
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 AND READSHAW, APRIL 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 30, 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.

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

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

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

8 (i) Robbery.

9 (ii) Murder.

10 (iii) Manslaughter.

11 (iv) Rape.

12 (v) Kidnapping.

13 (vi) Aggravated assault.

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

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

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

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

22 (c) Penalties.--

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

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

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

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

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

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