

No. 2013-131

## AN ACT

SB 731

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for burglary, for robbery, for grading of theft offenses and for the offense of retail theft.

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

Section 1. Sections 3502(c)(2), 3701(b) and 3903(a) and (a.2) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3502. Burglary.

\* \* \*

(c) Grading.—

\* \* \*

(2) **[An] As follows:**

(i) *Except under subparagraph (ii), an offense under subsection (a)(4) is a felony of the second degree.*

(ii) *If the actor's intent upon entering the building, structure or portion under subparagraph (i) is to commit theft of a controlled substance or designer drug as those terms are defined in section 2 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, burglary is a felony of the first degree.*

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§ 3701. Robbery.

\* \* \*

(b) Grading.—**[Robbery]**

(1) *Except as provided under paragraph (2), robbery under subsection (a)(1)(iv) and (vi) 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.*

(2) *If the object of a robbery under paragraph (1) is a controlled substance or designer drug as those terms are defined in section 2 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, robbery is a felony of the first degree.*

§ 3903. Grading of theft offenses.

(a) Felony of the second degree.—Theft constitutes a felony of the second degree if:

(1) The offense is committed during a manmade disaster, a natural disaster or a war-caused disaster and constitutes a violation of section 3921 (relating to theft by unlawful taking or disposition), 3925 (relating to receiving stolen property), 3928 (relating to unauthorized use of automobiles and other vehicles) or 3929 (relating to retail theft).

(2) The property stolen is a firearm.

(3) In the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm.

(4) The property stolen is any amount of anhydrous ammonia.

(5) *The amount involved is \$100,000 or more but less than \$500,000.*

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(a.2) Felony of the first degree.—[Theft] *Except as provided in subsections (a) and (a.1), theft* constitutes a felony of the first degree if[,]:

(1) in the case of theft by receiving stolen property, the property received, retained or disposed of is a firearm and the receiver is in the business of buying or selling stolen property[.]; *or*

(2) *the amount involved is \$500,000 or more.*

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Section 2. Section 3929(b)(1)(v) of Title 18 is amended and the section is amended by adding a subsection to read:

§ 3929. Retail theft.

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(b) Grading.—

(1) Retail theft constitutes a:

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(v) Felony of the third degree when the amount involved exceeds [~~\$2,000~~] *\$1,000* or if the merchandise involved is a firearm or a motor vehicle.

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*(b.1) Calculation of prior offenses.—For the purposes of this section, in determining whether an offense is a first, second, third or subsequent offense, the court shall include a conviction, acceptance of accelerated rehabilitative disposition or other form of preliminary disposition, occurring before the sentencing on the present violation, for an offense under this section, an offense substantially similar to an offense under this section or under the prior laws of this Commonwealth or a similar offense under the statutes of any other state or of the United States.*

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Section 3. The amendment of 18 Pa.C.S. §§ 3502(c)(2), 3701(b), 3903 and 3929(b)(1)(v) shall apply to offenses committed on or after the effective date of this section.

Section 4. The amendment or addition of 18 Pa.C.S. §§ 3903 and 3929(b.1) shall apply to sentences imposed on or after the effective date of this section.

Section 5. This act shall take effect in 60 days.

APPROVED—The 23rd day of December, A.D. 2013

TOM CORBETT