

EDUCATION CODE (24 PA.C.S.) - PUBLIC LIBRARY CODE

Act of Nov. 1, 2012, P.L. 0, No. 210 Cl. 24

Session of 2012
No. 2012-210

SB 1225

AN ACT

Amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for public library code; and making related repeals.

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

Section 1. Title 24 of the Pennsylvania Consolidated Statutes is amended by adding a part to read:

**PART VI
LIBRARIES**

Subpart

- A. Public Libraries**
- B. (Reserved)**

**SUBPART A
PUBLIC LIBRARIES**

Chapter

- 93. Public Library Code**

**CHAPTER 93
PUBLIC LIBRARY CODE**

Subchapter

- A. General Provisions**
- B. Public Library System**
- C. State Aid to Libraries**
- D. Municipal Support for Libraries**
- E. Miscellaneous Provisions**

§ 9376. Damage to library materials.

(a) Offenses defined.--A person who willfully cuts, mutilates, marks or otherwise injures a book, pamphlet, magazine, newspaper, manuscript, map or other property of or on deposit with any of the institutions under subsection (c) shall, upon conviction, be subject to the same penalties as provided for in 18 Pa.C.S. § 6708 (relating to retention of library property after notice to return).

(b) Disposition of fines.--Fines collected under a conviction under this section shall be distributed for the use of the library against which the offense was committed.

(c) Applicability.--This section applies to materials from any of the following institutions:

- (1) The State Library.
- (2) A local library established or maintained under this chapter.
- (3) The library of a university, college or educational institution chartered by the Commonwealth.
- (4) The library of a public school.
- (5) A library established and maintained under a law of this Commonwealth.
- (6) A branch reading room, deposit station or agency operated in connection with a library described in this section.

TITLE 18
CRIMES AND OFFENSES

Chapter 39. Theft and Related Offenses

§3929.1. Library theft.

(a) Offense defined.--A person is guilty of library theft if he willfully conceals on his person or among his belongings any library or museum material while still on the premises of a library or willfully and without authority removes any library or museum material from a library with the intention of converting such material to his own use.

(b) Grading.--

(1) Library theft constitutes a:

(i) *Summary offense* when the offense is a first offense and the value of the material is less than \$150.

(ii) *Misdemeanor of the second degree* when the offense is a second offense and the value of the material is less than \$150.

(iii) *Misdemeanor of the first degree* when the offense is a first or second offense and the value of the material is \$150 or more.

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

(2) Amounts involved in library thefts committed pursuant to one scheme or course of conduct, whether from the same library or several libraries, may be aggregated in determining the grade of the offense.

(c) Presumption.--A person who willfully conceals any library or museum material on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facie presumed to have concealed the library or museum material with the intention of converting such material to his own use.

(d) Detention.--A peace officer, employee or agent of a library who has probable cause to believe that a person has committed library theft may detain such person on the premises of the library or in the immediate vicinity thereof for the following purposes:

(1) To conduct an investigation in a reasonable manner and within a reasonable length of time to determine whether such person has unlawfully concealed or removed any library or museum material.

(2) To inform a peace officer of the detention of the person or surrender that person to the custody of a peace officer.

(e) Exemption from liability.--A peace officer, employee or agent of a library who detains or causes the arrest of any person pursuant to this section shall not be held civilly or criminally liable for false arrest, false imprisonment, unlawful detention, assault, battery, slander, libel or malicious prosecution of the person detained or arrested provided the peace officer, employee or agent of the library had at the time of the detention or arrest probable cause to believe that the person committed library theft.

(f) Public display of law.--A copy of this section shall be publicly displayed in the reading rooms and other public rooms of all libraries in such number and manner as will bring this section to the attention of patrons.

(g) Prior offenses.--Prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of library theft, the issuing authority shall notify the Pennsylvania State Police for determination as to whether or not the defendant previously has been convicted of the offense of library theft. The results of such determination shall be forwarded to the police department if the department is the prosecutor, or to the issuing authority if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until in receipt of the determination made by the State Police. The magisterial district judge shall use the information obtained solely for the purpose of grading the offense pursuant to subsection (b).

(h) Fingerprinting.--Upon conviction the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or the State Police.

(i) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Conceal." To conceal library or museum material so that, although there may be some notice of its presence, it is not visible through ordinary observation.

"Library." Any public library, any library, archives or manuscript repository of educational, historical or eleemosynary institution, organization or society, any museum and any repository of public records.

"Library or museum material." Any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, display object, exhibit, work of art, artifact, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

"Premises of a library." Includes but is not limited to the library and all parking areas set aside for the parking of vehicles for the convenience of the patrons of such library.

(Apr. 27, 1982, P.L.345, No.95, eff. imd.; Nov. 30, 2004, P.L.1618, No.207, eff. 60 days)

2004 Amendment. Act 207 amended subsec. (g). See sections 28 and 29 of Act 207 in the appendix to this title for special provisions relating to applicability and construction of law.

1982 Amendment. Act 95 added section 3929.1.

Cross References. Section 3929.1 is referred to in section 3929.2 of this title; section 5552 of Title 42 (Judiciary and Judicial Procedure).