
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1874 Session of
2017

INTRODUCED BY TAYLOR, BAKER, GODSHALL, M. K. KELLER, SOLOMON,
DIAMOND, MILLARD, CRUZ, CHARLTON, KINSEY, O'NEILL, READSHAW,
GREINER, DRISCOLL, STAATS, DONATUCCI, DeLUCA, D. COSTA,
WHEELAND AND VAZQUEZ, OCTOBER 19, 2017

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 19, 2017

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 trespassers
4 from 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 trespassers from residential
10 property.

11 (a) General rule.--A law enforcement officer having probable
12 cause to believe that a person is guilty of criminal trespass
13 under section 3503 (relating to criminal trespass) on
14 residential property shall have the authority and discretion to
15 arrest and remove the person from the premises or to remove the
16 person from the premises without making an arrest.

17 (b) Limitation.--A law enforcement officer arresting or
18 removing a person from premises under subsection (a) shall

1 provide the person with a reasonable opportunity to secure and
2 present any credible evidence showing that the person is an
3 owner, tenant, legal occupant of the premises or a guest or
4 invitee of an owner, tenant or legal occupant of the premises.

5 (c) Affidavit.--The owner of residential property or the
6 authorized agent of the owner may initiate an investigation and
7 request removal of a person from the premises by providing a law
8 enforcement officer with an affidavit, signed under penalty of
9 perjury, stating the following:

10 (1) The affiant is the owner or authorized agent of the
11 owner of the premises located at a given address.

12 (2) A person, knowing that the person is not licensed or
13 privileged to do so, has entered or remained on the premises.

14 (3) The person is not a tenant and, to the affiant's
15 knowledge and belief, has not been a tenant.

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

18 (5) The affiant understands that a person removed from
19 the premises under this section may bring a cause of action
20 for damages resulting from any false statement made in the
21 affidavit.

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

28 (d) False statements.--A person who makes a false statement
29 in an affidavit under subsection (c) is guilty of false swearing
30 under section 4903 (relating to false swearing) and, in addition

1 to any criminal penalties, shall be liable for civil damages
2 resulting from the false statement.

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