

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 436 Session of 2009

INTRODUCED BY COSTA, KITCHEN, FONTANA, BOSCOLA, ORIE, STOUT,  
KASUNIC, MUSTO, O'PAKE, TARTAGLIONE, LOGAN, WAUGH AND BROWNE,  
FEBRUARY 24, 2009

REFERRED TO JUDICIARY, FEBRUARY 24, 2009

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.