

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2117 Session of
1998

INTRODUCED BY DENT, HARHART, SEMMEL, ADOLPH, ALLEN, ARGALL,
BAKER, BARRAR, BELFANTI, DALLY, DeLUCA, DEMPSEY, EGOLF,
FAIRCHILD, GEIST, GODSHALL, HALUSKA, HESS, McCALL,
McNAUGHTON, PETRONE, READSHAW, ROONEY, SATHER, SEYFERT,
B. SMITH, STABACK, STEELMAN, STERN, SURRA, E. Z. TAYLOR,
TIGUE, TRUE, WILT, WOGAN, YOUNGBLOOD, TRELLO AND BROWNE,
JANUARY 21, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 1998

AN ACT

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

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

6 Section 1. Section 507(c)(4) 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 * * *

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

14 (A) there has been an entry or attempted entry
15 into the actor's dwelling;

16 (B) the actor neither believes nor has reason to

1 believe that the entry or attempted entry is lawful;
2 and

3 (C) the actor neither believes nor has reason to
4 believe that force less than deadly force would be
5 adequate to terminate:

6 (I) the entry or attempted entry into the
7 actor's dwelling; or

8 (II) the presence, by the person against
9 whom force is used, on the actor's property.

10 (ii) If the conditions of justification provided in
11 subparagraph (i) have not been met, the use of deadly
12 force is not justifiable under this section unless the
13 actor believes that:

14 (A) the person against whom the force is used is
15 attempting to dispossess [him] the actor of [his] the
16 actor's dwelling otherwise than under a claim of
17 right to its possession; [or]

18 (B) such force is necessary to prevent the
19 commission of a felony in the dwelling; or

20 (C) such force is necessary to prevent the
21 person against whom the force is used from fleeing
22 immediately after committing a felony on the actor's
23 property.

24 * * *

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