

No. 1982-95

AN ACT

HB 671

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding an offense and providing a penalty.

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

Section 1. Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a section to read:

§ 3929.1. Library theft.

(a) Offense defined.—A person is guilty of library theft if he willfully conceals on his person or among his belongings any library or museum material while still on the premises of a library or willfully and without authority removes any library or museum material from a library with the intention of converting such material to his own use.

(b) Grading.—

(1) Library theft constitutes a:

(i) Summary offense when the offense is a first offense and the value of the material is less than \$150.

(ii) Misdemeanor of the second degree when the offense is a second offense and the value of the material is less than \$150.

(iii) Misdemeanor of the first degree when the offense is a first or second offense and the value of the material is \$150 or more.

(iv) Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the material.

(2) Amounts involved in library thefts committed pursuant to one scheme or course of conduct, whether from the same library or several libraries, may be aggregated in determining the grade of the offense.

(c) Presumption.—A person who willfully conceals any library or museum material on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facie presumed to have concealed the library or museum material with the intention of converting such material to his own use.

(d) Detention.—A peace officer, employee or agent of a library who has probable cause to believe that a person has committed library theft may detain such person on the premises of the library or in the immediate vicinity thereof for the following purposes:

(1) To conduct an investigation in a reasonable manner and within a reasonable length of time to determine whether such person has unlawfully concealed or removed any library or museum material.

(2) To inform a peace officer of the detention of the person or surrender that person to the custody of a peace officer.

(e) *Exemption from liability.*—A peace officer, employee or agent of a library who detains or causes the arrest of any person pursuant to this section shall not be held civilly or criminally liable for false arrest, false imprisonment, unlawful detention, assault, battery, slander, libel or malicious prosecution of the person detained or arrested provided the peace officer, employee or agent of the library had at the time of the detention or arrest probable cause to believe that the person committed library theft.

(f) *Public display of law.*—A copy of this section shall be publicly displayed in the reading rooms and other public rooms of all libraries in such number and manner as will bring this section to the attention of patrons.

(g) *Prior offenses.*—Prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of library theft, the issuing authority shall notify the Pennsylvania State Police for determination as to whether or not the defendant previously has been convicted of the offense of library theft. The results of such determination shall be forwarded to the police department if the department is the prosecutor, or to the issuing authority if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until in receipt of the determination made by the State Police. The district justice shall use the information obtained solely for the purpose of grading the offense pursuant to subsection (b).

(h) *Fingerprinting.*—Upon conviction the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or the State Police.

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

“Conceal.” To conceal library or museum material so that, although there may be some notice of its presence, it is not visible through ordinary observation.

“Library.” Any public library, any library, archives or manuscript repository of educational, historical or eleemosynary institution, organization or society, any museum and any repository of public records.

“Library or museum material.” Any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, display object, exhibit, work of art, artifact, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

“Premises of a library.” Includes but is not limited to the library and all parking areas set aside for the parking of vehicles for the convenience of the patrons of such library.

Section 2. Effective date.

This act shall take effect immediately.

APPROVED—The 27th day of April, A. D. 1982.

DICK THORNBURGH

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