

No. 1982-101

AN ACT

HB 758

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, making it illegal to destroy a vehicle by fire or explosion; defining "another person" and providing a defense.

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

Section 1. Section 3301 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 3301. Arson and related offenses.

(a) Endangering persons.—A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, whether on his own property or on that of another, and thereby recklessly places another person in danger of death or bodily injury. *For purposes of this subsection, "another person" shall include, but shall not be limited to, firefighters, police officers or citizens who render assistance at the scene of the fire or explosion.*

(b) Endangering property.—A person commits a felony of the second degree if he:

(1) starts a fire or causes an explosion with intent of destroying a building or occupied structure of another;

(2) intentionally starts a fire or causes an explosion, whether on his own property or on that of another, and thereby recklessly places a building or occupied structure of another in danger of damage or destruction; or

(3) starts a fire or causes an explosion with intent of destroying or damaging any property, whether his own or of another, to collect insurance for such loss.

(c) *Destruction of vehicles.—A person commits a felony of the third degree if he starts a fire or causes an explosion with intent of destroying his own vehicle or a vehicle of another.*

[(c)] (d) Definitions.—As used in this section the term "occupied structure" means any structure, vehicle or place adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present. Property is that of another, for the purposes of this section, if anyone other than the actor has a possessory or proprietary interest therein. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

(e) *Defenses.—It is a defense to prosecution under subsection (c) where a person is charged with destroying a vehicle, lawful title to which*

is vested in him, if the vehicle is free of any encumbrances, there is no insurance covering loss by fire or explosion or both on the vehicle and the person delivers to the nearest State Police station at least 48 hours in advance of the planned destruction a written sworn statement certifying that the person is the lawful titleholder, that the vehicle is free of any encumbrances and that there is no insurance covering loss by fire or explosion or both on the vehicle.

Section 2. This act shall take effect in 90 days:

APPROVED—The 29th day of April, A. D. 1982.

DICK THORNBURGH