

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1931 Session of
2017

INTRODUCED BY TAYLOR, CEPHAS, W. KELLER, DONATUCCI, MILLARD,
DRISCOLL, M. K. KELLER, CHARLTON, DIAMOND, JOZWIAK, BAKER,
SOLOMON, WHEELAND, GREINER, B. O'NEILL, STAATS, GODSHALL,
M. QUINN, READSHAW, DeLUCA, VAZQUEZ, CRUZ, WATSON, KORTZ,
DAWKINS, BARBIN AND DAVIS, NOVEMBER 20, 2017

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
OCTOBER 2, 2018

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 persons from
4 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 persons from residential
10 property.

11 (a) General rule.--A law enforcement officer having probable
12 cause to believe that a person on residential property has no
13 lawful right of occupancy or entry on the property or is
14 trespassing within the meaning of section 3503 (relating to
15 criminal trespass), shall have the authority to arrest the
16 person or to remove the person from the premises without making

1 an arrest.

2 (b) Warrant required.--If probable cause exists to believe
3 that a person at a residential property has no lawful right of
4 occupancy or entry is based on an affidavit submitted under
5 subsection (d), a law enforcement officer shall obtain a search
6 warrant prior to entering the property.

7 (c) Limitation.--A law enforcement officer arresting or
8 removing a person under this section shall provide the person
9 with a reasonable opportunity to secure and present credible
10 evidence showing that the person is an owner or tenant or a
11 guest or invitee of an owner or tenant.

12 (d) Affidavit.--The owner of residential property may
13 initiate an investigation and request removal of a person by
14 providing to law enforcement a signed affidavit stating all of
15 the following:

16 (1) The affiant is the owner or authorized agent of the
17 owner of residential property located at a given address.

18 (2) A person who is not licensed or privileged to do so
19 has entered or remained on the premises.

20 (3) The person is not and, to the affiant's knowledge
21 and belief, has not been a tenant at the address.

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

24 (5) The affiant understands that a person removed from
25 residential property under this section may bring a cause of
26 action for damages resulting from a false statement made in
27 the affidavit.

28 (6) The affiant understands and acknowledges the
29 prohibitions in the act of act of April 6, 1951 (P.L.69,
30 No.20), known as The Landlord and Tenant Act of 1951, against

1 taking or detaining a tenant's personal property or removing
2 or excluding a tenant from residential property without an
3 authorizing court order.

4 (e) False statements.--A person who makes a false statement
5 in an affidavit under subsection (d) when he does not believe
6 the statement to be true commits an offense under section 4903
7 (relating to false swearing). In addition to criminal penalties,
8 the affiant may be liable for civil damages resulting from the
9 false statement.

10 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM <--
11 "RESIDENTIAL PROPERTY" MEANS A DWELLING INTENDED FOR HUMAN
12 HABITATION, INCLUDING A HOUSE, APARTMENT, MOBILE HOME OR
13 MANUFACTURED HOME.

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