

PENNSYLVANIA

TITLE 18. CRIMES AND OFFENSES

PART I. PRELIMINARY PROVISIONS

CHAPTER 9. INCHOATE CRIMES

§ 911. Corrupt organizations.

(a) Findings of fact.--The General Assembly finds that:

1. organized crime is a highly sophisticated, diversified, and widespread phenomenon which annually drains billions of dollars from the national economy by various patterns of unlawful conduct including the illegal use of force, fraud, and corruption;
2. organized crime exists on a large scale within the Commonwealth of Pennsylvania, engaging in the same patterns of unlawful conduct which characterize its activities nationally;
3. the vast amounts of money and power accumulated by organized crime are increasingly used to infiltrate and corrupt legitimate businesses operating within the Commonwealth, together with all of the techniques of violence, intimidation, and other forms of unlawful conduct through which such money and power are derived;
4. in furtherance of such infiltration and corruption, organized crime utilizes and applies to its unlawful purposes laws of the Commonwealth of Pennsylvania conferring and relating to the privilege of engaging in various types of business and designed to insure that such businesses are conducted in furtherance of the public interest and the general economic welfare of the Commonwealth;
5. such infiltration and corruption provide an outlet for illegally obtained capital, harm innocent investors, entrepreneurs, merchants and consumers, interfere with free competition, and thereby constitute a substantial danger to the economic and general welfare of the Commonwealth of Pennsylvania; and
6. in order to successfully resist and eliminate this situation, it is necessary to provide new remedies and procedures.

(b) Prohibited activities.--

1. It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity in which such person participated as a principal, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in the acquisition of any interest in, or the establishment or operation of, any enterprise: Provided, however, That a purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issue held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern of racketeering activity after such purchase, do not amount in the aggregate to 1% of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer: Provided, further, That if, in any proceeding involving an alleged investment in violation of this subsection, it is established that over half of the defendant's aggregate income for a period of two or more years immediately preceding such investment was derived from a pattern of racketeering activity, a rebuttable presumption shall arise that such investment included income derived from such pattern of racketeering activity.
2. It shall be unlawful for any person through a pattern of racketeering activity to acquire or maintain, directly or indirectly, any interest in or control of any enterprise.
3. It shall be unlawful for any person employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

4. It shall be unlawful for any person to conspire to violate any of the provisions of paragraphs (1), (2) or (3) of this subsection.

(c) Grading.--Whoever violates any provision of subsection (b) of this section is guilty of a felony of the first degree. A violation of this subsection shall be deemed to continue so long as the person who committed the violation continues to receive any benefit from the violation.

(d) Civil remedies.--

1. The several courts of common pleas, and the Commonwealth Court, shall have jurisdiction to prevent and restrain violations of subsection (b) of this section by issuing appropriate orders, including but not limited to:
 - (i) ordering any person to divest himself of any interest direct or indirect, in the enterprise; imposing reasonable restrictions on the future activities or investments of any person, including but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in; and
 - (ii) making due provision for the rights of innocent persons, ordering the dissolution of the enterprise, ordering the denial, suspension or revocation of charters of domestic corporations, certificates of authority authorizing foreign corporations to do business within the Commonwealth of Pennsylvania, licenses, permits, or prior approval granted to any enterprise by any department or agency of the Commonwealth of Pennsylvania; or prohibiting the enterprise from engaging in any business.
2. In any proceeding under this subsection, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination, the court may enter preliminary or special injunctions, or take such other actions, including the acceptance of satisfactory performance bonds, as it may deem proper.
3. A final judgment or decree rendered in favor of the Commonwealth of Pennsylvania in any criminal proceeding under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this subsection.
4. Proceedings under this subsection, at pretrial, trial and appellate levels, shall be governed by the Pennsylvania Rules of Civil Procedure and all other rules and procedures relating to civil actions, except to the extent inconsistent with the provisions of this section.

(e) Enforcement.--

1. The Attorney General shall have the power and duty to enforce the provisions of this section, including the authority to issue civil investigative demands pursuant to subsection (f), institute proceedings under subsection (d), and to take such actions as may be necessary to ascertain and investigate alleged violations of this section.
2. The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under the provisions of this section.
3. Nothing contained in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons, enterprises, or matters falling within the scope of this section.

(f) Civil investigative demand.--

1. Whenever the Attorney General has reason to believe that any person or enterprise may be in possession, custody, or control of any documentary material relevant to a racketeering investigation, he may issue in writing, and cause to be served upon such person or enterprise, a civil investigative demand requiring the production of such material for examination.
2. Each such demand shall:
 - (i) state the nature of the conduct constituting the alleged racketeering violation which is under investigation, the provision of law applicable thereto and the connection between the

documentary material demanded and the conduct under investigation;

(ii) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(iii) state that the demand is returnable forthwith or prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction;

(iv) identify a racketeering investigator to whom such material shall be made available; and

(v) contain the following statement printed conspicuously at the top of the demand: "You have the right to seek the assistance of any attorney and he may represent you in all phases of the racketeering investigation of which this civil investigative demand is a part."

3. No such demand shall:

(i) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged racketeering violation; or

(ii) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by any court in connection with a grand jury investigation of such alleged racketeering violation.

4. Service of any such demand or any petition filed under this subsection shall be made in the manner prescribed by the Pennsylvania Rules of Civil Procedure for service of writs and complaints.

5. A verified return by the individual serving any such demand or petition setting forth the manner of such service shall be prima facie proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such demand.

6. (i) Any party upon whom any demand issued under this subsection has been duly served shall make such material available for inspection and copying or reproduction to the racketeering investigator designated therein at the principal place of business of such party, or at such other place as such investigator and such party thereafter may agree or as the court may direct pursuant to this subsection, on the return date specified in such demand. Such party may upon agreement of the investigator substitute copies of all or any part of such material for the originals thereof.

(ii) The racketeering investigator to whom any documentary material is so delivered shall take physical possession thereof, and shall be responsible for the use made thereof and for its return pursuant to this subsection. The investigator may cause the preparation of such copies of such documentary material as may be

required for official use. While in the possession of the investigator, no material so produced shall be available for examination, without the consent of the party who produced such material, by any individual other than the Attorney General or any racketeering investigator. Under such reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in the possession of the investigator shall be available for examination by the party who produced such material or any duly authorized representatives of such party.

(iii) Upon completion of:

- (A) the racketeering investigation for which any documentary material was produced under this subsection;
- and
- (B) any case or proceeding arising from such investigation;

the investigator shall return to the party who produced such material all such material other than copies thereof made pursuant to this subsection which have not passed into the control of any court or grand jury through introduction into the record of such case or proceeding.

(iv) When any documentary material has been produced by any party under this subsection for use in any racketeering investigation, and no case or proceeding arising therefrom has been instituted within a reasonable time after completion of the examination and analysis of all evidence assembled in the course of such investigation, such party shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material, other than copies thereof made pursuant to this subsection, so produced by such party.

7. Whenever any person or enterprise fails to comply with any civil investigative demand duly served upon him under this subsection or whenever satisfactory copying or reproduction of any such material cannot be done and such party refuses to surrender such material, the Attorney General may file, in the court of common pleas for any county in which such party resides or transacts business, and serve upon such party a petition for an order of such court for the enforcement of this subsection, except that if such person transacts business in more than one county such petition shall be filed in the county in which party maintains his or its principal place of business.
8. Within 20 days after the service of any such demand upon any person or enterprise, or at any time before the return date specified in the demand, whichever period is shorter, such party may file, in the court of common pleas of the county within which such party resides or transacts business, and serve upon the Attorney General a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this subsection or upon any constitutional or other legal right or privilege of such party.
9. At any time during which the Attorney General is in custody or control of any documentary material delivered by any party in compliance with any such demand, such party may file, in the court of common pleas of the county within which such documentary material was delivered, and

serve upon the Attorney General a petition for an order of such court requiring the performance of any duty imposed by this subsection.

10. Whenever any petition is filed in any court of common pleas under this subsection, such court shall have jurisdiction to hear and determine the matter so presented, and, after a hearing at which all parties are represented, to enter such order or orders as may be required to carry into effect the provisions of this subsection.

(g) Immunity.--Whenever any individual refuses, on the basis of his privilege against self-incrimination, to comply with a civil investigative demand issued pursuant to subsection (f) or to testify or produce other information in any proceeding under subsection (d), the Attorney General may invoke the provisions of 42 Pa.C.S. § 5947 (relating to immunity of witnesses).

(h) Definitions.--As used in this section:

1. "Racketeering activity" means:

(i) any act which is indictable under any of the following provisions of this title:

- [Chapter 25 \(relating to criminal homicide\)](#)
- [Section 2706 \(relating to terroristic threats\)](#)
- [Chapter 29 \(relating to kidnapping\)](#)
- [Chapter 33 \(relating to arson, etc.\)](#)
- [Chapter 37 \(relating to robbery\)](#)
- [Chapter 39 \(relating to theft and related offenses\)](#)
- [Section 4108 \(relating to commercial bribery and breach of duty to act disinterestedly\)](#)
- [Section 4109 \(relating to rigging publicly exhibited contest\)](#)
- [Section 4117 \(relating to motor vehicle insurance fraud\)](#)
- [Chapter 47 \(relating to bribery and corrupt influence\)](#)
- [Chapter 49 \(relating to perjury and other falsification in official matters\)](#)
- [Section 5111 \(relating to dealing in proceeds of unlawful activities\)](#)
- Section 5512 through 5514 (relating to gambling)
- [Chapter 59 \(relating to public indecency\)](#)

(ii) any offense indictable under section 13 of the [act of April 14,](#)

[1972 \(P.L.233, No.64\), known as The Controlled Substance, Drug, Device and Cosmetic Act \(relating to the sale and dispensing of narcotic drugs\);](#)

(iii) any conspiracy to commit any of the offenses set forth in subparagraphs (i) and (ii) of this paragraph; or

(iv) the collection of any money or other property in full or partial satisfaction of a debt which arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

Any act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

2. "Person" means any individual or entity capable of holding a legal or beneficial interest in property.
3. "Enterprise" means any individual, partnership, corporation, association or other legal entity, and any union or group of individuals associated in fact although not a legal entity, engaged in commerce and includes legitimate as well as illegitimate entities and governmental entities.
4. "Pattern of racketeering activity" refers to a course of conduct requiring two or more acts of racketeering activity one of which occurred after the effective date of this section.
5. "Racketeering investigator" means an attorney, investigator or investigative body so designated in writing by the Attorney General and charged with the duty of enforcing or carrying into effect the provisions of this section.
6. "Racketeering investigation" means any inquiry conducted by any racketeering investigator for the purpose of ascertaining whether any person has been involved in any violation of this section or of any order, judgment, or decree of any court duly entered in any case or proceeding arising under this section.
7. "Documentary material" means any book, paper, record, recording, tape, report, memorandum, written communication, or other document relating to the business affairs of any person or enterprise.
8. "Organized crime" means any person or combination of persons engaging in or having the purpose of engaging in conduct which violates any provision of subsection (b) and also includes "organized crime" as defined in [section 5702 \(relating to definitions\)](#).

PART II. DEFINITION OF SPECIFIC OFFENSES

ARTICLE F. OFFENSES AGAINST PUBLIC ORDER AND DECENCY

CHAPTER 55. RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

§ 5513. Gambling devices, gambling, etc.

- (a) Offense defined.--A person is guilty of a misdemeanor of the first degree if he:
7. intentionally or knowingly makes, assembles, sets up, maintains, sells, lends, leases, gives away, or offers for sale, loan, lease or gift, any punch board, drawing card, slot machine or any device to be used for gambling purposes, except playing cards;
 8. allows persons to collect and assemble for the purpose of unlawful gambling at any place under his control;
 9. solicits or invites any person to visit any unlawful gambling place for the purpose of gambling; or

10. being the owner, tenant, lessee or occupant of any premises, knowingly permits or suffers the same, or any part thereof, to be used for the purpose of unlawful gambling.

(b) Confiscation of gambling devices.--Any gambling device possessed or used in violation of the provisions of subsection (a) of this section shall be seized and forfeited to the Commonwealth. All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of intoxicating liquor shall apply to seizures and forfeitures under the provisions of this section.

(c) Antique slot machines.--

5. A slot machine shall be established as an antique slot machine if the defendant shows by a preponderance of the evidence that it was manufactured prior to 1941 and that it was not used or attempted to be used for any unlawful purposes. Notwithstanding subsection (b), no antique slot machine seized from any defendant shall be destroyed or otherwise altered until the defendant is given an opportunity to establish that the slot machine is an antique slot machine. After a final court determination that the slot machine is an antique slot machine, the slot machine shall be returned pursuant to the provisions of law providing for the return of property; otherwise, the slot machine shall be destroyed.

6. It is the purpose of this subsection to protect the collection and restoration of antique slot machines not presently utilized for gambling purposes.

1981 Partial Repeal. Section 9 of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, repealed Title 18 to the extent that it is inconsistent with that act.

CHAPTER 57. WIRETAPPING AND ELECTRONIC SURVEILLANCE

SUBCHAPTER B. WIRE, ELECTRONIC OR ORAL COMMUNICATION

§ 5702. Definitions.

As used in this chapter, the following words and phrases shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Aggrieved person."

A person who was a party to any intercepted wire, electronic or oral communication or a person against whom the interception was directed.

"Aural transfer."

A transfer containing the human voice at any point between and including the point of origin and the point of reception.

"Communication common carrier."

Any person engaged as a common carrier for hire, in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy; however, a person engaged in radio broadcasting shall not, while so engaged, be deemed a common carrier.

"Contents."

As used with respect to any wire, electronic or oral communication, is any information concerning the substance, purport, or meaning of that communication.

"Court."

The Superior Court. For the purposes of Subchapter C only, the term shall mean the court of common pleas.

"Electronic communication."

Any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or photo-optical system, except: (1) The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit. (2) Any wire or oral communication. (3) Any communication made through a tone-only paging device. (4) Any communication from a tracking device (as defined in this section).

"Electronic communication service."

Any service which provides to users the ability to send or receive wire or electronic communications.

"Electronic communication system."

Any wire, radio, electromagnetic, photo-optical or photoelectronic facilities for the transmission of electronic communications, and any computer facilities or related electronic equipment for the electronic storage of such communications.

"Electronic, mechanical or other device."

Any device or apparatus, including an induction coil, that can be used to intercept a wire, electronic or oral communication other than:

11. Any telephone or telegraph instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business, or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business, or being used by a communication common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties.
12. A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

"Electronic storage."

7. Any temporary, intermediate storage of a wire or electronic communication incidental to the electronic transmission thereof.
8. Any storage of such a communication by an electronic communication service for purpose of backup protection of the communication.

"In-progress trace."

The determination of the origin of a telephonic communication to a known telephone during an interception.

"Intercept."

Aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device.

"Investigative or law enforcement officer."

Any officer of the United States or of the Commonwealth or political subdivision thereof, who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter, and any attorney authorized by law to prosecute or participate in the prosecution of such offense. The term shall include, but not be limited to, employees of the Pennsylvania Crime Commission, authorized to investigate crimes enumerated in section 5708 (relating to order authorizing interception of wire or oral communications).

"Judge."

When referring to a judge authorized to receive applications for, and to enter, orders authorizing interceptions of wire, electronic or oral communications pursuant to this chapter, any judge of the Superior Court.

"One call system."

A communication system established by users to provide a single telephone number for contractors or designers or any other person to call notifying users of the caller's intent to engage in demolition or excavation work.

"Oral communication."

Any oral communication uttered by a person possessing an expectation that such communication is not subject to interception under circumstances justifying such expectation. The term does not include any electronic communication.

"Organized crime."

5. The unlawful activity of an association trafficking in illegal goods or services, including but not limited to, gambling, prostitution, loan sharking, controlled substances, labor racketeering, or other unlawful activities; or
6. any continuing criminal conspiracy or other unlawful practice which has as its objective: (i) large economic gain through fraudulent or coercive practices; or (ii) improper governmental influence.

"Pen register."

A device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted, with respect to wire communications, on the telephone line to which the device is attached. The term does not include a device

used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communication service provided by the provider, or any device used by a provider, or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of business.

"Person."

Any employee, or agent of the United States or any state or political subdivision thereof, and any individual, partnership, association, joint stock company, trust or corporation.

"Readily accessible to the general public."

As used with respect to a radio communication, that such communication is not:

4. scrambled or encrypted;
5. transmitted using modulation techniques of which the essential parameters have been withheld from the public with the intention of preserving the privacy of the communication;
6. carried on a subscriber or other signal subsidiary to a radio transmission;
7. transmitted over a communication system provided by a common carrier, unless the communication is a tone-only paging system communication; or
8. transmitted on frequencies allocated under 47 CFR Parts 25, 74D, E, F or 94, unless, in the case of a communication transmitted on a frequency allocated under Part 74 which is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

"Remote computing service."

The provision to the public of computer storage or processing services by means of an electronic communications system.

"Tracking device."

An electronic or mechanical device which permits only the tracking of the movement of a person or object.

"Trap and trace device."

A device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

"User."

Any person or entity who:

11. uses an electronic communication service; and
12. is duly authorized by the provider of the service to engage in the use.

"Wire communication."

Any aural transfer made in whole or in part through the use of facilities for the transmission of communication by wire, cable or other like connection between the point of origin and the point of reception, including the use of such a connection in a switching station, furnished or operated by a telephone, telegraph or radio company for hire as a communication common carrier. The term does not include the radio portion of a cordless telephone communication transmitted between the cordless telephone handset and the base unit.

§ 5708. Order authorizing interception of wire, electronic or oral communications.

(a) Authorization.--Except in cases referred to in subsection (b), the Attorney General, or, during the absence or incapacity of the Attorney General, a deputy attorney general designated in writing by the Attorney General, or the district attorney or, during the absence or incapacity of the district attorney, an assistant district attorney designated in writing by the district attorney of the county wherein the interception is to be made, may make written application to any Superior Court judge for an order authorizing the interception of a wire, electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation involving suspected criminal activities when such interception may provide evidence of the commission of any of the following offenses, or may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the following offenses:

13. Under this title:

- Section 911 (relating to corrupt organizations)
- Section 2501 (relating to criminal homicide)
- Section 2502 (relating to murder)
- Section 2503 (relating to voluntary manslaughter)
- Section 2706 (relating to terroristic threats)
- Section 2901 (relating to kidnapping)
- Section 3121 (relating to rape)
- Section 3123 (relating to involuntary deviate sexual intercourse)
- Section 3301 (relating to arson and related offenses)
- Section 3302 (relating to causing or risking catastrophe)
- Section 3502 (relating to burglary)
- Section 3701 (relating to robbery)
- Section 3921 (relating to theft by unlawful taking or disposition)
- Section 3922 (relating to theft by deception)
- Section 3923 (relating to theft by extortion)
- Section 4701 (relating to bribery in official and political matters)
- Section 4702 (relating to threats and other improper influence in official and political matters)
- Section 5512 (relating to lotteries, etc.)
- Section 5513 (relating to gambling devices, gambling, etc.)
- Section 5514 (relating to pool selling and bookmaking)

14. Under this title, where such offense is dangerous to life, limb or property and punishable by imprisonment for more than one year:

Section 3925 (relating to receiving stolen property)
Section 3926 (relating to theft of services)
Section 3927 (relating to theft by failure to make required disposition of funds received)
Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)
Section 4109 (relating to rigging publicly exhibited contest)
Section 4305 (relating to dealing in infant children)
Section 4902 (relating to perjury)
Section 4909 (relating to witness or informant taking bribe)
Section 4911 (relating to tampering with public records or information)
Section 4952 (relating to intimidation of witnesses or victims)
Section 4953 (relating to retaliation against witness or victim)
Section 5101 (relating to obstructing administration of law or other governmental function)
Section 5504 (relating to harassment by communication or address)
Section 5902 (relating to prostitution and related offenses)

15. Under the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, where such offense is dangerous to life, limb or property and punishable by imprisonment for more than one year:

Section 1272 (relating to sales of unstamped cigarettes)
Section 1273 (relating to possession of unstamped cigarettes)
Section 1274 (relating to counterfeiting)

16. Any offense set forth under section 13(a) of the [act of April 14, 1972 \(P.L.233, No.64\), known as The Controlled Substance, Drug, Device and Cosmetic Act](#), not including the offense described in clause (31) of section 13(a).
17. Any offense set forth under the act of November 15, 1972 (P.L.1227, No.272).
18. Any conspiracy to commit any of the offenses set forth in this section.

(b) Exception.--Whenever the interception of wire, electronic or oral communication is to be made by an investigative officer employed by the Pennsylvania Crime Commission, the application for the authorizing order shall be made by the Attorney General or, during the absence or incapacity of the Attorney General, a deputy attorney general designated in writing by the Attorney General.

[Note: The act of November 15, 1972 (P.L.1227, No.272), referred to in this section, amended the act of December 8, 1970 (P.L.874, No.276), known as The Pennsylvania Corrupt Organizations Act of 1970, which was repealed by the act of December 6, 1972 (P.L.1482, No.334). The subject matter is now contained in section 911 of Title 18.]

ARTICLE G. MISCELLANEOUS OFFENSES

CHAPTER 73. TRADE AND COMMERCE

SUBCHAPTER A. DEFINITION OF OFFENSES GENERALLY

§ 7319. Bucket-shop contracts.

(a) Status of contracts.--All contracts, agreements, trades, or transactions of the nature of a bucket-shop as defined in section 7316(e) of this title (relating to definition of bucket-shop), are hereby declared gambling, and criminal acts, and null and void.

(b) Offense defined.--A person is guilty of a misdemeanor of the third degree if he shall enter into the same, whether for himself or as agent or broker of any person.

TITLE 42. JUDICIALRY AND JUDICIAL PROCEDURE

PART II. ORGANIZATION

SUBPART A. COURTS AND DISTRICT JUSTICES

ARTICLE D. MINOR COURTS

CHAPTER 11. COMMUNITY AND MUNICIPAL COURTS

SUBCHAPTER C. PITTSBURGH MAGISTRATES COURT

§ 1143. Jurisdiction and venue.

PART V. ADMINISTRATION OF JUSTICE GENERALLY

CHAPTER 45. JURIES AND JURORS

SUBCHAPTER D. INVESTIGATING GRAND JURIES

§ 4542. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Attorney for the Commonwealth."

The district attorney of the county in which a county investigating grand jury is summoned, or his designee, or the Attorney General or his designee if the Attorney General has superseded the district attorney; the Attorney General, or his designee, with respect to multicounty investigating grand juries.

"Investigating grand jury."

The county investigating grand jury or the multicounty investigating grand jury or both.

"Investigating grand jury presentment."

A written formal recommendation by an investigating grand jury that specific persons be charged with specific crimes.

"Investigating grand jury report."

A report submitted by the investigating grand jury to the supervising judge regarding conditions relating to organized crime or public corruption or both; or proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings.

"Investigative resources of the grand jury."

The power to compel the attendance of investigating witnesses; the power to compel the testimony of investigating witnesses under oath; the power to take investigating testimony from witnesses who have been granted immunity; the power to require the production of documents, records and other evidence; the power to obtain the initiation of civil and criminal contempt proceedings; and every investigative power of any grand jury of the Commonwealth.

"Multicounty investigating grand jury."

A Statewide or regional investigating grand jury convened by the Supreme Court upon the application of the Attorney General and having jurisdiction to inquire into organized crime or public corruption or both under circumstances wherein more than one county is named in the order convening said investigating grand jury.

"Organized crime."

The unlawful activity of an association trafficking in illegal goods or services, including but not limited to gambling, prostitution, loan sharking, controlled substances, labor racketeering, or other unlawful activities; or any continuing criminal conspiracy or other unlawful practice which has as its objective:

19. large economic gain through fraudulent or coercive practices; or

20. improper governmental influence.

"Public corruption."

The unlawful activity under color of or in connection with any public office or employment of:

9. any public official or public employee, or the agent of any public official or public employee under color of or in connection with any public office or employment; or

10. any candidate for public office or the agent of any candidate for public office.

"Supervising judge."

The common pleas judge designated by the president judge to supervise the activities of the county investigating grand jury, or the common pleas judge designated by the Supreme Court to supervise the activities of the multicounty investigating grand jury.

"Supreme Court."

The Chief Justice of Pennsylvania or any other justice of the Supreme Court designated by or pursuant to general rule to act for the court under this subchapter.

[Note: Former section 4542 was renumbered 4532 pursuant to section 216(a)(1) of the act of October 5, 1980 (P.L.693, No.142).

PART VIII. CRIMINAL PROCEEDINGS

CHAPTER 97. SENTENCING

SUBCHAPTER C. SENTENCING ALTERNATIVES

§ 9721. Sentencing generally.

(a) General rule.--In determining the sentence to be imposed the court shall, except as provided in subsection (a.1), consider and select one or more of the following alternatives, and may impose them consecutively or concurrently:

21. An order of probation.
22. A determination of guilt without further penalty.
23. Partial confinement.
24. Total confinement.
25. A fine.
26. Intermediate punishment.

(a.1) Exception.--Unless specifically authorized under section 9763 (relating to sentence of intermediate punishment), subsection (a) shall not apply where a mandatory minimum sentence is otherwise provided by law.

(b) General standards.--In selecting from the alternatives set forth in subsection (a) the court shall follow the general principle that the sentence imposed should call for confinement that is consistent with the protection of the public, the gravity of the offense as it relates to the impact on the life of the victim and on the community, and the rehabilitative needs of the defendant. The court shall also consider any guidelines for sentencing adopted by the Pennsylvania Commission on Sentencing and taking effect pursuant to section 2155 (relating to publication of guidelines for sentencing). In every case in which the court imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where the court imposes a sentence outside the sentencing guidelines adopted by the Pennsylvania Commission on Sentencing pursuant to section 2154 (relating to adoption of guidelines for sentencing) and made effective pursuant to section 2155, the court shall provide a contemporaneous written statement of the reason or reasons for the deviation from the guidelines. Failure to comply shall be grounds for vacating the sentence and resentencing the defendant.

(c) Mandatory restitution.--In addition to the alternatives set forth in subsection (a) of this section the court shall order the defendant to compensate the victim of his criminal conduct for the damage or injury that he sustained. For purposes of this subsection, the term "victim" shall be as defined in section 479.1 of the [act of April 9, 1929 \(P.L.177, No.175\), known as The Administrative Code of 1929.](#)

(d) Detailed criteria.--With respect to each alternative the criteria to be considered by the court are set forth in this subchapter.

(e) Term of imprisonment.--All sentences of imprisonment imposed under this chapter shall be for a definite term.

TITLE 66. PUBLIC UTILITIES

PART I. PUBLIC UTILITY CODE

SUBPART D. SPECIAL PROVISIONS RELATING TO REGULATION OF PUBLIC UTILITIES

CHAPTER 29. TELEPHONE AN TELEGRAPH WIRES

SUBCHAPTER A. GENERAL PROVISIONS

Not available

TITLE 4. AMUSEMENTS

CHAPTER 9A. RACE HORSE INDUSTRY REFORM

CHAPTER 2. STATE HORSE RACING COMMISSION AND STATE HARNESS RACING COMMISSION

Not available

TITLE 10. CHARITIES AND WELFARE

CHAPTER 7. BINGO

§ 301. Short title.

§ 302. Legislative intent.

§ 303. Definitions.

§ 304. Associations permitted to conduct bingo.

§ 305. Rules for licensing and operation.

§ 306. Revocation of licenses.

§ 306.1. Special permits to conduct bingo for entertainment.

§ 306.2. Revocation of special permits.

§ 306.3. Service of food or drink.

§ 307. Penalty.

§ 308. Additional powers of the district attorney.

§ 308.1. Enforcement powers of law enforcement officials not restricted.

§ 311. Short title.

This act shall be known and may be cited as the Local Option Small Games of Chance Act.

§ 312. Legislative intent.

The General Assembly hereby declares that the playing of small games of chance for the purpose of raising funds, by certain nonprofit associations, for the promotion of charitable or civil purposes, is in the public interest.

It is hereby declared to be the policy of the General Assembly that all phases of licensing, operation and regulation of small games of chance be strictly controlled, and that all laws and regulations with respect thereto as well as all gambling laws should be strictly construed and rigidly enforced.

The General Assembly recognizes the possibility of association between commercial gambling and organized crime, and wishes to discourage commercialization of small games of chance, prevent participation by organized crime and prevent the diversion of funds from the purposes herein authorized.

§ 313. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Bona fide member."

"Charitable organization."

"Civil and service associations."

"Club."

"Daily drawing."

"Department."

"Dispensing machine."

"Eligible organizations."

"Fraternal organizations."

"Games of chance."

"Law enforcement official."

"License."

"Licensing authority."

"Municipality."

"Passive selection device."

"Public interest purposes."

"Pull-tab."

"Punchboard."

"Raffle."

"Religious organization."

"Veterans organization."

§ 314. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this act may conduct games of chance for the purpose of raising funds for public interest purposes. All proceeds of games of chance shall be used exclusively for public interest purposes or for the purchase of games of chance as permitted by this act.

§ 315. Prize limits.

[to be inserted]

§ 316. Sales limited.

No person shall sell, offer for sale or furnish games of chance for use within this Commonwealth except to an eligible organization or distributor licensed under this act. No game of chance, other than a raffle, sold, offered for sale or furnished for use within this Commonwealth shall contain, permit, depict or designate a prize having a cash value in excess of \$500.

§ 317. Distributor licenses.

[to be inserted]

§ 318. Registration of manufacturers.

[to be inserted]

§ 319. Regulations of department.

[to be inserted]

§ 320. Licensing of eligible organizations to conduct games of chance.

[to be inserted]

§ 321. Special permits.

[to be inserted]

§ 322. Revocation of licenses.

[to be inserted]

§ 323. Enforcement.

[to be inserted]

§ 324. Local option.

[to be inserted]

§ 325. Advertising.

[to be inserted]

§ 326. Certain persons prohibited.

[to be inserted]

§ 327. Penalties.
[to be inserted]

TITLE 35. HEALTH AND SAFETY

CHAPTER 39D. LOW-LEVEL RADIOACTIVE WASTE DISPOSAL REGIONAL FACILITY ACT

CHAPTER 5. DISCLOSURE STATEMENTS
7131.502. Content

TITLE 39. INSOVENCY AND ASSIGNMENTS

CHAPTER 1. ASSIGNMENTS AND INSOLVENCY PROCEEDINGS

ACT OF 1901 AND LATER ACTS

POWERS AND DUTIES OF ASSIGNEE OR RECEIVER
100. Discharge of insolvent

TITLE 43. LABOR

CHAPTER 10. EMPLOYMENT AGENCIES
574. Prohibited acts; penalty for violation

TITLE 47. LIQUOR

CHAPTER 1. LIQUOR CODE

ARTICLE II. PENNSYLVANIA LIQUOR CONTROL BOARD
2-211 Enforcement

TITLE 53. MUNIICIPAL AND QUASI-MUNICIPAL CCORPORATIONS

PART II. CITIES OF THE FIRST CLASS

CHAPTER 44. CITY OF PHILADELPHIA

ARTICLE VI. PARKS AND PUBLIC PLACES

PARK RULES

16514. Park to be under regulations specified and such others as may be established

PART III. CITIES OF THE SECOND CLASS

CHAPTER 54. MUNICIPAL POWERS IN GENERAL

23130. To suppress tippling houses, etc.

PART V. CITIES OF THE THIRD CLASS

CHAPTER 81. THIRD CLASS CITY CODE

ARTICLE XXIV. CORPORATE POWERS

37403. Specific powers

(A). GENERAL POWERS TO LICENSE

37601. Licenses taxes for revenue purposes

TITLE 62. POOR PERSONS AND PUBLIC WELFARE

CHAPTER 1. PUBLIC WELFARE CODE

ARTICLE IV. PUBLIC ASSISTANCE

(E) ASSISTANCE OTHER THAN MEDICAL ASSISTANCE

434. Diminishment of welfare payment

TITLE 72. TAXATION AND FISCAL AFFAIRS

CHAPTER 3. STATE FISCAL AFFAIRS IN GENERAL

STATE LOTTERY

3761-301. Statement of purpose

3761-305. Lottery sales agents

CHAPTER 5. TAX REFORM CODE OF 1971

ARTICLE III. PERSONAL INCOME TAX

PART II. IMPOSITION OF TAX

§ 7303. Classes of income.