

No. 2003-41

AN ACT

HB 46

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration or sale of venerated objects.

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

Section 1. Section 5509 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5509. Desecration or sale of venerated objects.

(a) Offense defined.—A person commits a misdemeanor of the second degree if he:

(1) intentionally desecrates any public monument or structure, or place of worship or burial;

(2) if he intentionally desecrates any other object of veneration by the public or a substantial segment thereof in any public place; or

(3) sells or attempts to sell a veteran's marker as described in section 1913 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code. This paragraph shall not apply to the sale of veterans' markers authorized by statute.

(a.1) Historic burial lots and burial places.—A person commits a misdemeanor of the first degree if the person intentionally desecrates a historic burial lot or historic burial place.

(b) [Definition] *Definitions.*—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.] *following words and phrases shall have the meanings given to them in this subsection:*

“Desecrate.” 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.

“Historic burial lot.” An individual burial site within a historic burial place.

“Historic burial place.” A tract of land which has been:

(1) in existence as a burial ground for more than 100 years; or

(2) listed in or eligible for the National Register of Historic Places as determined by the Pennsylvania Historical and Museum Commission.

Section 2. The amendment of 18 Pa.C.S. § 5509 shall apply to offenses committed on or after the effective date of this act.

Section 3. This act shall take effect in 60 days.

APPROVED—The 16th day of December, A.D. 2003.

EDWARD G. RENDELL