

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1024 Session of 2013

INTRODUCED BY RAFFERTY, FARNESE, SCHWANK, YUDICHAK, HUGHES, ALLOWAY, ERICKSON, VULAKOVICH, FONTANA, SOLOBAY, BREWSTER, WAUGH, PILEGGI AND MENSCH, JUNE 17, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, IN INCHOATE CRIMES, further providing for <--
4 possession of firearm or other dangerous weapon in court
5 facility; IN ARSON, CRIMINAL MISCHIEF AND OTHER PROPERTY <--
6 DESTRUCTION, FURTHER PROVIDING for arson and related offenses
7 and; IN SENTENCING, FURTHER PROVIDING for sentences for <--
8 second and subsequent offenses; and providing for sentencing
9 for arson offenses.

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

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

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

16 * * *

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

20 "Court facility." The courtroom of a court of record; a

1 courtroom of a community court; the courtroom of a magisterial
2 district judge; a courtroom of the Philadelphia Municipal Court;
3 a courtroom of the Pittsburgh Magistrates Court; a courtroom of
4 the Traffic Court of Philadelphia; judge's chambers; witness
5 rooms; jury deliberation rooms; attorney conference rooms;
6 prisoner holding cells; offices of court clerks, the district
7 attorney, the sheriff and probation and parole officers; and any
8 adjoining corridors.

9 "Dangerous weapon." A bomb, any explosive or incendiary
10 device or material when possessed with intent to use or to
11 provide such device or material to commit any offense described <--
12 in Chapter 33 (relating to arson, criminal mischief and other
13 property destruction), GRADED AS A MISDEMEANOR OF THE THIRD <--
14 DEGREE OR HIGHER, grenade, blackjack, sandbag, metal knuckles,
15 dagger, knife (the blade of which is exposed in an automatic way
16 by switch, push-button, spring mechanism or otherwise) or other
17 implement for the infliction of serious bodily injury which
18 serves no common lawful purpose.

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

25 Section 2. Section 3301(b) and (f) of Title 18 are amended
26 and the section is amended by adding a subsection to read:

27 § 3301. Arson and related offenses.

28 * * *

29 (a.1) Aggravated arson.--

30 (1) A person commits a felony of the first degree if he

1 intentionally starts a fire or causes an explosion, or if he
2 aids, counsels, pays or agrees to pay another to cause a fire
3 or explosion, whether on his own property or on that of
4 another, and if:

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

10 (ii) he commits the offense when a person is present
11 inside the property at the time of the offense.

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

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

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

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

30 (i) bodily injury results to a firefighter, police

1 officer or other person actively engaged in fighting the
2 fire; or
3 (ii) serious bodily injury results to a civilian.

4 * * *

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

11 * * *

12 Section 3. Section 9714(g) of Title 42, amended October 25,
13 2012 (P.L.1655, No.204), is amended to read:

14 § 9714. Sentences for second and subsequent offenses.

15 * * *

16 (g) Definition.--As used in this section, the term "crime of
17 violence" means murder of the third degree, voluntary
18 manslaughter, manslaughter of a law enforcement officer as
19 defined in 18 Pa.C.S. § 2507(c) or (d) (relating to criminal
20 homicide of law enforcement officer), murder of the third degree
21 involving an unborn child as defined in 18 Pa.C.S. § 2604(c)
22 (relating to murder of unborn child), aggravated assault of an
23 unborn child as defined in 18 Pa.C.S. § 2606 (relating to
24 aggravated assault of unborn child), aggravated assault as
25 defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to
26 aggravated assault), assault of law enforcement officer as
27 defined in 18 Pa.C.S. § 2702.1 (relating to assault of law
28 enforcement officer), use of weapons of mass destruction as
29 defined in 18 Pa.C.S. § 2716(b) (relating to weapons of mass
30 destruction), terrorism as defined in 18 Pa.C.S. § 2717(b)(2)

1 (relating to terrorism), trafficking of persons when the offense
2 is graded as a felony of the first degree as provided in 18
3 Pa.C.S. § 3002 (relating to trafficking of persons), rape,
4 involuntary deviate sexual intercourse, aggravated indecent
5 assault, incest, sexual assault, arson endangering persons or
6 aggravated arson as defined in 18 Pa.C.S. § 3301(a) or (a.1)
7 (relating to arson and related offenses), ecoterrorism as
8 classified in 18 Pa.C.S. § 3311(b) (3) (relating to
9 ecoterrorism), kidnapping, burglary as defined in 18 Pa.C.S. §
10 3502(a) (1) (relating to burglary), robbery as defined in 18
11 Pa.C.S. § 3701(a) (1) (i), (ii) or (iii) (relating to robbery), or
12 robbery of a motor vehicle, drug delivery resulting in death as
13 defined in 18 Pa.C.S. § 2506(a) (relating to drug delivery
14 resulting in death), or criminal attempt, criminal conspiracy or
15 criminal solicitation to commit murder or any of the offenses
16 listed above, or an equivalent crime under the laws of this
17 Commonwealth in effect at the time of the commission of that
18 offense or an equivalent crime in another jurisdiction.

19 Section 4. Title 42 is amended by adding a section to read:
20 § 9720.5. Sentencing for arson offenses.

21 The Pennsylvania Commission on Sentencing shall provide for a
22 sentence enhancement for arson offenses if any of the following
23 factors are present:

24 (1) bodily injury results to a firefighter, police
25 officer or other person actively engaged in fighting the
26 fire;

27 (2) serious bodily injury results to a civilian;

28 (3) more than three people were present inside the
29 property at the time of the offense;

30 (4) the fire caused more than \$1,000,000 in property

1 damage; or

2 (5) the actor used, attempted to use or possessed an
3 explosive or incendiary device as defined in 18 Pa.C.S. §
4 5515(a) (relating to prohibiting of paramilitary training).

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