
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2349 Session of
2022

INTRODUCED BY KINSEY, SANCHEZ, FRANKEL, McNEILL, KIM, BULLOCK,
YOUNG, HOHENSTEIN, HERRIN, SIMS AND D. WILLIAMS,
MARCH 8, 2022

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2022

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in commencement of
3 proceedings, further providing for arrest without warrant.

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

6 Section 1. Section 8902 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 8902. Arrest without warrant.

9 (a) General rule.--For any of the following offenses, a
10 police officer shall, upon view, have the right of arrest
11 without warrant, subject to subsection (a.1), upon probable
12 cause when there is ongoing conduct that imperils the personal
13 security of any person or endangers public or private property:

14 (1) Under Title 18 (relating to crimes and offenses)
15 when such offense constitutes a summary offense:

16 18 Pa.C.S. § 5503 (relating to disorderly conduct).

17 18 Pa.C.S. § 5505 (relating to public drunkenness).

18 18 Pa.C.S. § 5507 (relating to obstructing highways and

1 other public passages).

2 18 Pa.C.S. § 6308 (relating to purchase, consumption,
3 possession or transportation of liquor or malt or brewed
4 beverages).

5 (2) Violation of an ordinance of a city of the second
6 class.

7 (a.1) Warning or citation required.--Prior to an arrest
8 under subsection (a), a police officer must issue a warning or a
9 citation that states that the individual's conduct is unlawful
10 and order the individual to cease the unlawful conduct. If the
11 individual refuses or knowingly fails to cease the unlawful
12 conduct, the police officer may arrest the individual subject to
13 the provisions of this section.

14 (b) Guidelines by governmental body.--The right of arrest
15 without warrant under this section shall be permitted only after
16 the governmental body employing the police officer promulgates
17 guidelines to be followed by a police officer when making a
18 warrantless arrest under this section.

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