

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2365** Session of  
1986

INTRODUCED BY FOX, O'DONNELL, NAHILL, MRKONIC, BUNT, CIVERA,  
GLADECK, COHEN, HERSHEY, HASAY, J. TAYLOR, FLICK, GEIST,  
BLAUM, BLACK, DISTLER, WOGAN, WOZNIAK, KASUNIC, GANNON,  
RAYMOND, TRELLO, SAURMAN, CAWLEY, KENNEY, VROON, GODSHALL,  
E. Z. TAYLOR, JOHNSON, NOYE, REINARD, SEMMEL, LANGTRY, CARN,  
MOEHLMANN, McVERRY, VEON, KOSINSKI, MAYERNIK, SWEET, CORNELL,  
CLYMER, GREENWOOD AND PUNT, APRIL 14, 1986

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 14, 1986

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for the justifiable  
3 use of force for the protection of property.

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

6 Section 1. Section 507(c) of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 507. Use of force for the protection of property.

9 \* \* \*

10 (c) Limitations on justifiable use of force.--

11 (1) The use of force is justifiable under this section  
12 only if the actor first requests the person against whom such  
13 force is used to desist from his interference with the  
14 property, unless the actor believes that:

15 (i) such request would be useless;

16 (ii) it would be dangerous to himself or another

1 person to make the request; or

2 (iii) substantial harm will be done to the physical  
3 condition of the property which is sought to be protected  
4 before the request can effectively be made.

5 (2) The use of force to prevent or terminate a trespass  
6 is not justifiable under this section if the actor knows that  
7 the exclusion of the trespasser will expose him to  
8 substantial danger of serious bodily injury.

9 (3) The use of force to prevent an entry or reentry upon  
10 land or the recaption of movable property is not justifiable  
11 under this section, although the actor believes that such  
12 reentry or caption is unlawful, if:

13 (i) the reentry or recaption is made by or on behalf  
14 of a person who was actually dispossessed of the  
15 property; and

16 (ii) it is otherwise justifiable under subsection  
17 (a)(2).

18 (4) (i) The use of deadly force is justifiable under  
19 this section if:

20 (A) there has been an entry into the actor's  
21 dwelling;

22 (B) the actor [neither believes nor has reason  
23 to believe] does not believe that the entry is  
24 lawful; and

25 (C) the actor [neither believes nor has reason  
26 to believe] does not believe that force less than  
27 deadly force would be adequate to terminate the  
28 entry.

29 (ii) If the conditions of justification provided in  
30 subparagraph (i) have not been met, the use of deadly

1 force is not justifiable under this section unless the  
2 actor believes that:

3 (A) the person against whom the force is used is  
4 attempting to dispossess him of his dwelling  
5 otherwise than under a claim of right to its  
6 possession; or

7 (B) such force is necessary to prevent the  
8 commission of a felony in the dwelling.

9 \* \* \*

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