
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1002 Session of
2011

INTRODUCED BY STACK, RAFFERTY, FONTANA, BREWSTER AND WASHINGTON,
APRIL 25, 2011

REFERRED TO JUDICIARY, APRIL 25, 2011

AN ACT

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

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

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

8 § 3505. Home invasion.

9 (a) Offense defined.--A person commits the offense of home
10 invasion if the person, without permission, knowingly enters the
11 dwelling place of another when he or she knows or has reason to
12 know that one or more persons is present or he or she knowingly
13 enters the dwelling place of another and remains in the dwelling
14 until he or she knows or has reason to know that one or more
15 persons is present and does any of the following:

16 (1) intentionally threatens or causes any bodily injury
17 to any person within the dwelling place; or

18 (2) while armed with a dangerous weapon, other than a

1 firearm, uses force or threatens the imminent use of force
2 upon any person within the dwelling whether or not injury
3 occurs; or

4 (3) while armed with a firearm, uses force or threatens
5 the imminent use of force upon any person within the dwelling
6 whether or not injury occurs.

7 (b) Grading.--A offense under subsection (a)(1) is a felony
8 of the third degree. An offense under subsection (a)(2) is a
9 felony of the second degree. An offense under subsection (a)(3)
10 is a felony of the first degree.

11 (c) Mandatory minimum penalty.--A person convicted under
12 subsection (a)(1) shall be sentenced to a minimum sentence of
13 imprisonment of at least one year. A person convicted under
14 subsection (a)(2) shall be sentenced to a minimum sentence of
15 imprisonment of at least three years. A person convicted under
16 subsection (a)(3) shall be sentenced to a minimum sentence of
17 imprisonment of at least five years. Nothing in this subsection
18 shall prevent the sentencing court from imposing a sentence
19 greater than that provided under this subsection, up to the
20 maximum penalty prescribed under this title for a felony of the
21 grade set forth under subsection (b).

22 (d) Sentencing.--A court may order a term of imprisonment
23 imposed for home invasion to be served consecutively to any term
24 of imprisonment imposed for any other criminal offense arising
25 from the same transaction.

26 (e) Applicability.--Prosecution of an individual under this
27 section shall not preclude prosecution of the individual under
28 any other applicable law based on the same conduct or the same
29 criminal episode.

30 (f) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Dwelling place of another." A structure or shelter that is
4 used permanently or temporarily as a place of abode, including
5 an appurtenant structure attached to that structure or shelter.
6 The term includes a dwelling place where the defendant maintains
7 a tenancy interest but from which the defendant has been barred
8 by decree, judgment of dissolution of marriage, order of
9 protection, or other court order.

10 "Firearm." Any weapon which is designed to or may readily be
11 converted to expel any projectile by the action of an explosive
12 or the frame or receiver of any such weapon.

13 "Without permission." Without having obtained permission to
14 enter from the owner or lessee of the dwelling or from any other
15 person lawfully in possession or control of the dwelling.

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