

## THEFT OF LIBRARY MATERIALS

### Museum policy:

Library users are expected to use Library resources appropriately and to comply with state law and Museum policy. Materials may not be removed from the Library without authorization. Unauthorized possession of materials is a serious offense and may be subject to disciplinary or legal action. Willful mutilation of, injury to, or defacement of, Library materials will be considered and treated as theft. For the purposes of this policy, Materials are defined as any book, plate, picture, photograph engraving, painting, drawing, map, notebook, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audio-visual materials in any format, electronic data processing records, computer hardware and software, artifacts or other documentary, written, or printed materials regardless of physical form or characteristics, or library furnishings belonging to, on loan to, or in the custody of the Library. This definition includes all institutional property housed in or intended for use in the Library.

In instances where an individual is attempting, or has attempted, to remove Library materials or equipment from the Library without permission, the Museum staff has the option of detaining the individual, documenting the incident, and taking appropriate action. Museum staff may elect to contact local law enforcement.

### Pennsylvania law (18 Pa.C.S. § 3929.1):

#### § 3929.1. Library theft.

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

#### **(b) Grading.**

(1) Library theft constitutes a:

- (i) Summary offense when the offense is a first offense and the value of the material is less than \$150.
- (ii) Misdemeanor of the second degree when the offense is a second offense and the value of the material is less than \$150.
- (iii) Misdemeanor of the first degree when the offense is a first or second offense and the value of the material is \$150 or more.
- (iv) Felony of the third degree when the offense is a third or subsequent offense, regardless of the value of the material.

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

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

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

- (1) To conduct an investigation in a reasonable manner and within a reasonable length of time to determine whether such person has unlawfully concealed or removed any library or museum material.
- (2) To inform a peace officer of the detention of the person or surrender that person to the custody of a peace officer.