

No. 2006-168

AN ACT

SB 583

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further defining "racketeering activity"; and further providing for arson and related offenses and for the offense of unsworn falsification to authorities.

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

Section 1. Section 911(h)(1) of Title 18 of the Pennsylvania Consolidated Statutes, amended November 1, 2006 (P.L.1243, No.135) and November 9, 2006, (P.L.1340, No.139), is amended to read:

§ 911. Corrupt organizations.

* * *

(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.]) *criminal mischief and other property destruction*)

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)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

[Section 5512 through 5514 (relating to gambling)]

Section 5512 (relating to lotteries, etc.)

Section 5513 (relating to gambling devices, gambling, etc.)

Section 5514 (relating to pool selling and bookmaking)

Chapter 59 (relating to public indecency)

(ii) any offense indictable under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act (relating to the sale and dispensing of narcotic drugs);

(ii.1) any offense indictable under 4 Pa.C.S. Pt. II (relating to gaming);

(iii) any conspiracy to commit any of the offenses set forth in subparagraphs (i) [and (ii)], (ii) and (ii.1) of this paragraph; 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 paragraph, 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.

Section 2. Section 3301 of Title 18 is amended by adding a subsection to read:

§ 3301. Arson and related offenses.

(h.1) Prohibition on certain service.—A person convicted of violating this section or any similar offense under Federal or State law shall be prohibited from serving as a firefighter in this Commonwealth and shall be prohibited from being certified as a firefighter under section 4 of the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act. Proof of nonconviction must consist of either of the following:

(1) An official criminal history record check obtained pursuant to Chapter 91 (relating to criminal history record information) indicating no arson convictions.

(2) A dated and signed statement by the person swearing to the following:

I have never been convicted of an offense that constitutes the crime of "arson and related offenses" under 18 Pa.C.S. § 3301 or any similar offense under any Federal or State law. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein, I am subject to penalties prescribed by law, including, but not limited to, a fine of at least \$1,000.

Section 3. Section 4904 of Title 18 is amended by adding a subsection to read:

§ 4904. Unsworn falsification to authorities.

(d) Penalty.—In addition to any other penalty that may be imposed, a person convicted under this section shall be sentenced to pay a fine of at least \$1,000.

Section 4. This act shall take effect in 60 days.

APPROVED—The 29th day of November, A.D. 2006.

EDWARD G. RENDELL