

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1877 Session of
1984

INTRODUCED BY ARTY, GREENWOOD, OLIVER, MICOZZIE, F. E. TAYLOR,
CIVERA AND DURHAM, JANUARY 31, 1984

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 1984

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, limiting the defense of justification
3 in certain cases.

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

6 Section 1. Section 509(3) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 509. Use of force by persons with special responsibility for
9 care, discipline or safety of others.

10 The use of force upon or toward the person of another is
11 justifiable if:

12 * * *

13 (3) (i) The actor is the guardian or other person
14 similarly responsible for the general care and
15 supervision of an incompetent, mentally ill or mentally
16 retarded person; and:

17 [(i)] (A) the force is used for the purpose of
18 safeguarding or promoting the welfare of the

1 ~~incompetent, mentally ill or mentally retarded~~
2 person, including the prevention of his misconduct,
3 or, when such [incompetent] person is in a hospital
4 or other institution for his care and custody, for
5 the maintenance of reasonable discipline in such
6 institution; and

7 [(ii)] (B) the force used is not designed to
8 cause or known to create a substantial risk of
9 causing death, serious bodily injury, disfigurement,
10 extreme or unnecessary pain, mental distress, or
11 humiliation.

12 (ii) Notwithstanding subparagraph (i), the use of
13 force by persons employed at facilities operated or
14 licensed by the Department of Public Welfare as
15 residential programs for mentally ill or mentally
16 retarded persons is not justifiable if the force used is
17 in violation of the standards established by regulations
18 of the department.

19 * * *

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