

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 1024

Printer's No.: 1235

Sponsor: Sen. Rafferty

Prepared by: Gregg Warner

Synopsis: This bill amends the Crimes Code, Title 18, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to further provide for arson and related offenses.

Summary: Section 3301 of the Crimes Code is amended to add the criminal offense of aggravated arson. Section 9720.5 is added to the Judicial Code to provide for a sentence enhancement for arson offenses.

Dangerous weapon

Section 913 of the Crimes Code, relating to the possession of a firearm or other dangerous weapon in a court facility, is amended to expand the definition of “dangerous weapon” to include “any explosive or incendiary device or material when possessed with the intent to use or to provide such device or material to commit any offense described in Chapter 33 (relating to arson, criminal mischief and other property destruction).”

Aggravated arson

Section 3301(a.1) is added to make it a felony of the first degree to intentionally start a fire or cause an explosion, or to aid, counsel, pay or agree to pay another to cause a fire or explosion, whether on property the person owns or on that of another person if:

- (1) The person 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.
- (2) The person commits the offense when a person is present inside the property at the time of the offense.

A person who commits aggravated arson is guilty of murder of the second degree if the fire or the 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 person convicted of section 3301(a), relating to arson endangering persons, or (a.1) may be sentenced to imprisonment for a term not exceeding 40 years if:

- (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.

Crime of violence

Section 9714 of the Judicial Code, relating to sentences for second and subsequent offenses, defines the phrase “crime of violence.” Arson endangering persons already is included within the definition. The bill adds aggravated arson to the definition.

Sentencing for arson offenses

The Pennsylvania Commission on Sentencing shall provide for a sentence 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 million in property damage.
- (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 paramilitary training.

Effective date

This act takes effect in 60 days.

Background: According to the sponsor “This legislation was drafted in response to a series of arsons in the City of Coatesville during 2007 through 2009. During this time, over fifty arson fires resulted in the arrest of five adults and one juvenile. While all of these individuals were convicted, sentence imposed by the court were limited by the language in the arson statutes and the applicable sentencing guidelines.

The Crimes Code classifies arson as a property crime. Therefore, courts do not treat the crime as seriously as violent crimes such as robbery or aggravated assault. However, it is my belief that each of these crimes was indeed the equivalent of a crime of violence.

Each fire occurred between 6 p.m. and 5 a.m. Every fire was set to a home. In almost every case, residents of Coatesville were home when the arsonist struck. One victim died. Every fire required firefighters to respond to the scene. At least three firefighters were injured fighting these fires and hundreds were placed in immediate danger. One fire destroyed more than 15 homes and endangered over 80 residents who were home at the time. The entire city was terrorized.”

Legislative history

Last session this legislation was introduced as Senate Bill 903. The Senate Judiciary Committee made several amendments including the removal of provisions adding mandatory minimum prison sentences and the replacement of them with the sentence enhancement language. The Senate passed Senate Bill 903 by a vote of 47 to 2. The House of Representatives did not take action on the bill.