice of the peace or magistrate, or to solicit from any creditor any claim for any of the purposes forbidden by this section.

(b) Assignments of claims.—It is unlawful for a collection agency, for the purpose of collecting or enforcing the payment thereof, directly or indirectly, to buy, take an assignment of, or to become in any manner interested in the buying or taking of an assignment of any such claim.

(c) Furnishing legal services.—It is unlawful for a collection agency to

¹“not” omitted in original.

furnish, or offer to furnish legal services, directly or indirectly, or to offer to render or furnish such services within or without this Commonwealth. The forwarding of a claim by a collection agency to an attorney at law, for the purpose of collection, shall not constitute furnishing legal service for the purposes of this subsection.

(d) Services for debtor.—It is unlawful for a collection agency to act for, represent or undertake to render services for any debtor with regard to the proposed settlement or adjustment of the affairs of such debtor, whether such compromise, settlement, or adjustment be made through legal proceedings or otherwise, or to demand, ask for, or receive any compensation for services in connection with the settlement or collection of any claim except from the creditor for whom it has rendered lawful services.

(e) Running for attorneys.—It is unlawful for a collection agency to solicit employment for any attorney at law, whether practicing in this Commonwealth or elsewhere, or to receive from or divide with any such attorney at law any portion of any fee received by such attorney at law. This subsection does not prohibit the established custom of sharing commissions at a commonly accepted rate upon collection of claims between a collection agency and an attorney at law.

(f) Coercion or intimidation.—

(1) It is unlawful for a collection agency to coerce or intimidate any debtor by delivering or mailing any paper or document simulating, or intending to simulate, a summons, warrant, writ, or court process as a means for the collection of a claim, or to threaten legal proceedings against any debtor.

(2) Paragraph (1) of this subsection shall not prohibit:

(i) A collection agency from informing a debtor that if a claim is not paid, it will be referred to an attorney at law for such action as he may deem necessary, without naming a specific attorney.

(ii) A justice of the peace or magistrate from sending out notices to debtors before the institution of suit.

(g) Grading.—Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree.

(h) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Claim.” Includes any claim, demand, account, note, or any other chose in action or liability of any kind whatsoever.

“Collection agency.” A person, other than an attorney at law duly admitted to practice in any court of record in this Commonwealth, who, as a business, enforces, collects, settles, adjusts, or compromises claims, or holds himself out, or offers, as a business, to enforce, collect, settle, adjust, or compromise claims.

¹“as” in original.

“Creditor.” Includes a person having or asserting such a claim.

“Debtor.” Includes any person against whom a claim is asserted.

§ 7312. Debt pooling.

(a) Offense defined.—Any person engaged in the business of debt pooling shall be guilty of a misdemeanor of the third degree.

(b) Exceptions.—Subsection (a) of this section shall not apply to:

(1) Any person who is admitted to practice before the Supreme Court of Pennsylvania or any court of common pleas of this Commonwealth or any partnership or professional corporation all of the members or shareholders of which are so admitted.

(2) Better business bureaus, legal aid societies, or welfare agencies who act without compensation or profit on behalf of debtors as debt adjusters or debt poolers.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Creditor.” A person to whom a debt or obligation is owed from another whether such is payable in installments or otherwise.

“Debtor.” A person who owes an obligation or debt to another whether such is repayable in installments or otherwise.

“Debt pooling.” The making of a contract, express or implied, with a debtor or debtors whereby the debtor agrees to pay a sum of money periodically or otherwise to another person for the purpose of having such other person distribute the same among certain specified creditors in accordance with a plan agreed upon, or to be agreed upon, and whereby such other person shall receive a consideration for any such services rendered, or to be rendered, in connection therewith.

§ 7313. Buying or exchanging Federal food order stamps.

A person is guilty of a misdemeanor of the third degree if he, not being authorized to do so by the United States Department of Agriculture, shall buy or exchange Federal food order stamps for currency, or if he shall accept or cause to be accepted Federal food order stamps in exchange for any merchandise or article except food, as defined by the United States Department of Agriculture, or Federal food order stamps in exchange for merchandise or articles, not defined by the United States Department of Agriculture to be surplus foods.

§ 7314. Fraudulent traffic in food orders.

(a) Offense defined.—A person is guilty of a summary offense if he, whether acting for himself or for another, directly or indirectly, furnishes or delivers to any person money, merchandise, or anything other than food, on or in exchange for a food order, or furnishes or delivers food on or in exchange for a food order to any person, other than the original recipient of the order, or in quantities or for prices other than those itemized on the food order at the time the food is furnished or delivered.

(b) Additional penalty.—In addition to the penalties otherwise prescribed, the defendant shall also be adjudged to pay to the agency which shall have issued such food order, the face amount thereof.

(c) Exception.—Subsection (a) of this section shall not apply to the negotiation of a food order after food to the full amount of the order shall have been furnished thereon to the original recipient of the order.

(d) Definitions.—As used in this section the term “food order” means any order issued by or under the authority of any public relief or assistance agency, authorizing the furnishing and delivery of food to any person therein named or described.

§ 7315. Unauthorized disposition of donated food commodities.

A person is guilty of a summary offense if he, whether acting for himself or for another, directly or indirectly willfully makes any unauthorized disposition of any food commodity donated under any program of the Federal Government or if he, not being an authorized recipient thereof, willfully converts to his own use or benefit any such food commodity.

§ 7316. Keeping bucket-shop.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he keeps, or causes to be kept, any bucket-shop, or assists in the keeping of any bucket-shop.

(b) Corporate penalty.—If a corporation is convicted, its charter shall be forfeited by a proceeding in quo warranto, instituted either at the relation of the Attorney General or the district attorney.

(c) Second offense.—The continuance of the establishment after the first conviction shall be deemed a second offense.

(d) Evidence required.—It shall not be necessary, in order to convict any person of keeping a bucket-shop, or causing one to be kept, to show that such person has entered into any contract, agreement, trade, or transaction of the nature of a “bucket-shop” as defined in this section; but it shall be sufficient to show that such person has offered to make such a contract, agreement, trade, or transaction, whether the contract, agreement, trade, or transaction was accepted or not. Proof of a single instance wherein any person or another on his behalf, has made or offered to make any such contract, agreement, trade, or transaction, shall be conclusive that the place wherein the same was made is a bucket-shop.

(e) Definition.—As used in this section “bucket-shop” means a place where contracts, agreements, trades, or transactions respecting the sale or purchase of stocks, bonds, securities, grains, provisions or other commodities are made or offered to be made, to be closed, adjusted or settled upon the basis of public market quotations on a board of trade or exchange, but without a bona fide transaction on such board of trade or exchange.

§ 7317. Accessories in conduct of bucket-shop.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he transmits or communicates by telegraph, telephone, wireless, telegraphy, express, mail, or otherwise or if he receives, exhibits, or displays, in any manner, any statement or quotation of the prices of any

property, mentioned in section 7316(e) of this title (relating to definition of bucket-shop), with a view of entering into any contract, agreement, trade, or transaction, or offering to enter into any contract, agreement, trade, or transaction, or with a view of aiding others to enter or offer to enter into any such contract, agreement, trade, or transaction, of the nature described in the definition of "bucket-shop."

(b) Corporate penalty.—If a corporation is convicted, its charter shall be forfeited by a proceeding in quo warranto, instituted either at the relation of the Attorney General or the district attorney.

§ 7318. Maintaining of premises in which bucket-shop operated.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he knowingly permits a bucket-shop, as defined in section 7316(e) of this title (relating to definition of bucket-shop) to be maintained or operated in any premises owned, leased, controlled, or operated by him.

(b) Fine a lien.—Any fine imposed under this section shall be a lien upon the premises, in or on which the bucket-shop shall be maintained and operated.

§ 7319. Bucket-shop contracts.

(a) Status of contracts.—All contracts, agreements, trades, or transactions of the nature of a bucket-shop as defined in section 7316(e) of this title (relating to definition of bucket-shop), are hereby declared gambling, and criminal acts, and null and void.

(b) Offense defined.—A person is guilty of a misdemeanor of the third degree if he shall enter into the same, whether for himself or as agent or broker of any person.

§ 7320. Attaching advertisement without consent of publisher.

A person is guilty of a summary offense if he places or affixes or inserts, or causes to be placed or affixed or inserted, any advertisement, notice, circular, pamphlet, card, handbill, book, booklet, or other printed notice of any kind, on or in or to any newspaper, magazine, periodical, or book, when such newspaper, magazine, periodical, or book is in the possession of the owner, or publisher thereof, or in the possession of any news dealer, distributor, or carrier, or of any agent or servant of such owner or publisher, without the consent of the owner or publisher.

§ 7321. Lie detector tests.

(a) Offense defined.—A person is guilty of a misdemeanor of the second degree if he requires as a condition for employment or continuation of employment that an employe or other individual shall take a polygraph test or any form of a mechanical or electrical lie detector test.

(b) Exception.—The provisions of subsection (a) of this section shall not apply to employes or other individuals in the field of public law enforcement or who dispense or have access to narcotics or dangerous drugs.

§ 7322. Demanding property to secure employment.

A person is guilty of a misdemeanor of the third degree if he, being an officer or employe of any employer of labor, solicits, demands or receives, directly or indirectly, from any person any money or other valuable thing, for the purpose, actual or alleged, of either obtaining for such person employment in the service of said employer or of the continuing of such person in employment.

§ 7323. Discrimination on account of uniform.

A person is guilty of a misdemeanor of the second degree if, being the proprietor, manager, or employe of a theatre, hotel, restaurant, or other place of public entertainment or amusement, he discriminates against any person wearing the uniform of the armed forces of the United States, because of that uniform.

SUBCHAPTER B SUNDAY TRADING

Sec.

7361. Worldly employment or business.

7362. Trading in motor vehicles and trailers.

7363. Selling certain personal property.

7364. Selling or otherwise dealing in fresh meats, produce and groceries.

§ 7361. Worldly employment or business.

(a) Offense defined.—A person is guilty of a summary offense if he does or performs any worldly employment or business whatsoever on Sunday (works of necessity, charity and wholesome recreation excepted). Fines collected for violations of this section shall be for the use of the Commonwealth.

(b) Exception.—Subsection (a) of this section shall not prohibit:

(1) The dressing of victuals in private families, bake-houses, lodgings, inns and other houses of entertainment for the use of sojourners, travellers or strangers.

(2) The sale of newspapers.

(3) Watermen from landing their passengers, or ferrymen from carrying over the water travellers.

(4) Work in connection with the rendering of service by a public utility as defined in the Public Utility Law.

(5) Persons removing with their families.

(6) The delivery of milk or the necessaries of life, before nine o'clock antemeridian, nor after five o'clock postmeridian.

(7) The production and performance of drama and civic light opera for an admission charge by nonprofit corporations in cities of the second class, between the hours of two o'clock postmeridian and 12 o'clock midnight.

(8) The conducting, staging, managing, operating, performing or engaging in basketball, ice shows and ice hockey for an admission charge in cities of the first and second class, between the hours of two o'clock postmeridian and 12 o'clock midnight.

(c) Definition.—As used in this section “wholesome recreation” means golf, tennis, boating, swimming, bowling, basketball, picnicking, shooting at inanimate targets and similar healthful or recreational exercises and activities.

§ 7362. Trading in motor vehicles and trailers.

(a) Offense defined.—A person is guilty of a summary offense if he engages in the business of buying, selling, exchanging, trading, or otherwise dealing in new or used motor vehicles or trailers, on Sunday.

(b) Limitation of action.—Information charging violations of this section may be brought within 72 hours after the commission of the alleged offense and not thereafter.

(c) Repeated offense penalty.—A person who commits a second or any subsequent offense within one year after conviction for the first offense, shall be sentenced to pay a fine not exceeding \$200.

(d) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Motor vehicle.” Every self-propelled device in, upon or by which any person or property is or may be transported or drawn on a public highway.

“Trailer.” Every vehicle, without motor power, designed to carry property or passengers or designed and used exclusively for living quarters wholly on its own structure, and to be drawn by a motor vehicle.

§ 7363. Selling certain personal property.

(a) Offense defined.—A person is guilty of a summary offense if he engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, housewares, home, business or office furnishings, household, business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, watches, clocks, luggage, musical instruments and recordings, or toys.

(b) Separate offenses.—Each separate sale or offer to sell shall constitute a separate offense.

(c) Exceptions.—

(1) Subsection (a) of this section shall not apply to novelties, souvenirs and antiques.

(2) No individual who by reason of his religious conviction observes a day other than Sunday as his day of rest and actually refrains from labor or secular business on that day shall be prohibited from selling on Sunday in a business establishment which is closed on such other day the articles specified in subsection (a) of this section.

(d) Limitation of action.—Information charging violations of this section shall be brought within 72 hours after the commission of the alleged offense and not thereafter.

(e) Repeated offense penalty.—A person who commits a second or any subsequent offense within one year after conviction for the first offense shall be sentenced to pay a fine of not exceeding \$200.

(f) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“A day other than Sunday.” Any consecutive 24 hour period.

“Antique.” An item over 100 years old, or ethnographic objects made in traditional aboriginal styles and made at least 50 years prior to their sale.

§ 7364. Selling or otherwise dealing in fresh meats, produce and groceries.

(a) Offense defined.—A person is guilty of a summary offense if he engages in the business of selling or otherwise dealing at retail in fresh meats, produce and groceries on Sunday.

(b) Separate offenses.—Each separate sale, or offer to sell, shall constitute a separate offense.

(c) Exceptions.—Subsection (a) of this section shall not apply to any retail establishment:

- (1) employing less than ten persons;
- (2) where fresh meats, produce and groceries are offered so sold by the proprietor or members of his immediate family; or
- (3) where food is prepared on the premises for human consumption.

(d) Limitation of action.—Information charging violations of this section shall be brought within 72 hours after the commission of the alleged offense and not thereafter.

(e) Repeated offense penalty.—A person who commits a second or any subsequent offense within one year after conviction for the first offense shall be sentenced to pay a fine not exceeding \$200.

CHAPTER 75 OTHER OFFENSES

Sec.

7501. Removal of mobilehome to evade tax.

7502. Failure of mobilehome court operator to make reports.

7503. Interest of certain architects and engineers in public work contracts.

7504. Appointment of special policemen.

7505. Violation of governmental rules regarding traffic.

§ 7501. Removal of mobilehome to evade tax.

A person is guilty of a summary offense if he, being the titled owner of a mobilehome or house trailer which is subject to a tax, and having received an official tax notice levying such tax thereon, thereafter for the purpose of evading the payment of such tax, removes such mobilehome or house trailer from the political subdivision levying such tax.

§ 7502. Failure of mobilehome court operator to make reports.

A person is guilty of a summary offense if he, being an operator of a mobilehome or house trailer court, shall fail to submit to the tax assessor of the political subdivision, in which such court is located, after written notice to do so, such report or reports as are required by law to be submitted by an operator to such tax assessor.

§ 7503. Interest of certain architects and engineers in public work contracts.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he, being an architect or engineer, in the employ of the Commonwealth, or any political subdivision thereof, and engaged in the preparation of plans, specifications, or estimates, bids on any public work at any letting of such work in this Commonwealth; or if he, being an officer of the Commonwealth, or any political subdivision thereof, charged with the duty of letting any public work, awards a contract to any such architect or engineer; or if he, being any such architect or engineer, is in any way interested in any contract for public work, or receives any remuneration or gratuity from any person interested in such contract.

(b) Forfeiture of office.—A person who commits an offense under this section shall, in addition to the penalty prescribed herein, forfeit his office.

§ 7504. Appointment of special policemen.

(a) Offense defined.—A person is guilty of a misdemeanor of the third degree if he, having authority to do so, appoints as a special deputy, or policeman, to preserve the public peace and prevent or quell public disturbances, any person who is not a citizen of this Commonwealth.

(b) Exception.—Subsection (a) of this section shall not apply to policemen, constables or specials appointed by municipalities for municipal purposes.

(c) Organization penalty.—If any corporation, company or association is convicted under this section, it shall be sentenced to pay a fine not exceeding \$5,000.

§ 7505. Violation of governmental rules regarding traffic.

Each Commonwealth agency shall promulgate rules and regulations governing all vehicular traffic at those Commonwealth facilities situated upon property of the Commonwealth which are within the exclusive jurisdiction of such agency including but not limited to regulations governing the parking of vehicles upon such property. Whoever violates any of the rules and regulations promulgated pursuant to this section governing the parking of vehicles shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding \$5. Whoever violates any of the rules and regulations promulgated pursuant to this section governing the movement of traffic or the operation of vehicles shall, upon conviction in a summary proceeding, be sentenced to pay a fine not exceeding \$15.

Section 2. Title 18 of the Consolidated Pennsylvania Statutes (relating to crimes and offenses), as added by this act, does not apply to offenses

committed prior to the effective date of this act and prosecutions for such offenses shall be governed by the prior law, which is continued in effect for that purpose, as if this act were not in force. For the purposes of this section, an offense was committed prior to the effective date of this act if any of the elements of the offense occurred prior thereto.

Section 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 4. Sections 72 and 94 of the Statutory Construction Act shall not be applicable to any provision of Title 18 of the Consolidated Pennsylvania Statutes (relating to crimes and offenses) as added by this act, except Article G (relating to miscellaneous offenses) of Part II (relating to definition of specific offenses).

Section 5. (a) The following acts and parts of acts are repealed absolutely:

§ III, act of August 26, 1721 (1 Sm.L. 129), entitled "An act for preventing accidents that may happen by fire."

The act of February 9, 1751 (1 Sm.L. 208), entitled "An act for the more effectual preventing accidents which may happen by fire, and for suppressing idleness, drunkenness, and other debaucheries."

§§ VII and IX, act of April 9, 1760 (1 Sm.L. 227), entitled "An act to prevent the hunting of deer, and other wild beasts, beyond the limits of the lands purchased of the Indians by the Proprietaries of this province, and against killing deer out of season."

The act of February 8, 1766 (1 Sm.L. 266), entitled "An act to prevent cutting or damaging the ropes used by the ferrymen on Schuylkill, or elsewhere, within this province."

The act of December 24, 1774 (1 Sm.L. 421), entitled "An act to suppress the disorderly practice of firing guns, &c. on the times therein mentioned."

§ VI, act of September 29, 1787 (2 Sm.L. 432), entitled "An act for regulating chimney-sweepers, within the city of Philadelphia, the district of Southwark, and township of the Northern-Liberties, in the county of Philadelphia."

§§ III to V and XII, act of April 22, 1794 (3 Sm.L. 177), entitled "An act for the prevention of vice and immorality, and of unlawful gaming, and to restrain disorderly sports and dissipation."

The act of February 17, 1820 (P.L.20, No. XX), entitled "An act against horse racing."

The act of March 6, 1820 (P.L.46, No. XLIV), entitled "An act relative to the owners and drivers of public stages and other carriages for the conveyance of passengers, and for other purposes."

§ 7, act of April 1, 1826 (P.L.163, No. LVI), entitled "An act relating to Auctions."

§ 3, act of March 21, 1833 (P.L.191,No. 55), entitled "An act to prevent obstructions being placed on turnpike roads."

§§ 10 and 11, act of April 16, 1838 (P.L.462,No. 77), entitled "A supplement to the act entitled 'An act to incorporate the Middleport and Pine Creek Railroad Company,' and for other purposes."

The act of March 20, 1845 (P.L.191,No. 129), entitled "An act relative to the obstructing of the crossings of public roads by locomotives and cars."

§ 15, act of February 19, 1849 (P.L.79,No. 76), entitled "An act regulating railroad companies."

§ 2, act of April 12, 1851 (P.L.518,No. 297), entitled "An act construing the fifth section of the act entitled 'A further supplement to an act to incorporate the Pennsylvania Railroad Company,' and relative to the obstruction of private roads by railroad companies, relative to holding elections in Sparta township, Crawford county, and the borough of Loretto, Cambria county, authorizing John McDill to sell certain real estate, to a volunteer company called the Broad Top Rifle Rangers, to the borough of Ebensburg, Cambria county, to supervisors in Lancaster and Jefferson counties, changing the name of the Northumberland and Point Infantry, a volunteer company, to the Chestnut Hill Iron Ore Company, to an election district in Clearfield county, and to the Conococheague creek in Franklin county."

§ 3, act of April 20, 1853 (P.L.643,No. 360), entitled "A supplement to the sixth section of an act entitled 'An Act authorizing the Commissioners of the incorporated districts of the Northern Liberties and Kensington to open a street, to be called Delaware avenue; relative to the duties of Assessors, Venders of Mineral Waters,' passed the 24th day of January, 1849; and the supplement to an act entitled 'An Act relative to the Venders of Mineral Waters; and an act relative to the Washington Coal company; to Sheriffs' sales of real estate; to the substitution of Executors and Trustees when plaintiff's; to partition of Common Pleas; and for other purposes,' passed the 9th day of April, 1849; relative to the Pennsylvania Building and Loan Association; and to the Venango Railroad company."

The act of May 16, 1857 (P.L.535,No. 591), entitled "An act relating to City, County and Township Treasurers."

The act of March 30, 1860 (P.L.362,No. 356), entitled "An act to protect Fruit, et cetera, and punish Trespass in the counties of Huntingdon, Washington, Allegheny, Berks, Lancaster, Lycoming and Delaware."

§§ 49, 54, 58 to 61 and 123, act of March 31, 1860 (P.L.382,No. 374), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth."

The act of May 1, 1861 (P.L.478,No. 446), entitled "An act to protect Fruit, et cetera, and punish Trespass in certain counties."

The act of May 6, 1863 (P.L.582,No. 568), entitled "An act to prevent frauds upon travelers."

§§ 2 and 3, act of March 12, 1866 (P.L.182, No. 154), entitled "An act relative to duties and powers of constables and railroad conductors, in the counties of Erie, Crawford, Luzerne, Susquehanna and Pike."

§ 1, act of March 21, 1866 (P.L.259, No. 240), entitled "An act supplementary to an act, passed the twenty-first day of February, Anno Domini one thousand seven hundred and sixty-seven, relative to vagrants."

The act of April 11, 1866 (P.L.604, No. 580), entitled "An act to punish the buying, or receiving, of scrap iron, brass, or other metals, from minors, or unknown and irresponsible parties, in Allegheny and Schuylkill counties."

§ 1, act of March 22, 1867 (P.L.38, No. 21), entitled "An act making it an offence for railroad corporations, within this Commonwealth, to make any distinction with their passengers, on account of race or color, and punishing said corporations, and their agents and employees, for the commission of such offence."

§ 3, act of April 8, 1867 (P.L.907, No. 828), entitled "An act to prevent the injury, or destruction, of fruit, ornamental, or other trees, and to protect the owners thereof, in the counties of Clinton, Centre, Butler, Lawrence and Mercer."

The act of April 13, 1867 (P.L.1230, No. 1158), entitled "An act to extend the provisions of an act to authorize the arrest of professional thieves, burglars, et cetera, in the city of Philadelphia, passed March thirteenth, one thousand eight hundred and sixty-two, so as to authorize the arrest of professional counterfeiters and forgers."

The act of April 24, 1869 (P.L.1212, No. 1199), entitled "An act to punish the buying or receiving of scrap iron, brass or other metals from minors or unknown and irresponsible parties, in the counties of Lancaster and Philadelphia."

The act of April 2, 1870 (P.L.46, No. 27), entitled "An act supplementary to an act, entitled 'An Act to consolidate, revise and amend the laws of this Commonwealth relating to penal proceedings and pleadings,' approved the thirty-first day of March, Anno Domini one thousand eight hundred and sixty."

§ 34, clauses 5 and 6, act of April 29, 1874 (P.L.73, No. 32), entitled "An act to provide for the incorporation and regulation of certain corporations."

The act of May 8, 1876 (P.L.154, No. 126), entitled "An act to define and suppress vagrancy."

§ 2, act of May 24, 1878 (P.L.125, No. 159), entitled "An act for the prevention of trespassing upon railway trains, and consequent injuries to minors and other persons."

The act of May 19, 1879 (P.L.65, No. 71), entitled "An act to provide additional remedies for the unlawful removing or injuring of any

breakwater or embankment along property fronting or abutting on any river or stream within this commonwealth.”

The act of June 4, 1879 (P.L.85,No. 95), entitled “An act to prevent the obstruction of toll-gates for the purpose of evading the payment of tolls.”

§ 6, act of June 11, 1879 (P.L.142,No. 151), entitled “An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption.”

The act of June 11, 1879 (P.L.152,No. 162), entitled “A supplement to an act for the prevention of trespassing upon railway trains, and consequent injuries to minors and other persons, approved May twenty-fourth, Anno Domini one thousand eight hundred and seventy-eight.”

The act of June 8, 1881 (P.L.82,No. 89), entitled “An act to protect fruit, gardens, growing crops, grass, et cetera, and punish trespass.”

The act of June 13, 1883 (P.L.90,No. 83), entitled “A further supplement to an act to consolidate, revise and amend the penal laws of this Commonwealth, approved the thirty-first day of March, one thousand eight hundred and sixty, amending the fifty-fourth section of said act relating to lotteries.”

The act of June 13, 1883 (P.L.95,No. 88), entitled “An act to prevent the obstruction of the navigable streams of this Commonwealth.”

The act of June 13, 1883 (P.L.100,No. 96), entitled “An act to authorize in cities of the first class, whenever wayfarers’ lodges shall be established therein, the commitment of persons to the house of correction as vagrants, who shall obtain shelter and food from such lodges, and who shall refuse to perform work in return therefor when physically able to work.”

§ 4, act of May 28, 1885 (P.L.27,No. 30), entitled “An act supplementary to an act, entitled ‘An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption,’ approved the eleventh day of June, one thousand eight hundred and seventy-nine, providing for the further protection of minors, and regulating the boarding and maintaining of infant children for hire.”

§ 18, act of May 29, 1885 (P.L.29,No. 32), entitled “An act to provide for the incorporation and regulation of natural gas companies.”

The act of June 10, 1885 (P.L.81,No. 58), entitled “An act to prevent the establishment of joints, booths, or other places, for the smoking or other use of opium.”

§ 4, act of May 4, 1889 (P.L.84,No. 81), entitled “An act to prevent and punish the wrongful use or detention or misappropriation of milk cans, butter tubs and market boxes from the owners thereof, and the mutilation or obliteration of the name or residence of the owner on such cans, tubs or boxes.”

The act of May 8, 1889 (P.L.131,No. 145), entitled “An act forbidding the refilling of, or dealing or trafficking in, registered bottles, by persons other than the owners thereof, without the written permission of the

owner, declaring it to be a misdemeanor so to do, imposing a penalty therefor, and providing what shall be prima facie proof thereof.”

§ 3, act of May 12, 1897 (P.L.63, No. 51), entitled “An act to prevent and punish the loan, gift, sale or distribution of indecent and immoral writings, printings, pictures, photographs, or representations of all matters of an indecent or immoral character, and of all articles, drugs, recipes, et cetera, to prevent conception, or to produce unlawful abortion, or intended or purporting to be used for such purposes, or either of them, and also to prevent the advertisement, exhibition or publication of the same, and to authorize the seizure and destruction of all such matter.”

§ 2, act of February 25, 1901 (P.L.11, No. 9), entitled “An act to establish a Department of Forestry, to provide for its proper administration, to regulate the acquisition of land for the Commonwealth, and to provide for the control, protection and maintenance of Forestry Reservations by the Department of Forestry.”

The act of July 10, 1901 (P.L.638, No. 323), entitled “An act to prohibit the sale and furnishing of tobacco to persons under the age of sixteen years.”

The act of March 27, 1903 (P.L.102, No. 81), entitled “An act to prevent bigamous marriages; defining same, and declaring same misdemeanors; fixing the punishment; declaring certain marriages void; exempting certain persons from the penalties; marking out limits of time within which the prosecution must be brought, and repealing inconsistent acts.”

The act of April 4, 1907 (P.L.47, No. 44), entitled “An act regulating the placing of electric or any other lights interfering with railroad signals, in this Commonwealth.”

§ 1, act of April 23, 1909 (P.L.171, No. 121), entitled “An act making it a misdemeanor for any person to make, utter, circulate, or transmit false or derogatory statements affecting the solvency or financial standing of any bank, banking house, banking company, trust company, surety company, guarantee company, title insurance company, or other financial institution, in this Commonwealth; and providing penalties for violation of this act.”

The act of May 6, 1909 (P.L.443, No. 245), entitled “An act prohibiting any owner offering for sale or selling any horse which could not be worked in this Commonwealth without violating the laws against cruelty to animals, by reason of lameness, debility, disease, or other cause; and preventing any person from leading, riding, or driving on any public way, for any purpose except to a proper place for humane keeping or killing or for medical or surgical treatment, any horse which, by reason of debility, disease, or lameness, or for other cause, could not be worked without violating the laws against cruelty to animals; providing a penalty for the violation of this act, and authorizing policemen, constables, or agents of any society for the prevention of cruelty to animals, in this Commonwealth, to make arrests, on view or by warrant, of offenders of this act.”

§ 3, act of May 11, 1911 (P.L.274, No. 176), entitled "An act to prohibit the bringing into prisons of all weapons or other implements which may be used to injure any convict or person, or in assisting any convict to escape punishment, or the selling or furnishing of same to convicts; to prohibit the bringing into prisons of all spirituous or fermented liquors, drugs, medicines, poisons, opium, morphine, or any other kind or character of narcotics; or the giving, selling or furnishing of spirituous or fermented liquor, drugs, medicine, poison, opium, morphine, or any other kind or character of narcotics; or bringing into or taking out letters, notes, money, or contraband goods of any kind, whatsoever; and providing a penalty for the violation thereof."

The act of June 3, 1911 (P.L.654, No. 252), entitled "An act authorizing any justice of the peace, alderman, or magistrate, on proof of demand, and oath of any police officer or constable, or any agent of any incorporated society for the prevention of cruelty to animals, under laws of this Commonwealth, or other peace officer, of his belief, that an act of cruelty to animals is being committed in any building, barn, or enclosure, to issue a search warrant to any of said officers to make search of said premises, and to forthwith arrest offenders found committing acts of cruelty to animals, and bring them before said justice of the peace, alderman, or magistrate for trial; providing for the care of animals so found to be neglected or starving, and if necessary to remove them from the premises for that purpose, the costs thereof to be paid by the owner; authorizing a lien on said animals for expenses of keep and care, or action against owner to recover same: Provided, That no search warrant shall be issued, under the provisions of this act, which shall authorize any officer, policeman, constable, agent of a society, or other person to enter upon or search premises where scientific research work is being conducted by, or under the supervision of, graduates of reputable scientific schools, or where biological products are being produced for the care or prevention of disease."

The act of June 13, 1911 (P.L.903, No. 685), entitled "An act to prevent frauds against carriers of passengers for hire, within this Commonwealth, and prescribing penalties for the breach of the provisions hereof."

§§ 8 and 9, act of June 12, 1913 (P.L.481, No. 318), entitled "An act relating to inns and hotels; regulating certain rights and liabilities of hotelkeepers and innkeepers; and providing penalties for fraud against innkeepers and hotelkeepers."

§§ 2, 3 and 4, act of July 18, 1917 (P.L.1068, No. 352), entitled "An act to prevent the publication and distribution of discriminating matter against any religious sect, creed, class, denomination, or nationality, and to punish the same."

The act of June 21, 1919 (P.L.568, No. 268), entitled "An act prohibiting the erection and continuance of devices and signs in the form of

railway-crossing sign-boards on or near any of the public highways of this Commonwealth, unless erected in accordance with a permit from the State Highway Department, and providing penalties therefor.”

The act of April 13, 1921 (P.L.140,No. 88), entitled “An act making it unlawful to turn in or sound false alarms of fire, and to meddle or interfere with or break or destroy any fire-alarm telegraph system.”

The act of April 27, 1927 (P.L.430,No. 280), entitled “An act providing penalties for trespassing on grounds of State institutions and for refusing to leave such grounds after notice.”

§ 3, act of March 12, 1931 (P.L.3,No. 1), entitled “An act making it unlawful to counterfeit electric railway car tokens, bus tickets, commercial air vehicle tickets, tickets having a money, commercial or other value; those evidencing the right to admission to games, contests, public exhibitions, theatrical, or other places of amusement; and also making it unlawful to alter, possess, utter, publish, or circulate the same; and providing penalties therefor.”

§§ 5 and 6, act of April 24, 1931 (P.L.52,No. 43), entitled “An act relating to prostitution; defining and prohibiting pandering; prohibiting the leaving of a wife in a house of prostitution, the receipt or appropriation of money from earnings of a prostitute, the detention of a female in a house of prostitution, and the transportation of a female for purposes of prostitution; fixing the jurisdiction of the courts in cases involving transportation; providing penalties; and regulating the competency of certain evidence at the trial of persons indicted for violations hereof.”

Except sections 718 and 719, the act of June 24, 1939 (P.L.872,No. 375), known as “The Penal Code.”

The act of April 10, 1945 (P.L.184,No. 86), entitled “An act to prohibit the unlawful wearing of uniforms of the armed forces, or branches thereof, and imposing penalties for violation thereof.”

The act of July 8, 1947 (P.L.1477,No. 566), entitled “An act guaranteeing any person accused of the commission of crime the protection of the law; providing the procedure therefor, and prescribing penalties.”

The act of April 18, 1949 (P.L.599,No. 125), entitled, as amended, “An act making it a misdemeanor to convey, or to permit or procure the conveyance by means of, any pipe, hose or other conduit of water to any building, residence, or other structure located beyond the limits of the tract occupied by the direct customer of a water company or municipality or municipal authority without securing a permit from the water company or municipality or municipal authority supplying such water, or to by-pass any meter or registering device or in any other manner to secure the introduction or use of water with intent to evade payment of the charges made therefor; and providing penalties therefor,” reenacted and amended December 22, 1965 (P.L.1155,No. 450).

The act of June 28, 1951 (P.L.938,No. 182), entitled “An act requiring wells and cisterns to be covered or sealed; and providing penalties.”

The act of December 21, 1951 (P.L.1712, No. 454), entitled "An act declaring the Communist Party and similar revolutionary organizations illegal; making membership in, or participation in the revolutionary activities of, the Communist Party or any organization furthering the revolutionary conspiracy by force and violence a felony; and providing penalties."

§ 1, act of August 21, 1953 (P.L.1272, No. 360), entitled "An act prohibiting the attaching of metal or other hard substances to public utility poles."

§ 3, act of June 1, 1956 (P.L.1997, No. 670), entitled "An act relating to comic books, magazines and other publications; prohibiting and regulating the sale thereof in certain instances; and imposing penalties."

The act of July 10, 1957 (P.L.679, No. 359), entitled "An act providing for the protection of the public safety by regulating the sale, offering or exposing for sale at retail, and the use of air rifles; defining air rifles; imposing duties on the Pennsylvania State Police, sheriffs, police officers and constables, and providing penalties."

The act of July 16, 1957 (P.L.956, No. 411), entitled "An act to define and prohibit unauthorized interception, divulgence or use of telephone and telegraph communications; providing criminal penalties and civil damages, including attorneys' fees, for the violation thereof; and limiting the admissibility of evidence."

The act of September 15, 1961 (P.L.1309, No. 577), entitled "An act prohibiting the use of tear and noxious gas by certain persons and providing penalties."

The act of December 12, 1968 (P.L.1202, No. 376), entitled "An act prohibiting the interception and interference of certain police and fire radio broadcasts; regulating the manufacture, conversion, sale, possession and use of certain equipment adaptable for such purpose and prescribing penalties."

The act of June 30, 1969 (P.L.96, No. 35), entitled "An act providing criminal penalties for the introduction, or manufacture for introduction, into commerce in the Commonwealth of Pennsylvania of master keys for motor vehicles, and imposing penalties."

The act of July 30, 1969 (P.L.205, No. 82), entitled "An act authorizing residents of Pennsylvania to purchase rifles and shotguns in states contiguous to Pennsylvania."

The act of December 8, 1970 (P.L.874, No. 276), known as "The Pennsylvania Corrupt Organizations Act of 1970."

(b) All acts and parts of acts inconsistent with this act are hereby repealed.

Section 6. This act shall take effect January 1, 1972, or six months from the date of final enactment, whichever is later.

APPROVED—The 6th day of December, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 334.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.