

No. 118

AN ACT

SB 1506

Amending Title 18 (Crimes and Offenses) of the Consolidated Pennsylvania Statutes, providing for changes in the burden of proof and the valuation of the items involved in the theft.

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

Section 1. Subsections (b) and (c) of section 3903 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Consolidated Pennsylvania Statutes, added December 6, 1972 (P.L.1482, No.334), are amended to read:

§ 3903. Grading of theft offenses.

* * *

(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 fiduciary obligation, and **[the actor proves by a preponderance of the evidence that]**:

(1) the amount involved was **[\$50] fifty dollars (\$50)** or more but less than **[\$200] two hundred dollars (\$200)** the offense constitutes a misdemeanor of the second degree; or

(2) the amount involved was less than **[\$50] fifty dollars (\$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.]** *The amount involved in a theft shall be ascertained as follows:*

(1) *Except as otherwise specified in this section, value means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime.*

(2) *Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:*

(i) *The value of an instrument constituting an evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily*

being the face amount of the indebtedness less any portion thereof which has been satisfied.

(ii) The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(3) When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in paragraphs (1) and (2) of subsection (c) its value shall be deemed to be an amount less than fifty dollars (\$50). 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.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of June, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 118.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.