

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 482 Session of 2009

INTRODUCED BY FRANKEL, BEAR, BELFANTI, BOYD, BRENNAN, BUXTON, CALTAGIRONE, CASORIO, CONKLIN, D. COSTA, DALEY, DeLUCA, FABRIZIO, FREEMAN, GEIST, GIBBONS, GROVE, HORNAMAN, JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, MANN, MARSHALL, McILVAINE SMITH, MELIO, MILNE, MOUL, MURT, O'NEILL, PALLONE, PASHINSKI, PAYNE, READSHAW, ROCK, SCAVELLO, SIPTROTH, K. SMITH, SWANGER, VULAKOVICH, WALKO, YOUNGBLOOD AND BROWN, FEBRUARY 18, 2009

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 18, 2009

AN ACT

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

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

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

7 § 2718. Home invasion.

8 (a) Elements.--An individual commits the offense of home  
9 invasion if all of the following apply:

10 (1) The individual enters the dwelling place of another  
11 with the intent to commit an offense in the dwelling place.

12 (2) The dwelling place is occupied.

13 (3) The individual, with knowledge or reason to know  
14 that the dwelling place is occupied, remains in the dwelling  
15 place.

1     (b) Defense.--It is a defense to prosecution for home  
2 invasion if the actor, upon realizing that the dwelling place is  
3 occupied, does one of the following:

4         (1) Immediately leaves the dwelling place.

5         (2) Immediately surrenders to an individual occupying  
6 the dwelling place.

7     (c) Grading.--Home invasion is a felony of the first degree.

8     (d) Definitions.--As used in this section, the following  
9 words and phrases shall have the meanings given to them in this  
10 subsection:

11     "Deadly weapon." A:

12         (1) firearm, whether loaded or unloaded;

13         (2) device designed as a weapon and capable of producing  
14 death or serious bodily injury; or

15         (3) device or instrumentality which, in the manner in  
16 which it is used or intended to be used, is calculated or  
17 likely to produce death or serious bodily injury.

18     "Dwelling place." A building or structure, whether movable  
19 or permanent, which is a place of lodging for an individual.

20     "Occupy." To be lawfully present within.

21     "Serious bodily injury." Bodily injury which:

22         (1) creates a substantial risk of death; or

23         (2) causes serious, permanent disfigurement or  
24 protracted loss or impairment of the function of a bodily  
25 member or organ.

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