
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 121 Session of
2007

INTRODUCED BY COSTA, BOSCOLA, STOUT, KITCHEN, FONTANA,
TARTAGLIONE, KASUNIC, ORIE, LAVALLE, O'PAKE, PIPPY, MUSTO AND
LOGAN, MARCH 5, 2007

REFERRED TO JUDICIARY, MARCH 5, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for burglary.

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

5 Section 1. Section 3502 of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended to read:

7 § 3502. Burglary.

8 [(a) Offense defined.--A person is guilty of burglary if he
9 enters a building or occupied structure, or separately secured
10 or occupied portion thereof, with intent to commit a crime
11 therein, unless the premises are at the time open to the public
12 or the actor is licensed or privileged to enter.

13 (b) Defense.--It is a defense to prosecution for burglary
14 that the building or structure was abandoned.]

15 (a) Offense defined.--A person commits the offense of
16 burglary if, with the intent to commit a crime therein, the
17 person:

1 (1) enters a building or occupied structure, or
2 separately secured or occupied portion thereof that is
3 adapted for overnight accommodations in which at the time of
4 the offense any person is present;

5 (2) enters a building or occupied structure, or
6 separately secured or occupied portion thereof that is
7 adapted for overnight accommodations in which at the time of
8 the offense no person is present;

9 (3) enters a building or occupied structure, or
10 separately secured or occupied portion thereof that is not
11 adapted for overnight accommodations in which at the time of
12 the offense any person is present; or

13 (4) enters a building or occupied structure, or
14 separately secured or occupied portion thereof that is not
15 adapted for overnight accommodations in which at the time of
16 the offense no person is present.

17 (b) Defense.--It is a defense to prosecution for burglary if
18 any of the following exists at the time of the commission of the
19 offense:

20 (1) The building or structure was abandoned.

21 (2) The premises are open to the public.

22 (3) The actor is licensed or privileged to enter.

23 (c) Grading.--

24 (1) Except as provided in paragraph (2), burglary is a
25 felony of the first degree.

26 (2) [If the building, structure or portion entered is
27 not adapted for overnight accommodation and if no individual
28 is present at the time of entry, burglary is a felony of the
29 second degree.] An offense under subsection (a)(4) is a
30 felony of the second degree.

1 (d) Multiple convictions.--A person may not be [convicted]
2 sentenced both for burglary and for the offense which it was his
3 intent to commit after the burglarious entry or for an attempt
4 to commit that offense, unless the additional offense
5 constitutes a felony of the first or second degree.

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