

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1296 Session of
2013

INTRODUCED BY SABATINA, MILLARD, STEPHENS, MUNDY, O'BRIEN,
MARSHALL, HARKINS, D. COSTA, COHEN, MAHONEY, CARROLL, DeLUCA,
KORTZ, SWANGER, MURT, FABRIZIO, NEILSON, P. COSTA, KOTIK,
BOBACK, W. KELLER, READSHAW AND CALTAGIRONE, APRIL 30, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 1, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, ~~defining the offense of home invasion;~~ <--
3 ~~and prescribing penalties~~ FURTHER PROVIDING FOR BURGLARY. <--

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

6 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <--
7 ~~Statutes is amended by adding a section to read:~~

8 ~~§ 3505. Home invasion.~~

9 ~~(a) Offense defined. A person commits the offense of home~~
10 ~~invasion when the person knowingly enters, attempts to enter or~~
11 ~~remains unlawfully in a dwelling with intent to commit a crime~~
12 ~~of violence in the dwelling if all of the following conditions~~
13 ~~exist:~~

14 ~~(1) The person knows:~~

15 ~~(i) that another person who is not another~~
16 ~~participant in the crime is present in the dwelling at~~
17 ~~the time; or~~

~~(ii) of circumstances which render the presence in the dwelling of another person who is not another participant in the crime a reasonable possibility.~~

~~(2) When, in effecting entry or when in the dwelling or in immediate flight from the dwelling, the person or another participant in the crime engages in the commission of or attempts to commit any of the following felonies:~~

~~(i) Robbery.~~

~~(ii) Murder.~~

~~(iii) Manslaughter.~~

~~(iv) Rape.~~

~~(v) Kidnapping.~~

~~(vi) Aggravated assault.~~

~~(3) When, in effecting entry or when in the dwelling or in immediate flight therefrom, the person or another participant in the crime:~~

~~(i) is armed with explosives or a deadly weapon; or~~

~~(ii) causes physical injury to any person who is not a participant in the crime.~~

~~(b) Grading. An offense under subsection (a) is a felony of the first degree.~~

~~(c) Penalties.~~

~~(1) Except as set forth in paragraphs (2) and (3), and notwithstanding any provision of this title, a person convicted under subsection (a) shall be sentenced to a minimum sentence of imprisonment of at least five years.~~

~~(2) Any person convicted of a second or subsequent offense under subsection (a) shall be sentenced to a minimum sentence of imprisonment of at least ten years.~~

~~(3) Any person convicted of an offense under subsection~~

~~(a) where the other person present in the dwelling, who is not another participant in the crime, is a person 62 years of age or older shall be sentenced to a minimum sentence of imprisonment of at least ten years.~~

~~(d) Definition. As used in this section, the term "crime of violence" means the term as defined in 42 Pa.C.S. § 9714(g) (relating to sentences for second and subsequent offenses).~~

SECTION 1. SECTION 3502 HEADING OF TITLE 18 OF THE
PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS
AMENDED BY ADDING SUBSECTIONS TO READ:

§ 3502. BURGLARY AND HOME INVASION.

* * *

(C.1) MANDATORY MINIMUM SENTENCE.--

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2), A PERSON CONVICTED OF BURGLARY CONSTITUTING A HOME INVASION SHALL BE SENTENCED TO A MANDATORY MINIMUM TERM OF IMPRISONMENT OF NO LESS THAN FIVE YEARS.

(2) A PERSON CONVICTED OF A SECOND OR SUBSEQUENT BURGLARY CONSTITUTING A HOME INVASION OR A HOME INVASION AGAINST A VICTIM WHO IS 62 YEARS OF AGE OR OLDER SHALL BE SENTENCED TO A MANDATORY MINIMUM TERM OF IMPRISONMENT OF NO LESS THAN TEN YEARS.

* * *

(E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

"HOME INVASION." A BURGLARY UNDER SUBSECTION (A) (1) WHERE, DURING THE COMMISSION OF THE OFFENSE, A PERSON:

(1) COMMITS AN OFFENSE UNDER CHAPTER 25 (RELATING TO CRIMINAL HOMICIDE) OR SECTION 2702 (RELATING TO AGGRAVATED

1 ASSAULT), 2901 (RELATING TO KIDNAPPING), 2902 (RELATING TO
2 UNLAWFUL RESTRAINT), 3121 (RELATING TO RAPE), 3123 (RELATING
3 TO INVOLUNTARY DEVIATE SEXUAL INTERCOURSE), 3124.1 (RELATING
4 TO SEXUAL ASSAULT), 3125 (RELATING TO AGGRAVATED INDECENT
5 ASSAULT) OR 3126 (RELATING TO INDECENT ASSAULT); OR
6 (2) IS ARMED WITH A DEADLY WEAPON OR EXPLOSIVE.

7 Section 2. This act shall take effect in 60 days.