

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1189 Session of
2023

INTRODUCED BY RABB, KINKEAD, MAYES, D. MILLER, SANCHEZ, MADDEN,
KINSEY, BURGOS, D. WILLIAMS AND PARKER, MAY 18, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 18, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in general provisions, providing for
3 inflation adjustment; in theft and related offenses, further
4 providing for the offenses of retail theft, of library theft
5 and of theft of secondary metal; and, in trade and commerce,
6 further providing for buying or exchanging Federal
7 Supplemental Nutrition Assistance Program (SNAP) benefit
8 coupons, stamps, authorization cards or access devices.

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

11 Section 1. Title 18 of the Pennsylvania Consolidated
12 Statutes is amended by adding a section to read:

13 § 113. Inflation adjustment.

14 Beginning March 1, 2024, and on March 1 of every fifth year
15 thereafter, the value of property or services as elements of an
16 offense under this title shall increase at the rate of inflation
17 as outlined in the Consumer Price Index for All Urban Consumers
18 (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland
19 area, for the five most recent 12-month periods for which
20 figures have been officially reported by the United States
21 Department of Labor. The determinations and adjustments required

1 under this section shall be made in the period between October 1
2 and November 15 of the year prior to the effective date of the
3 adjustment. Any change to a value shall be rounded up to the
4 next \$10. If the rate of inflation, as outlined in the Consumer
5 Price Index for All Urban Consumers (CPI-U) for the
6 Pennsylvania, New Jersey, Delaware and Maryland area, does not
7 increase, all values shall remain the same as they were for the
8 previous five-year period. The percentage increase and the value
9 amounts shall be determined by the Pennsylvania Commission on
10 Crime and Delinquency and shall be published by the Chairman of
11 the Pennsylvania Commission on Crime and Delinquency on the
12 publicly accessible Internet website of the Pennsylvania
13 Commission on Crime and Delinquency and transmitted to the
14 Legislative Reference Bureau for publication in the next
15 available issue of the Pennsylvania Bulletin no fewer than 90
16 days prior to the effective date of the adjustment.

17 Section 2. Sections 3929(b)(1), 3929.1(b)(1), 3935.1(b)(3)
18 and (4) and 7313(b) of Title 18 are amended to read:

19 § 3929. Retail theft.

20 * * *

21 (b) Grading.--

22 (1) Retail theft constitutes a:

23 (i) Summary offense when the offense is a first
24 offense and the value of the merchandise is less than
25 ~~[\$150]~~ \$200.

26 (ii) Misdemeanor of the second degree when the
27 offense is a second offense and the value of the
28 merchandise is less than ~~[\$150]~~ \$200.

29 (iii) Misdemeanor of the first degree when the
30 offense is a first or second offense and the value of the

1 merchandise is [~~\$150~~] \$200 or more.

2 (iv) Felony of the third degree when the offense is
3 a third or subsequent offense, regardless of the value of
4 the merchandise.

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

8 * * *

9 § 3929.1. Library theft.

10 * * *

11 (b) Grading.--

12 (1) Library theft constitutes a:

13 (i) Summary offense when the offense is a first
14 offense and the value of the material is less than [~~\$150~~]
15 \$200.

16 (ii) Misdemeanor of the second degree when the
17 offense is a second offense and the value of the material
18 is less than [~~\$150~~] \$200.

19 (iii) Misdemeanor of the first degree when the
20 offense is a first or second offense and the value of the
21 material is [~~\$150~~] \$200 or more.

22 (iv) Felony of the third degree when the offense is
23 a third or subsequent offense, regardless of the value of
24 the material.

25 * * *

26 § 3935.1. Theft of secondary metal.

27 * * *

28 (b) Grading.--Except as set forth in subsection (c):

29 * * *

30 (3) When the value of the secondary metal unlawfully

1 obtained is \$200 or more but less than [\$1,000] \$2,000, the
2 offense constitutes a misdemeanor of the first degree.

3 (4) When the value of the secondary metal unlawfully
4 obtained is [\$1,000] \$2,000 or more, the offense constitutes
5 a felony of the third degree.

6 * * *

7 § 7313. Buying or exchanging Federal Supplemental Nutrition
8 Assistance Program (SNAP) benefit coupons, stamps,
9 authorization cards or access devices.

10 * * *

11 (b) Grading.--A person who violates this section commits a
12 felony of the third degree if the amount involved is [\$1,000]
13 \$2,000 or more. If the amount involved is less than [\$1,000]
14 \$2,000, the person commits a misdemeanor of the first degree.
15 Amounts involved in buying or exchanging Federal SNAP benefit
16 coupons, stamps, authorization cards or access devices committed
17 pursuant to one scheme or course of conduct, whether from the
18 same person or several persons, shall be aggregated in
19 determining the grade of the offense.

20 * * *

21 Section 3. This act shall take effect in 60 days.