

**HOUSE OF REPRESENTATIVES  
DEMOCRATIC COMMITTEE**

**BILL ANALYSIS**

BILL NO: **HB1716** PN2301  
COMMITTEE: Consumer Affairs  
DATE: September 24, 2007

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SPONSOR: Rep. Sainato

PROPOSAL/EXECUTIVE SUMMARY:

House Bill 1716 amends Section 3926 (Theft of Services) of Title 18 (18 Pa C.S.A, Crimes and Offenses) to include theft of energy services.

EXISTING LAW:

Section 3926 of Title 18 (Crimes and Offenses) deals exclusively with the crime of "Theft of Services". Under this section, a person is guilty of theft of services if he or she intentionally obtains service for him/herself or for another which he/she knows are only available for compensation, by deception or threat.

Under current law, theft of services includes illegal acquisition of electric, telephone or cable services through diversion of a transmission line (electric) or illegally maintaining the attachment of an unauthorized device or an unauthorized modification to a device to acquire service (cable or telecommunications). Having more than one television connected to an authorized cable service in ones dwelling is not considered theft of services under current law.

Section 3903 "Grading of Theft Offenses", (in conjunction with provisions found in 18 Pa.C.S.A Section 1101-1104) establishes the following grading and corresponding punishments:

- If the theft amount is greater than \$2,000= A Felony of the 3<sup>rd</sup> Degree with a maximum fine of \$15,000 and a maximum imprisonment of 7 years.
- If the theft amount is \$200 or more, but less than \$2,000= A Misdemeanor of the 1<sup>st</sup> Degree with a maximum fine of \$10,000 and a maximum imprisonment of 5 years.
- If the theft amount is \$50 or more, but less than \$200= A Misdemeanor of the 2<sup>nd</sup> Degree with a maximum fine of \$5,000 and a maximum imprisonment of 2 years.
- If the theft amount is than \$50= a Misdemeanor of the 3<sup>rd</sup> Degree with a maximum fine of \$2,500 and maximum imprisonment of 1 year.

Summary offenses are not included as a theft offense option under existing law.

ANALYSIS:

House Bill 1716 amends Section 3926 (Theft of Services) of Title 18 (Crimes and Offenses) to include theft of natural gas and propane services, in addition to electric, telecommunications and services.

An individual is guilty of theft of services if he or she intentionally obtains or attempts to obtain naturally gas or electric services by use of a means to divert or steal electricity or natural gas away from measurement by an electric or natural gas meter or without the consent of the natural gas, propane or electric service provider.

A violation of this offense is considered a Misdemeanor of the 1<sup>st</sup> Degree if the value of services is \$50 or more. If the value of services diverted or stolen is less than \$50, the offense is a summary offense with a maximum fine of \$300 and a maximum imprisonment of 90 days.

House Bill 1716 also includes a statement of purpose that declares the intent of Section 3926 is to protect the citizens of the Commonwealth from dangers of energy theft.

Under the restitution section of the bill, the court may now impose an additional fine of \$1,000. Also, any first responders answering a call caused by energy theft are entitled to receive restitution at full cost of their response in civil court. Electric, natural gas and propane service providers may bring a civil action against violators of this section.

EFFECTIVE DATE:

This Act shall take effect in 60 days.

PREPARED BY: Tim Scott, 783-1017

## LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1716

Sponsor: *Sainato*

Printer's No. 2301

1 Amend Sec. 1 (Sec. 3926), page 3, lines 12 and 13, by  
2 inserting brackets before and after "summary offense" and  
3 inserting immediately thereafter

4 misdemeanor of the third degree

5 Amend Sec. 1 (Sec. 3926), page 3, line 16, by inserting after  
6 "more"

7 but less than \$200

8 Amend Sec. 1 (Sec. 3926), page 3, by inserting between lines  
9 18 and 19

10 (2.1) When the value of the services obtained or  
11 diverted is \$200 or more but less than \$2,000, the grading of  
12 the offense shall be a felony of the third degree.

13 (2.2) When the value of the services obtained or  
14 diverted is \$2,000 or more, the grading of the offense shall  
15 be a felony of the second degree.

16 Amend Sec. 1 (Sec. 3926), page 5, line 19, by inserting after  
17 "generally)."

18 The court shall sentence all nonresidential consumers convicted  
19 of violating this section to compensate the vendor of service  
20 for the full value of the theft, the investigative costs  
21 incurred by the vendor, the costs of full and safe restoration  
22 of service at the location of the theft and interest charges for  
23 the value of services taken during the period of theft within a  
24 60-day period following the imposition of sentence.