



PRIVATE CRIMINAL COMPLAINT

See attached motions & Exhibit.

Mag. Dist. No: MDJ-07-2-02
 MDJ Name: Honorable Mark D. Douple
 Address: 1277 Almshouse Road
 Warrington, PA 18976
 Telephone: 215-343-7961

COMMONWEALTH OF PENNSYLVANIA

DEFENDANT: *Bucks County Prothonotary, Patricia Bachtel*
Bucks County Sheriff, Edward Donnelly
Bucks County District Attorney, Matthew Weintraub
Bucks County First Assistant DA, Matthew Henry
 v. NAME and ADDRESS
 Docket No:
 Case Filed:
 OTN:

Bucks County Recorder of Deeds, Joshua Szafran
Bucks County President, Judge Finley

note: notice to Amend and add documents and defendants

Notice: Under Pa.R.Crim.P. 506, your complaint may require approval by the attorney for the Commonwealth before it can be accepted by the Magisterial District Court. If the attorney for the Commonwealth disapproves your complaint, you may petition the Court of Common Pleas for review of the decision of the attorney for the Commonwealth.

Fill in as much information as you have.

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------|---------------------------------------------------------------------------|
| Defendant's Race/Ethnicity <input checked="" type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Unknown | Defendant's Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female | Defendant's D.O.B 9/18/69 | Defendant's SID (State Identification Number) N/A |
| Defendant's A.K.A (also known as) N/A | Defendant's Vehicle Information Plate Number (MM/YK) State Registration Sticker N/A PA N/A | | Defendant's Driver's License Number State License Number PA N/A |

1. Todd M. Keuplan American Citizen

(Name of Complainant - Please Print or Type)

do hereby state: (check the appropriate box)

1. I accuse the above named defendant who lives at the address set forth above
 I accuse the defendant whose name is unknown to me but who is described as John and Jane Doe

I accuse the defendant whose name and popular designation or nickname is unknown to me and whom I have therefore designated as John Doe

with violating the penal laws of the Commonwealth of Pennsylvania at _____
 (Place-Political Subdivision)

in _____ County on or about _____

Participants were: (if there were participants, place their names here, repeating the name of the defendant)

All Sussex Jane Doe's Bucks County Prothonotary, Patricia Bachtel
Bucks County Sheriff, Edward Donnelly, Bucks County DA Matthew Weintraub
Bucks County First Asst. Michelle Heston
Bucks County Recorder of Deeds, Joshua Szafran
Bucks County President Judge Finley

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 MDJ-07-2-02

4107 AG Fraudulent practice
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Defendant's Name :
 Docket Number :



PRIVATE
 CRIMINAL
 COMPLAINT

2. The acts committed by the accused were: * See Attached Title 18 Crime Code, 23 pages

(Set forth a summary of the facts sufficient to advise the defendant of the nature of the offense charged. A citation to the statute allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section and subsection of the statute or ordinance allegedly violated. The age of the victim at the time of the offense may be included if known. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 Pa. Code §§ 213.1 - 213.7)

* AS Detailed in Attached Documents.
 Constitutional Right By One Course of Law One process of Law
 Right to property
 Right to Reputation
 Recovery stolen property
 Highway under color of the Law
 Abuse of Courts
 Discrimination
 Conspiracy 28.903
 Abuse of power
 Failure to uphold oath of office
 Terrorism
 Treason, Seditious, Crimes Against Humanity
 F3 18 § 4902 § 9 perjury
 M2 18 § 4903 § 91 False Swearing
 M2 18 § 5701
 Obstruct Admin Law other Govt. Function
 1983 claim
 1985 claim
 Harassment
 18 Sec 2709
 2709 AS
 2709 A7

All of which were against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, or in violation of _____ and _____

of the _____ (PA Statute) _____ (Subsection) ~~SEE ATTACHED DOCUMENTS - 23 PAGES OF TITLE 18~~

I ask that process be issued and that the defendant be required to answer the charges I have made.

I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

 (Date) _____
 (Signature of Complainant)

Office of the Attorney for the Commonwealth Approved Disapproved because: _____

 (Name of Attorney for Commonwealth - Please Print or Type) (Signature of Attorney for Commonwealth) (Date)

AND NOW, on this date 1/26/2017, I certify that the complaint has been properly completed and verified.

07-2-02

 (Magisterial District) _____
 (Issuing Authority)



4107 A.C.I. Jurisdiction
 4107
 4114

CRIMINAL COMPLAINT AFFIDAVIT

ALL QUESTIONS MUST BE COMPLETED. FAILURE TO PROVIDE ALL REQUESTED INFORMATION WILL RESULT IN DISAPPROVAL OF YOUR COMPLAINT.

Your Name: TODD M. KAUFHEIM
 Address: 207 WOODSPRING Circle
Doylestown PA 19901
 Telephone Number: 215-290-1227

Defendant's Name: See Attached
 Address: Documents.
 Telephone Number: N/A
 Sex: MA Age: 41 Race: NA

WITNESSES

| | | | |
|--------------------------------|----------------------|---------------------------|---------------|
| Name: | <u>TERANCE HEALY</u> | <u>N/A</u> | <u>N/A</u> |
| Address: | | | |
| Telephone Number: | <u>215-343-1606</u> | <u>Leave message with</u> | <u>mother</u> |
| Age: | <u>52</u> | | |
| Is Witness willing to testify? | <u>yes</u> | <u>N/A</u> | <u>N/A</u> |

1. Date, time and location of offense N/A
2. Your version of the facts, giving specific circumstances alleged, motive and persons present. (Please use back of sheet.) See Attached Dockets / shuttles.
3. Is this complaint being filed on behalf of a person under 18 years old? N/A Age 43
4. Were you injured? yes Nature of injuries? Financial, BANK credit Bond / reputation
Reputation Business Did you seek medical care? N/A When? N/A
 Where? N/A Include copies of hospital and doctor reports.
5. Has there been any police involvement in this matter? yes If yes, explain ROBBERY by
KTMT LLC stolen tools Doylestown Boer police, Breckley and entering
Sherriff Dept. Bucks County
 Officer's name and department Doylestown Boer police See exhibit 6/5/15 DAT Penecalo
6. Are there any other criminal actions pending regarding this matter? NO Who filed? myself
 Against whom? yes When filed? yes Where filed? yes
 Disposition: NOT EVER INVEGATED, or Returned Called
by anyone, from any office.

7. Have you ever filed criminal charges against the defendant or a family member regarding any matter? N/A
 When filed? N/A Where filed? N/A Charges N/A
 Disposition N/A
8. Has the defendant ever filed criminal charges against you or a family member regarding any matter? N/A
 When filed? N/A Where filed? N/A Charges N/A
 Disposition N/A
9. Are there any documents concerning this matter (checks, receipts, agreements, medical reports, letters, etc.)? Yes
 If yes, you must include copies with this affidavit. See Exhibits
10. ~~Are you seeking to collect money owed to you by the defendant? N/A. If yes, have you made a request by certified mail for the money owed? N/A. Please provide a copy of letter and certified receipt.~~
11. Prior contact/relationship with defendant N/A. If ex-spouse, has final divorce decree been entered? N/A
12. Are there any domestic relations matters, (divorce, support, custody, etc.) pending between you and the Defendant? N/A
13. Are there any civil suits pending between you and the defendant? N/A. Who filed? N/A
 Against Whom? N/A Where filed? N/A When filed? N/A
 Disposition N/A

I, [Signature], being duly sworn according to law, depose and say that the facts set forth in the foregoing affidavit are true and correct to the best of my knowledge, information, and belief. I understand that if any of the sworn facts alleged by me are knowingly false, that I may be subject to criminal prosecution under the laws of Pennsylvania. I further certify that these criminal proceedings are not being brought for purposes of collecting a civil debt.

Sworn to and subscribed before me

This 26 day of January

[Signature]
 District Justice



I have read the above and understand

Signature [Signature]

Date _____

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 American Citizen

NOTICE TO PERSONS SIGNING CRIMINAL COMPLAINTS

The Pennsylvania Rules of Criminal Procedure provide that when a person whom is not a police officer wishes to sign complaint charging another person with a criminal offense, the complaint must first be submitted to the District Attorney's Office for approval or disapproval.

In order to assist the District Attorney's Office in reviewing your complaint, you must complete the attached affidavit in its entirety. Failure to provide all requested information will result in disapproval of your complaint. If a certain question does not apply to your circumstances, indicate so by marking "N/A". Your statement of the facts should be as detailed as possible and should include your opinion as to why the person may have committed the alleged acts. In reviewing your complaint, the District Attorney's Office will not assume any facts not contained in the affidavit. Only complaints supported by a detailed affidavit will be considered for approval. If there are any documents, (checks, agreements, Medical reports), pertaining to the charges, you must provide copies upon filing your complaint.

Please be aware that prosecution of a criminal case involves a lot of time and effort by persons other than the Complainant. The criminal court is not a forum for venting hostile feelings over a personal matter or for collecting civil debt. Only those allegations having elements of a criminal offense will be considered for approval.

When you have completed the affidavit, an oath will be administered to you, wherein you affirm the truth of the affidavit's contents. Please be advised that all facts alleged by you must be true to the best of your knowledge, information and belief. If investigation reveals that you have knowingly provided false information, you will be submitted to the following criminal charges as set forth in the Pennsylvania Crimes Code:

1. **Perjury:** Subsection 4902 of the PA. Crimes Code,
Grading: Felony of the 3rd degree
Maximum Penalty: Seven (7) years' incarceration and \$15,000 fine.

2. **False Swearing:** Subsection 4903 of the PA. Crimes Code,
Grading: Misdemeanor of the 2nd degree OR Misdemeanor of the 3rd Degree
Maximum Penalty: Two (2) years' incarceration and a \$5,000 fine OR one (1) year incarceration and a \$2,500 fine.

3. **Unsworn Falsifications to authorities:** Subsection 4904 of the PA. Crimes Code,
Grading: Misdemeanor of the 2nd degree OR Misdemeanor of the 3rd degree,
Maximum Penalty: Two (2) years' incarceration and a \$5,000 fine OR one (1) year incarceration and a \$2,500 fine.

If your complaint is disapproved, the District Justice will notify you. If you receive a hearing date, it will be your responsibility to notify any witnesses and to provide all evidence needed to prove your allegations. If desired, it will also be your responsibility to secure legal counsel to represent you in district court.

I have thoroughly read the instructions for filing a complaint. I understand the filing procedure as well as possible penalties for providing false information. Knowing all of this, I do want to file this complaint.

Signature of Complainant

[Handwritten Signature]
American Citizen
TODD M. KRAVITZ

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Rule 504. Contents of Complaint.

Every complaint shall contain:

- (1) the name of the affiant;
- (2) the name and address of the defendant, or if unknown, a description of the defendant as nearly as may be;
- (3) a direct accusation to the best of the affiant's knowledge, or information and belief, that the defendant violated the penal laws of the Commonwealth of Pennsylvania;
- (4) the date when the offense is alleged to have been committed; provided, however:
 - (a) if the specific date is unknown, or if the offense is a continuing one, it shall be sufficient to state that it was committed on or about any date within the period of limitations; and
 - (b) if the date or day of the week is an essential element of the offense charged, such date or day must be specifically set forth;
- (5) the place where the offense is alleged to have been committed;
- (6)
 - (a) in a court case, a summary of the facts sufficient to advise the defendant of the nature of the offense charged, but neither the evidence nor the statute allegedly violated need be cited in the complaint. However, a citation of the statute allegedly violated, by itself, shall not be sufficient for compliance with this subsection; or
 - (b) in a summary case, a citation of the specific section and subsection of the statute or ordinance allegedly violated, together with a summary of the facts sufficient to advise the defendant of the nature of the offense charged;
- (7) a statement that the acts of the defendant were against the peace and dignity of the Commonwealth of Pennsylvania or in violation of an ordinance of a political subdivision;
- (8) a notation if criminal laboratory services are requested in the case;
- (9) a notation that the defendant has or has not been fingerprinted;
- (10) a request for the issuance of a warrant of arrest or a summons, unless an arrest has already been effected;
- (11) a verification by the affiant that the facts set forth in the complaint are true and correct to the affiant's personal knowledge, or information and belief, and that any false statements therein are made subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities; and
- (12) the signature of the affiant and the date of the execution of the complaint.

Comment

This rule sets forth the required contents of all complaints whether the affiant is a law enforcement officer, a police officer, or a private citizen. When the affiant is a private citizen, the complaint must be submitted to an attorney for the Commonwealth for approval. See Rule 506. When the district attorney elects to proceed under Rule 507 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option), the police officer must likewise submit the complaint for approval by an attorney for the Commonwealth.

Ordinarily, whenever a misdemeanor, felony, or murder is charged, any summary offense in such a case, if known at the time, should be charged in the same complaint, and the case should proceed as a court case under Chapter 5 Part B. See *Commonwealth v. Kaufman*, 541 Pa. 299, 662 A.2d 1050 (1995) and *Commonwealth v. Campana*, 455 Pa. 622, 304 A.2d 432 (1973), vacated and remanded, 414 U.S. 808 (1973), on remand, 454 Pa. 233, 314 A.2d 854 (1974) (compulsory joinder rule). In judicial districts in which there is a traffic court established pursuant to 42 Pa.C.S. § § 1301—1342, when a summary motor vehicle offense within the jurisdiction of the traffic court arises in the same criminal episode as another summary offense or a misdemeanor, felony, or murder offense, see 42 Pa.C.S. § 1302 and *Commonwealth v. Masterson*, 275 Pa. Super. 166, 418 A.2d 664 (1980).

Paragraph (8) requires the affiant who prepares the complaint to indicate on the complaint whether criminal laboratory services are requested in the case. This information is necessary to alert the magisterial district judge, the district attorney, and the court that the defendant in the case may be liable for a criminal laboratory user fee. See 42 Pa.C.S. § 1725.3 that requires a defendant to be sentenced to pay a criminal laboratory user fee in certain specified cases when laboratory services are required to prosecute the case.

The requirement that the affiant who prepares the complaint indicate whether the defendant has been fingerprinted as required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, is included so that the issuing authority knows whether it is necessary to issue a fingerprint order with the summons as required by Rule 510.

Official Note

Original Rule 104 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 104 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 132 September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended July 25, 1994, effective January 1, 1995; renumbered Rule 104 and Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 504 and Comment revised March 1, 2000, effective April 1, 2001; Comment revised March 9, 2006, effective September 1, 2006; amended July 10, 2008, effective February 1, 2009.

Committee Explanatory Reports:

Report explaining the July 25, 1994 amendment published with Court's Order at 24 Pa.B. 4068 (August 13, 1994).

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court's Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the March 3, 2006 Comment revision published with the Court's Order at 36 Pa.B. 1392 (March 25, 2006).

Final Report explaining the July 10, 2008 amendments adding new paragraph (9) requiring a notation concerning fingerprinting published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

Source


The provisions of this Rule 504 amended March 9, 2006, effective September 1, 2006, 36 Pa.B. 1385; amended July 10, 2008, effective February 1, 2009, 38 Pa.B. 3971. Immediately preceding text appears at serial pages (318627) to (318628).

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Title 18

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A provision of this statute is set to expire in 2017 and 2018

§ 504. Execution of public duty.

(a) **General rule.**--Except as provided in subsection (b) of this section, conduct is justifiable when it is required or authorized by any law of the following:

(1) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties.

(2) The law governing the execution of legal process.

(3) The judgment or order of a competent court or tribunal.

(4) The law governing the armed services or the lawful conduct of war.

(5) Any other provision of law imposing a public duty.

(b) **Exceptions.**--The other sections of this chapter apply to:

(1) The use of force upon or toward the person of another for any of the purposes dealt with in such sections.

(2) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.


(c) **Requisite state of mind.**--The justification afforded by subsection (a) of this section applies:

(1) when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and

(2) when the actor believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

Title 18

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i A provision of this statute is set to expire in 2017 and 2018

§ 903. Criminal conspiracy.

(a) Definition of conspiracy.--A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he:

(1) agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes such crime or an attempt or solicitation to commit such crime; or

(2) agrees to aid such other person or persons in the planning or commission of such crime or of an attempt or solicitation to commit such crime.

(b) Scope of conspiratorial relationship.--If a person guilty of conspiracy, as defined by subsection (a) of this section, knows that a person with whom he conspires to commit a crime has conspired with another person or persons to commit the same crime, he is guilty of conspiring with such other person or persons, to commit such crime whether or not he knows their identity.

(c) Conspiracy with multiple criminal objectives.--If a person conspires to commit a number of crimes, he is guilty of only one conspiracy so long as such multiple crimes are the object of the same agreement or continuous conspiratorial relationship.

(d) Joinder and venue in conspiracy prosecutions.--

(1) Subject to the provisions of paragraph (2) of this subsection, two or more persons charged with criminal conspiracy may be prosecuted jointly if:

(i) they are charged with conspiring with one another; or

(ii) the conspiracies alleged, whether they have the same or different parties, are so related that they constitute different aspects of a scheme of organized criminal conduct.

(2) In any joint prosecution under paragraph (1) of this subsection:

(i) no defendant shall be charged with a conspiracy in any county other than one in which he entered into such conspiracy or in which an overt act pursuant to such conspiracy was done by him or by a person with whom he conspired;

(ii) neither the liability of any defendant nor the admissibility against him of evidence of acts or declarations of another shall be enlarged by such joinder; and

(iii) the court shall order a severance or take a special verdict as to any defendant who so requests, if it deems it necessary or appropriate to promote the fair determination of his guilt or innocence, and shall take any other proper measures to protect the fairness of the trial.

(e) Overt act.--No person may be convicted of conspiracy to commit a crime unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person with

wnom ne conspired.

(f) Renunciation.--It is a defense that the actor, after conspiring to commit a crime, thwarted the success of the conspiracy, under circumstances manifesting a complete and voluntary renunciation of his criminal intent.

(g) Duration of conspiracy.--For purposes of 42 Pa.C.S. § 5552(d) (relating to commission of offense):

(1) conspiracy is a continuing course of conduct which terminates when the crime or crimes which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired;

(2) such abandonment is presumed if neither the defendant nor anyone with whom he conspired does any overt act in pursuance of the conspiracy during the applicable period of limitation; and

(3) if an individual abandons the agreement, the conspiracy is terminated as to him only if and when he advises those with whom he conspired of his abandonment or he informs the law enforcement authorities of the existence of the conspiracy and of his participation therein.

(Apr. 28, 1978, P.L.202, No.53, eff. 60 days)

Title 18

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i A provision of this statute is set to expire in 2017 and 2018

§ 2709. Harassment.

(a) **Offense defined.**--A person commits the crime of harassment when, with intent to harass, annoy or alarm another, the person:

(1) strikes, shoves, kicks or otherwise subjects the other person to physical contact, or attempts or threatens to do the same;

(2) follows the other person in or about a public place or places;

(3) engages in a course of conduct or repeatedly commits acts which serve no legitimate purpose;

(4) communicates to or about such other person any lewd, lascivious, threatening or obscene words, language, drawings or caricatures;

(5) communicates repeatedly in an anonymous manner;

(6) communicates repeatedly at extremely inconvenient hours; or

(7) communicates repeatedly in a manner other than specified in paragraphs (4), (5) and (6).

(a.1) **Cyber harassment of a child.**--

(1) A person commits the crime of cyber harassment of a child if, with intent to harass, annoy or alarm, the person engages in a continuing course of conduct of making any of the following by electronic means directly to a child or by publication through an electronic social media service:

(i) seriously disparaging statement or opinion about the child's physical characteristics, sexuality, sexual activity or mental or physical health or condition; or

(ii) threat to inflict harm.

(2) (i) If a juvenile is charged with a violation of paragraph (1), the judicial authority with jurisdiction over the violation shall give first consideration to referring the juvenile charged with the violation to a diversionary program under Pa.R.J.C.P. No. 312 (relating to Informal Adjustment) or No. 370 (relating to Consent Decree). As part of the diversionary program, the judicial authority may order the juvenile to participate in an educational program which includes the legal and nonlegal consequences of cyber harassment.

(ii) If the person successfully completes the diversionary program, the juvenile's records of the charge of violating paragraph (1) shall be expunged as provided for under section 9123 (relating to juvenile records).

(b) **Stalking.**--(Deleted by amendment).

(b.1) **Venue.**--

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other

jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(3) In addition to paragraphs (1) and (2), an offense under subsection (a.1) may be deemed to have been committed at the place where the child who is the subject of the communication resides.

(c) Grading.--

(1) Except as provided under paragraph (3), an offense under subsection (a)(1), (2) or (3) shall constitute a summary offense.

(2) An offense under subsection (a)(4), (5), (6) or (7) or (a.1) shall constitute a misdemeanor of the third degree.

(3) The grading of an offense under subsection (a)(1), (2) or (3) shall be enhanced one degree if the person has previously violated an order issued under 23 Pa.C.S. § 6108 (relating to relief) involving the same victim, family or household member.

(d) False reports.--A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section.--This section shall not apply to constitutionally protected activity.

(e.1) Course of conduct.--(Deleted by amendment).

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

"Communicates." Conveys a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

"Emotional distress." A temporary or permanent state of mental anguish.

"Family or household member." Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

"Seriously disparaging statement or opinion." A statement or opinion which is intended to and under the circumstances is reasonably likely to cause substantial emotional distress to a child of the victim's age and which produces some physical manifestation of the distress.

(June 23, 1993, P.L.124, No.28, eff. imd.; Oct. 2, 1997, P.L.379, No.44, eff. 60 days; Dec. 15, 1999, P.L.915, No.59, eff. 60 days; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days; Nov. 27, 2013, P.L.1061, No.91, eff. 60 days; July 10, 2015, P.L.140, No.26, eff. 60 days; Nov. 4, 2015, P.L.224, No.59, eff. 60 days)

2015 Amendments. Act 26 amended subsecs. (c)(2) and (f) and added subsecs. (a.1) and (b.1)(3) and Act 59 amended subsec. (e). See the preamble to Act 59 of 2015 in the appendix to this title for special provisions relating to legislative intent.

2013 Amendment. Act 91 amended subsec. (c) and added the def. of "family or household member" in subsec. (f).


2002 Amendment. See sections 9 and 10 of Act 218 in the appendix to this title for special provisions relating to


appendix to this title for special provisions relating to references to section 2709 and references to section 5504.

Cross References. Section 2709 is referred to in sections 4954, 4955, 5708 of this title; section 3304 of Title 5 (Athletics and Sports); sections 6108, 6711 of Title 23 (Domestic Relations); sections 3573, 62A03 of Title 42 (Judiciary and Judicial Procedure).

Title 18

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 A provision of this statute is set to expire in 2017 and 2018

CHAPTER 39 THEFT AND RELATED OFFENSES

Subchapter

- A. General Provisions
- B. Definition of Offenses

Enactment. Chapter 39 was added December 6, 1972, P.L.1482, No.334, effective in six months.

Cross References. Chapter 39 is referred to in section 911 of this title; section 2905 of Title 66 (Public Utilities).

SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 3901. Definitions.
- 3902. Consolidation of theft offenses.
- 3903. Grading of theft offenses.
- 3904. Arrest without warrant.

§ 3901. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Deprive."

(1) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or

(2) to dispose of the property so as to make it unlikely that the owner will recover it.

"Financial institution." A bank, insurance company, credit union, building and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

"Firearm." Any weapon that is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon.

"Government." The United States, any state, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

"Movable property." Property the location of which can be changed, including things growing on, affixed to, or found in

land, and documents although the rights represented thereby have no physical location. "Immovable property" is all other property.

"Obtain."

(1) To bring about a transfer or purported transfer of legal interest in property, whether to the obtainer or another; or

(2) in relation to labor or service, to secure performance thereof.

"Property." Anything of value, including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power.

"Property of another." Includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement. (July 17, 2007, P.L.139, No.41, eff. 60 days)

2007 Amendment. Act 41 added the def. of "firearm."

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SUBCHAPTER B DEFINITION OF OFFENSES

Sec.

- 3921. Theft by unlawful taking or disposition.
- 3922. Theft by deception.
- 3923. Theft by extortion.
- 3924. Theft of property lost, mislaid, or delivered by mistake.
- 3925. Receiving stolen property.
- 3926. Theft of services.
- 3927. Theft by failure to make required disposition of funds received.
- 3928. Unauthorized use of automobiles and other vehicles.
- 3929. Retail theft.
- 3929.1. Library theft.
- 3929.2. Unlawful possession of retail or library theft instruments.
- 3929.3. Organized retail theft.
- 3930. Theft of trade secrets.
- 3931. Theft of unpublished dramas and musical compositions.
- 3932. Theft of leased property.
- 3933. Unlawful use of computer (Repealed).
- 3934. Theft from a motor vehicle.
- 3935. Theft of secondary metal (Unconstitutional).

§ 3921. **Theft by unlawful taking or disposition.**

(a) **Movable property.**--A person is guilty of theft if he unlawfully takes, or exercises unlawful control over, movable property of another with intent to deprive him thereof.

(b) **Immovable property.**--A person is guilty of theft if he unlawfully transfers, or exercises unlawful control over, immovable property of another or any interest therein with intent to benefit himself or another not entitled thereto.

Cross References. Section 3921 is referred to in sections 1107, 3311, 3903, 5708, 6105 of this title; section 5552 of Title 42 (Judiciary and Judicial Procedure).

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§ 3922. Theft by deception.

(a) **Offense defined.**--A person is guilty of theft if he intentionally obtains or withholds property of another by deception. A person deceives if he intentionally:

(1) creates or reinforces a false impression, including false impressions as to law, value, intention or other state of mind; but deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise;

(2) prevents another from acquiring information which would affect his judgment of a transaction; or


(3) fails to correct a false impression which the deceiver previously created or reinforced, or which the deceiver knows to be influencing another to whom he stands in a fiduciary or confidential relationship.


(b) **Exception.**--The term "deceive" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed.

Cross References. Section 3922 is referred to in sections 3311, 5708 of this title; sections 5552, 9717 of Title 42 (Judiciary and Judicial Procedure).

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§ 4902. Perjury.

(a) **Offense defined.**--A person is guilty of perjury, a felony of the third degree, if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

(b) **Materiality.**--Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.

(c) **Irregularities no defense.**--It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the actor presents it as being so verified shall be deemed to have been duly sworn or affirmed.

(d) **Retraction.**--No person shall be guilty of an offense under this section if he retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.

(e) **Inconsistent statements.**--Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.


(f) **Corroboration.**--In any prosecution under this section, except under subsection (e) of this section, falsity of a statement may not be established by the uncorroborated testimony of a single witness.

Cross References. Section 4902 is referred to in sections 3218, 4903, 4904, 5708 of this title; section 1518 of Title 4 (Amusements); sections 916, 3304 of Title 5 (Athletics and Sports); section 1714 of Title 25 (Elections); sections 5552, 5947 of Title 42 (Judiciary and Judicial Procedure).

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§ 4903. False swearing.

(a) **False swearing in official matters.**--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true is guilty of a misdemeanor of the second degree if:

(1) the falsification occurs in an official proceeding;

or

(2) the falsification is intended to mislead a public servant in performing his official function.

(b) **Other false swearing.**--A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, is guilty of a misdemeanor of the third degree, if the statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.


(c) **Perjury provisions applicable.**--Section 4902(c) through (f) of this title (relating to perjury) applies to this section.


Cross References. Section 4903 is referred to in sections 1310, 1518, 1602 of Title 4 (Amusements); section 1714 of Title 25 (Elections); section 4110 of Title 27 (Environmental Resources); sections 5552, 5947 of Title 42 (Judiciary and Judicial Procedure).

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§ 4103. Fraudulent destruction, removal or concealment of recordable instruments.

A person commits a felony of the third degree if, with intent to deceive or injure anyone, he destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording.

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§ 4107. Deceptive or fraudulent business practices.

(a) Offense defined.--A person commits an offense if, in the course of business, the person:

- (1) uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
- (2) sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;
- (3) takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure;
- (4) sells, offers or exposes for sale adulterated or mislabeled commodities. As used in this paragraph, the term "adulterated" means varying from the standard of composition or quality prescribed by or pursuant to any statute providing criminal penalties for such variance or set by established commercial usage. As used in this paragraph, the term "mislabeled" means varying from the standard of trust or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for such variance or set by established commercial usage;
- (5) makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services;
- (6) makes or induces others to rely on a false or misleading written statement for the purpose of obtaining property or credit;
- (7) makes or induces others to rely on a false or misleading written statement for the purpose of promoting the sale of securities, or omits information required by law to be disclosed in written documents relating to securities;
- (8) makes or induces others to rely on a false or misleading material statement to induce an investor to invest in a business venture. The offense is complete when any false or misleading material statement is communicated to an investor regardless of whether any investment is made. For purposes of grading, the "amount involved" is the amount or value of the investment solicited or paid, whichever is greater. As used in this paragraph, the following words and phrases shall mean: "Amount" as used in the definition of "material statement" includes currency values and comparative expressions of value, including, but not limited to, percentages or multiples. "Business venture" means any venture represented to an investor as one where he may receive compensation either from the sale of a product, from the investment of other investors or from any other commercial enterprise. "Compensation" means anything of value received or to be received by an investor. "Invest" means to pay, give or lend money, property, service or other thing of value for the opportunity to receive compensation. The

term also includes payment for the purchase of a product. "Investment" means the money, property, service or other thing of value paid or given, or to be paid or given, for the opportunity to receive compensation. "Investor" means any natural person, partnership, corporation, limited liability company, business trust, other association, government entity, estate, trust, foundation or other entity solicited to invest in a business venture, regardless of whether any investment is made. "Material statement" means a statement about any matter which could affect an investor's decision to invest in a business venture, including, but not limited to, statements about:

- (i) the existence, value, availability or marketability of a product;
- (ii) the number of former or current investors, the amount of their investments or the amount of their former or current compensation;
- (iii) the available pool or number of prospective investors, including those who have not yet been solicited and those who already have been solicited but have not yet made an investment;
- (iv) representations of future compensation to be received by investors or prospective investors; or
- (v) the source of former, current or future compensation paid or to be paid to investors or prospective investors.

"Product" means a good, a service or other tangible or intangible property of any kind;

(9) obtains or attempts to obtain property of another by false or misleading representations made through communications conducted in whole or in part by telephone involving the following:

- (i) express or implied claims that the person contacted has won or is about to win a prize;
- (ii) express or implied claims that the person contacted may be able to recover any losses suffered in connection with a prize promotion; or
- (iii) express or implied claims regarding the value of goods or services offered in connection with a prize or a prize promotion.

As used in this paragraph, the term "prize" means anything of value offered or purportedly offered. The term "prize promotion" means an oral or written express or implied representation that a person has won, has been selected to receive or may be eligible to receive a prize or purported prize;

(10) knowingly makes a false or misleading statement in a privacy policy, published on the Internet or otherwise distributed or published, regarding the use of personal information submitted by members of the public; or

(11) does either of the following when the person is in a client relationship with a certified public accountant, public accountant or public accounting firm:

- (i) provides false or misleading information to the certified public accountant, public accountant or public accounting firm in connection with performance of an attestation function for the client which results in an attestation by the certified public accountant, public accountant or public accounting firm of a materially misleading financial statement, audit, review or other document; or
- (ii) fails to provide information to the certified public accountant, public accountant or public accounting firm which the person knows is material to the performance of an attestation function and which results in an attestation by the certified public accountant, public accountant or public accounting firm of a materially

misleading financial statement, audit, review or other document.

(a.1) Grading of offenses.--

(1) A violation of this section, except for subsection (a)(10), constitutes:

(i) a felony of the third degree if the amount involved exceeds \$2,000;

(ii) a misdemeanor of the first degree if the amount involved is \$200 or more but \$2,000 or less;

(iii) a misdemeanor of the second degree if the amount involved is less than \$200; or

(iv) when the amount involved cannot be satisfactorily ascertained, the offense constitutes a misdemeanor of the second degree.

(2) Amounts involved in deceptive or fraudulent business practices pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

(3) Where a person commits an offense under subsection (a) and the victim of the offense is 60 years of age or older, the grading of the offense shall be one grade higher than specified in paragraph (1).

(4) An offense under subsection (a)(10) shall be a summary offense and shall be punishable by a fine not less than \$50 and not to exceed \$500.

(a.2) Jurisdiction.--

(1) The district attorneys of the several counties shall have the authority to investigate and to institute criminal proceedings for any violation of this section.

(2) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of such violations involving more than one county of this Commonwealth or involving any county of this Commonwealth and another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(b) Defenses.--It is a defense to prosecution under this section if the defendant proves by a preponderance of the evidence that his conduct was not knowingly or recklessly deceptive.

(c) Exceptions.--Subsection (a)(10) shall not apply to the activities of:

(1) A financial institution as defined by section 509(3) of the Gramm-Leach-Bliley Act (Public Law 106-102, 15 U.S.C. § 6809(3)) or regulations adopted by agencies as designated by section 504(a) of the Gramm-Leach-Bliley Act (15 U.S.C. § 6804(a)) and subject to Title V of the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.).

(2) A covered entity as defined by regulations promulgated at 45 CFR Pts. 160 (relating to general administration requirements) and 164 (relating to security and privacy) pursuant to Subtitle F of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191, 42 U.S.C. § 1320d et seq.).

(3) A licensee or person subject to 31 Pa. Code Ch. 146a (relating to privacy of consumer financial information) or 146b (relating to privacy of consumer health information). (Dec. 4, 1996, P.L.902, No.145, eff. 60 days; April 5, 2004, P.L.211, No.26, eff. 60 days; Nov. 30, 2004, P.L.1592, No.202, eff. 60 days; Dec. 8, 2004, P.L.1781, No.234, eff. 60 days)


2004 Amendments. Act 234 overlooked the amendment by Act 202, but the amendments do not conflict in substance and have both been given effect in setting forth the text of section 4107.

Cross References. Section 4107 is referred to in section 5552 of Title 42 (Judiciary and Judicial Procedure).

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§ 4114. Securing execution of documents by deception.

A person commits a misdemeanor of the second degree if by deception he causes another to execute any instrument affecting or purporting to affect or likely to affect the pecuniary interest of any person.

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§ 4953. Retaliation against witness, victim or party.

(a) **Offense defined.**--A person commits an offense if he harms another by any unlawful act or engages in a course of conduct or repeatedly commits acts which threaten another in retaliation for anything lawfully done in the capacity of witness, victim or a party in a civil matter.


(b) **Grading.**--The offense is a felony of the third degree if the retaliation is accomplished by any of the means specified in section 4952(b)(1) through (5) (relating to intimidation of witnesses or victims). Otherwise the offense is a misdemeanor of the second degree.


(Dec. 20, 2000, P.L.837, No.117, eff. imd.)

Cross References. Section 4953 is referred to in sections 4955, 4956, 5702, 5708, 6105, 9122.1 of this title; section 5552 of Title 42 (Judiciary and Judicial Procedure).

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CHAPTER 53 ABUSE OF OFFICE

Sec.

- 5301. Official oppression.
- 5302. Speculating or wagering on official action or information.
- 5303. Liability for reimbursement of costs for outside counsel.

Enactment. Chapter 53 was added December 6, 1972, P.L.1482, No.334, effective in six months.

Cross References. Chapter 53 is referred to in section 5508.3 of Title 53 (Municipalities Generally); section 6017 of Title 64 (Public Authorities and Quasi-Public Corporations).

§ 5301. Official oppression.

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

- (1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or
- (2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.