

No. 2014-16

## AN ACT

SB 1024

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for possession of firearm or other dangerous weapon in court facility; in arson, criminal mischief and other property destruction, further providing for arson and related offenses; in sentencing, further providing for sentences for second and subsequent offenses; and providing for sentencing for arson offenses.

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

Section 1. Section 913(f) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 913. Possession of firearm or other dangerous weapon in court facility.

\* \* \*

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Court facility." The courtroom of a court of record; a courtroom of a community court; the courtroom of a magisterial district judge; a courtroom of the Philadelphia Municipal Court; a courtroom of the Pittsburgh Magistrates Court; a courtroom of the Traffic Court of Philadelphia; judge's chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices of court clerks, the district attorney, the sheriff and probation and parole officers; and any adjoining corridors.

"Dangerous weapon." A bomb, *any explosive or incendiary device or material when possessed with intent to use or to provide such material to commit any offense, graded as a misdemeanor of the third degree or higher*, grenade, blackjack, sandbag, metal knuckles, dagger, knife (the blade of which is exposed in an automatic way by switch, push-button, spring mechanism or otherwise) or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

"Firearm." Any weapon, including a starter gun, which will or is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas. The term does not include any device designed or used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition.

Section 2. Section 3301(b), (f) and (j) of Title 18 are amended and the section is amended by adding subsections to read:

§ 3301. Arson and related offenses.

\* \* \*

*(a.1) Aggravated arson.—*

*(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:*

(i) *he thereby attempts to cause, or intentionally, knowingly or recklessly causes bodily injury to another person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire; or*

(ii) *he commits an offense under this section which is graded as a felony when a person is present inside the property at the time of the offense.*

(2) *A person who commits aggravated arson is guilty of murder of the second degree if the fire or explosion causes the death of any person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire.*

(a.2) *Arson of historic resource.—A person commits a felony of the second degree if the person, with the intent of destroying or damaging a historic resource of another, does any of the following:*

(1) *Intentionally starts a fire or causes an explosion, whether on the person's own property or that of another.*

(2) *Aids, counsels, pays or agrees to pay another to cause a fire or explosion.*

(b) Sentence.—[A person convicted of violating the]

(1) *A person convicted of violating the provisions of subsection (a)(2), murder of the first degree, shall be sentenced to death or life imprisonment without right to parole; a person convicted of murder of the second degree, pursuant to subsection (a)(2), shall be sentenced to life imprisonment without right to parole. Notwithstanding provisions to the contrary, no language herein shall infringe upon the inherent powers of the Governor to commute said sentence.*

(2) *A person convicted under subsection (a.1) may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years if:*

(i) *bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; or*

(ii) *serious bodily injury results to a civilian.*

\* \* \*

(f) Possession of explosive or incendiary materials or devices.—A person commits a felony of the third degree if he possesses, manufactures or transports any incendiary or explosive *device or* material with the intent to use or to provide such device or material to commit any offense described in [subsection (a), (c) or (d)] *this chapter.*

\* \* \*

(j) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

*"Historic resource." A building or structure, including a covered bridge, which:*

(1) *has been in existence for more than 100 years, including partial or complete reconstruction of a building or structure originally erected at least 100 years ago; or*

(2) *has been listed on the National Register of Historic Places or the Pennsylvania Register of Historic Places.*

"Occupied structure." 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. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

"Property of another." A building or other property, whether real or personal, in which a person other than the actor has an interest which the actor has no authority to defeat or impair, even though the actor may also have an interest in the building or property.

Section 3. Section 9714(g) of Title 42 is amended to read:  
 § 9714. Sentences for second and subsequent offenses.

\* \* \*

(g) Definition.—As used in this section, the term "crime of violence" means murder of the third degree, voluntary manslaughter, manslaughter of a law enforcement officer as defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal homicide of law enforcement officer), murder of the third degree involving an unborn child as defined in 18 Pa.C.S. § 2604(c) (relating to murder of unborn child), aggravated assault of an unborn child as defined in 18 Pa.C.S. § 2606 (relating to aggravated assault of unborn child), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), assault of law enforcement officer as defined in 18 Pa.C.S. § 2702.1 (relating to assault of law enforcement officer), use of weapons of mass destruction as defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2) (relating to terrorism), trafficking of persons when the offense is graded as a felony of the first degree as provided in 18 Pa.C.S. § 3002 (relating to trafficking of persons), rape, involuntary deviate sexual intercourse, aggravated indecent assault, incest, sexual assault, arson *endangering persons or aggravated arson* as defined in 18 Pa.C.S. § 3301(a) *or (a.1)* (relating to arson and related offenses), ecoterrorism as classified in 18 Pa.C.S. § 3311(b)(3) (relating to ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. § 3502(a)(1) (relating to burglary), robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), or robbery of a motor vehicle, drug delivery resulting in death as defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery resulting in death), or criminal attempt, criminal conspiracy or criminal solicitation to commit murder or any of the offenses listed above, or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

Section 4. Title 42 is amended by adding a section to read:  
 § 9720.6. *Sentencing for arson offenses.*

*The Pennsylvania Commission on Sentencing shall provide for a sentencing enhancement for arson offenses if any of the following factors are present:*

- (1) bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire;*
- (2) serious bodily injury results to a civilian;*
- (3) more than three people were present inside the property at the time of the offense;*

*(4) the fire caused more than \$1,000,000 in property damage; or  
(5) the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting of paramilitary training).*

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

APPROVED—The 25th day of February, A.D. 2014

TOM CORBETT