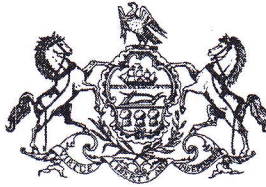


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

APPROPRIATIONS
HEALTH
JUDICIARY
LIQUOR CONTROL

MEMORANDUM

TO: Members of the House of Representatives

FROM: Representative John Sabatina, Jr.

DATE: August 2, 2012

SUBJECT: Co-Sponsorship Request – Home Invasion Legislation

In the near future, I plan to introduce legislation that amends Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to establish home invasion as an offense.

Home invasions can be detrimental to a victim present during the invasion and result in lifelong psychological problems, in addition to the possibility of serious or fatal injuries. On June 1, 2012, Delaware Governor Markell signed House Bill 277 into law, which establishes home invasion as a separate criminal offense and rightfully penalizes offenders who unlawfully enter occupied dwellings placing families at risk. As members of this General Assembly, we must ensure that residents of this Commonwealth are provided adequate protection and those individuals that defy the laws enacted to prevent these atrocious acts are penalized.

Based on the Delaware model, my legislation would provide that an individual may be convicted of a home invasion offense if he or she knowingly enters, attempts to enter, or remains unlawfully in a dwelling with intent to commit a crime of violence. In addition, the offender must know or reasonably believe that another person is present in the dwelling, commit or attempt to commit a specified felony, and is armed with explosives or a deadly weapon or causes physical injury to another individual. Under my proposal, home invasions would be classified as a first-degree felony with a mandatory minimum sentence of five years at a maximum-security facility. Moreover, an offender convicted of a second or subsequent home invasion offense or an offense that occurred in a dwelling with a person 62 years of age or older present would be subject to a mandatory minimum sentence of ten years at a maximum-security facility.

If you would like to cosponsor this legislation, please contact Bryden McGarry at 717-772-4032 or BMcGarry@pahouse.net.