

No. 1978-40

AN ACT

SB 1122

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the grading of the offense of theft of services.

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

Section 1. Section 3926 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 3926. Theft of services.

(a) Acquisition of services.—

(1) A person is guilty of theft if he intentionally obtains services which he knows are available only for compensation, by deception or threat, or by false token or other trick or artifice to avoid payment for the service.

(2) As used in this section, the word "service" includes, but is not limited to, labor, professional service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water, and telephone service.

(3) Where compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to a presumption that the service was obtained by deception as to intention to pay.

(b) Diversion of services.—A person is guilty of theft if, having control over the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

(c) *Grading.*—

(1) An offense under this section constitutes a summary offense when the value of the services obtained or diverted is less than \$50.

(2) When the value of the services obtained or diverted is \$50 or more, the grading of the offense shall be as established in section 3903 (relating to grading of theft offenses).

(3) Amounts involved in theft of services 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 in 60 days.

APPROVED—The 28th day of April, A. D. 1978.

MILTON J. SHAPP