

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 71 Session of  
2019INTRODUCED BY STREET, TARTAGLIONE, SCHWANK, LEACH, DINNIMAN,  
HUGHES, SANTARSIERO, COSTA AND BROWNE, JANUARY 23, 2019

REFERRED TO JUDICIARY, JANUARY 23, 2019

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in arson, criminal mischief and other  
3 property destruction, further providing for the offense of  
4 institutional vandalism.

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

7 Section 1. Section 3307(a) and (b) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding a subsection to read:

10 § 3307. Institutional vandalism.

11 (a) Offenses defined.--A person commits the offense of  
12 institutional vandalism if he knowingly desecrates, [as defined  
13 in section 5509 (relating to desecration or sale of venerated  
14 objects)] destroys, vandalizes, defaces or otherwise damages:

15 (1) any church, synagogue [or], mosque or any other  
16 facility or place used for religious worship or other  
17 religious purposes;

18 (2) any cemetery, mortuary or other facility used for  
19 the purpose of burial or memorializing the dead;

1 (3) any school, educational facility, community center,  
2 municipal building, courthouse facility, State or local  
3 government building or vehicle or juvenile detention center;

4 (4) the grounds adjacent to and owned or occupied by any  
5 facility set forth in paragraph (1), (2) or (3); or

6 (5) any personal property located in any facility set  
7 forth in this subsection.

8 \* \* \*

9 (b) Grading.--An offense under this section [is a felony of  
10 the third degree if the act is one of desecration as defined in  
11 section 5509 or if the actor causes pecuniary loss in excess of  
12 \$5,000. Pecuniary loss includes the cost of repair or  
13 replacement of the property affected. Otherwise, institutional  
14 vandalism is a misdemeanor of the second degree.] shall be  
15 graded as follows:

16 (1) A felony of the first degree if death results from  
17 the act committed in violation of this section.

18 (2) A felony of the second degree if bodily injury to a  
19 person, including a public safety officer performing duties  
20 as a direct or proximate result of conduct prohibited by this  
21 section, results from the act committed in violation of this  
22 section or if the act includes the use, attempted use or  
23 threatened use of an instrument of crime, explosives or fire.

24 (3) A felony of the third degree if:

25 (i) bodily injury to a person, including a public  
26 safety officer performing duties as a direct or proximate  
27 result of conduct prohibited by this section, results  
28 from the act committed in violation of this section;

29 (ii) the act is one of desecration; or

30 (iii) the actor causes pecuniary loss, which

1 includes the cost of repair or replacement of the  
2 property affected, in excess of \$2,000.

3 (4) A misdemeanor of the first degree for all other  
4 violations of this section.

5 (c) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Desecrate." As defined in section 5509(b) (relating to  
9 desecration, theft or sale of venerated objects).

10 "Desecration." As the term "desecrate" is defined in section  
11 5509(b).

12 "Instrument of crime." As defined in section 907 (relating  
13 to possessing instruments of crime).

14 Section 2. This act shall take effect in 60 days.