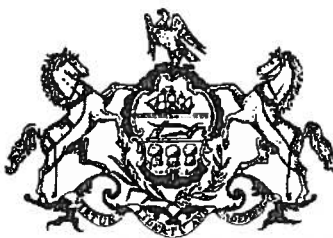


**SCOTT PERRY, MEMBER**  
92ND LEGISLATIVE DISTRICT

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**House of Representatives**  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG  
December 8, 2010

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TO: All House Members

FROM: Representative Scott Perry  
92<sup>nd</sup> Legislative District *SP*

SUBJECT: Introduction of Castle Doctrine Legislation  
**(Prior House Bill 40)**

When the House convenes the 2011-12 Legislative Session, I will be re-introducing legislation known as the "Castle Doctrine" concerning the use of force in self defense.

Current Pennsylvania law provides that individuals who have a reasonable belief that they are in imminent danger of death, serious bodily injury, kidnapping or rape are justified in using lethal force in self defense. Individuals outside their home or business, even if they have a reasonable belief that they are in imminent danger, have a duty to retreat before using lethal force.

This legislation will make a number of changes concerning Pennsylvania laws dealing with the use of force. It would create a presumption that an occupant is justified in using lethal force in self defense against someone who breaks into a home or vehicle. The presumption would also apply if a person is trying to unlawfully remove an occupant, against the occupant's will, from a home or vehicle.

The presumption would not apply if the person entering the home was:

- another resident of the home or
- a law enforcement officer.

The presumption would not apply to a parent, grandparent, or other guardian removing a child from a home or vehicle. Finally, the presumption would not apply if the occupants were using the home or vehicle to further a criminal activity.

The legislation would eliminate the duty to retreat before using lethal force outside a home or vehicle. However, an individual would still need to demonstrate a reasonable belief that he/she was in imminent danger of death, serious bodily injury, kidnapping or rape (no presumption would apply). The individual would also have to establish that the person against whom the force was used displayed a firearm or replica of a firearm or any other weapon readily capable of lethal use.

Individuals who used force in compliance with Pennsylvania law would be protected from civil liability.

Finally, the legislation would clarify several provisions of current firearm law relating to the transportation of weapons as well as the possession of weapons by law enforcement and licensed individuals.

If you would like to co-sponsor this legislation, please contact Lisa Seilhammer in my Harrisburg office at 783-8783 or through e-mail at [lseilham@pahousegop.com](mailto:lseilham@pahousegop.com)

SP/lis

**Previous co-sponsors of House Bill 40** - METCALFE , BAKER , BARRAR , BELFANTI , BENNINGHOFF, BOBACK, CAUSER , CREIGHTON , CUTLER , DALLY , ELLIS , FAIRCHILD , FLECK , GEIST, GEORGE , GIBBONS , GODSHALL , GRELL , GROVE, HALUSKA , HARHAI , HARRIS , HESS , HICKERNELL , HUTCHINSON , KAUFFMAN , KILLION , KORTZ , LONGIETTI , MARSHALL , MILLER , MOUL , PAYNE , PEIFER , PICKETT , PYLE , QUIGLEY , RAPP , READSHAW , REED , ROAE , ROCK , ROHRER , SAYLOR , SIPTROTH , S. H. SMITH , SOLOBAY , SONNEY , STABACK , STEVENSON , SWANGER , TRUE , TURZAI , VULAKOVICH , DENLINGER , HORNAMAN , GRUCELA , CLYMER , TALLMAN, GABLER, HARPER , MENSCH , WHITE , KOTIK , METZGAR, MAHONEY , KULA , PETRARCA , BURNS, MUSTIO , GERGELY , DeLUCA , MAHER , PETRI , KESSLER , HARHART , FARRY, MILLARD , KRIEGER, BOYD , DeWEESE , BROOKS , BEAR , SAINATO , CHRISTIANA, PHILLIPS , BEYER , GINGRICH , COX , REICHLEY , HELM , CASORIO , OBERLANDER, BARBIN, GOODMAN, REESE, SCHRODER , EVERETT , SEIP , WATSON , PERZEL , DERMODY , MAJOR , J. EVANS , BRENNAN , M. KELLER , MATZIE, SCAVELLO , M. SMITH , DAY, DALEY , PALLONE , DEASY, MARKOSEK , KNOWLES, MICOZZIE , MURPHY, HANNA , CARROLL , D. COSTA, McGEEHAN , QUINN , HOUGHTON, GILLESPIE , MICCARELLI, DELOZIER, HAHN, MIRABITO, K. SMITH and PASHINSKI