

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 903

**Printer's No.:** 918

**Sponsor:** Senator Rafferty

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends section 3301 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to increase the penalties for arson in certain circumstances.

### **Summary:**

#### **Offense defined**

Section 3301 is amended to add a subsection relating to aggravated arson. A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, and if he commits the offense with the intent to cause bodily injury to another person, including a firefighter, police officer or other person actively fighting the fire, or he commits the offense when a person is present inside the property at the time of the offense.

#### **Penalties**

If bodily injury results to a firefighter, police officer or other person actively fighting the fire, or if serious bodily injury results to any civilian, the person shall serve a prison sentence of not less than ten years.

A person shall serve a prison sentence of not less than five years if bodily injury results to a civilian; more than three people were present inside the property at the time of the offense; more than three buildings or occupied structures were damaged at the time of the offense; or the fire caused more than \$1 million in property damage.

A person convicted of arson who at the time of the offense used an incendiary or explosive device shall be sentenced to serve not less than two years incarceration. The penalty shall be served consecutively to other sentences.

The district attorney shall have the authority to waive the mandatory sentences.

**Consecutive sentences**

If at the time of sentencing, an offender is convicted of more than one offense under section 3301, the court shall order that all sentences be served consecutively. The district attorney may waive this requirement.

**Effective date**

This act takes effect in 60 days.

**Background:** Senate Bill 903 was introduced in response to a series of arsons in the City of Coatesville during 2007 and 2008. During this time, over 50 arson fires resulted in the arrest of five adults and one juvenile.

The five and ten year mandatory sentences apply to both the current offense of arson endangering persons (18 Pa.C.S. §3301(a)) and the new offense of aggravated arson (§3301(a.1)).

The two year mandatory sentence applies to arson endangering persons (18 Pa.C.S. §3301(a)), aggravated arson (§3301(a.1)), arson endangering property (§3301(c)) and reckless burning or exploding (§3301(d)).

**Committee consideration**

The Senate Judiciary Committee considered Senate Bill 903 and amendment A05732 on October 25, 2011 but concerns were raised about the provision mandating consecutive sentences for multiple offenses unless waived by the district attorney. The bill was held over so that the amendment could be redrafted to delete the provision mandating consecutive sentences.