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Senate of Pennsylvania

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TO: All Senators

FROM: Senator Richard Alloway II *Rich*

SUBJECT: Co-sponsorship Memo – Castle Doctrine

DATE: December 29, 2010

In the near future, I will be introducing legislation that would relax what is commonly called the “duty to retreat” clause when threatened by an attacker in any place an individual has a right to be. Furthermore, this legislation would provide protection from criminal prosecution and civil litigation for those who defend themselves. However, an individual would still need to demonstrate a reasonable belief that he or she was in imminent danger to use lethal force. This legislation is commonly known as the Castle Doctrine. Castle Doctrine is a common law doctrine of ancient origins which declares that a home is a person’s castle.

This legislation presumes that an attacker or intruder intends to do great bodily harm and therefore force – including deadly force – may be used to protect yourself, your family, and others in the face of danger.

Currently, 23 states (Alabama, Alaska, Arizona, Florida, Georgia, Idaho, Indiana, Louisiana, Kansas, Kentucky, Michigan, Maine, Mississippi, Missouri, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, and Wyoming) have Castle Doctrines.

Note: FBI data for 2008 indicates that the murder rate is now at a 43-year low, and total violent crime is at a 35-year low

This legislation will be modeled after SB842 of last session.

The bill was previously sponsored by the following: Alloway, Scarnati, Kasunic, Robbins, Eichelberger, Browne, Folmer, Pippy, Rafferty, Vogel, Wozniak, Wonderling, Boscola, Ori, Baker, D. White, Waugh, Pileggi, Brubaker, Argall, Piccola, Smucker, Mcilhinney, Corman, Tomlinson, Yaw, Ward, Stout, Musto, Logan, Stack, Dinniman and Mensch.

If you are interested in co-sponsoring this legislation, please contact Melissa Knepper at mknepper@pasen.gov or by phone at 772-2929.