

COMMITTEE AMENDMENT ANALYSIS

Bill: Senate Bill 903

Printer's No.: 918

Amendment No.: A06624

Prepared by: Gregg Warner

Summary: Senate Bill 903, relating to the new offense of aggravated arson and to the use of incendiary or explosive devices in committing an offense, includes prison sentences of not less than ten years, not less than five years and not less than two years depending on the type of offense and the circumstances of the offense. This amendment removes these mandatory minimum prison sentences from the bill.

The amendment does extend the maximum sentence for aggravated arson and arson endangering persons to not more than 40 years (the normal maximum for a first degree felony is 20 years).

The amendment provides for a sentencing enhancement if any of the following factors are present:

(1) Bodily injury results to any firefighter, police officer or other person actively engaged in fighting the fire.

(2) Serious bodily injury results to any 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.

The Pennsylvania Commission on Sentencing shall provide for the sentencing enhancement in its sentencing guidelines.

A provision in Senate Bill 903 mandating consecutive sentences for multiple offenses unless waived by the district attorney is deleted by the amendment.

Currently arson endangering a person is a "crime of violence" under 42 Pa.C.S. §9714 (relating to sentences for second and subsequent offenses). This section is known as Pennsylvania's two and three strike law. Aggravated arson is added to arson endangering a person in the definition of crime of violence.

Also, the amendment adds to the definition of "dangerous weapon" in the Crimes Code, any explosive or incendiary device or material when possessed with the intent to use or to provide such a device or material to commit an offense described in the chapter relating to arson and related offenses.