

No. 102

AN ACT

HB 690

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, redefining the offense of robbery, adding an additional grade for the offense and amending the offense of theft by extortion.

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

Section 1. Sections 3701 and 3923 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added December 6, 1972 (P.L.1482, No.334), are amended to read:

§ 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;
- (iv) inflicts bodily injury upon another or threatens another with or intentionally puts him in fear of immediate bodily injury; or*
- (v) physically takes or removes property from the person of another by force however slight.*

(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 *under subsection (a)(1)(iv) is a felony of the second degree; robbery under subsection (a)(1)(v) is a felony of the third degree; otherwise, it is a felony of the first degree.*

§ 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.

Section 2. This act shall take effect immediately.

APPROVED—The 24th day of June, A. D. 1976.

MILTON J. SHAPP