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No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in burglary and other criminal intrusion, providing for arrest or removal of persons from residential property.

INTRODUCED _____ **20**_____

By Farnese _____ **District NO.** 1

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in burglary and other criminal
3 intrusion, providing for arrest or removal of persons from
4 residential property.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 3503.1. Arrest or removal of persons from residential
10 property.

11 (a) General rule.--A law enforcement officer having probable
12 cause based on an affidavit under subsection (d) to believe that
13 a person on residential property has no lawful right of
14 occupancy or entry on the property or is trespassing as provided
15 under section 3503 (relating to criminal trespass), shall have
16 the authority to remove the person from the premises without
17 making an arrest.

18 (b) Warrant required.--If probable cause exists to believe
19 that a person on a residential property has no lawful right of

1 occupancy or entry based on an affidavit submitted under
2 subsection (d), a law enforcement officer shall obtain a search
3 warrant prior to entering the property.

4 (c) Limitation.--A law enforcement officer arresting or
5 removing a person under this section shall provide the person
6 with a reasonable opportunity to secure and present credible
7 evidence showing that the person is an owner or tenant or a
8 guest or invitee of an owner or tenant.

9 (d) Affidavit.--The owner of residential property may
10 initiate an investigation and request removal of a person by
11 providing to law enforcement a signed affidavit stating all of
12 the following:

13 (1) The affiant is the owner or authorized agent of the
14 owner of residential property located at a given address.

15 (2) A person who is not licensed or privileged to do so
16 has entered or remained on the premises.

17 (3) The person is not and, to the affiant's knowledge
18 and belief, has not been a tenant at the address.

19 (4) The affiant has demanded that the person vacate the
20 premises and the person has not done so.

21 (5) The affiant understands that a person removed from
22 residential property under this section may bring a cause of
23 action for damages resulting from a false statement made in
24 the affidavit.

25 (6) The affiant understands and acknowledges the
26 prohibitions in the act of April 6, 1951 (P.L.69, No.20),
27 known as The Landlord and Tenant Act of 1951, against taking
28 or detaining a tenant's personal property or removing or
29 excluding a tenant from residential property without an
30 authorizing court order.

1 (e) False statements.--A person who makes a false statement
2 in an affidavit under subsection (d) when the person does not
3 believe the statement to be true commits an offense under
4 section 4903 (relating to false swearing). In addition to
5 criminal penalties, the affiant may be liable for civil damages
6 resulting from the false statement.

7 (f) Definition.--As used in this section, the term
8 "residential property" means a dwelling intended for human
9 habitation, including a house, apartment, mobile home or
10 manufactured home.

11 (g) Savings.--Nothing in this section shall be construed to
12 abrogate or limit the authority or jurisdiction of law
13 enforcement provided by law.

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

