
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 823 Session of
2021

INTRODUCED BY WHITE, ROTHMAN, STAATS, RYAN, KAUFFMAN, MILLARD,
NEILSON, ZIMMERMAN, WARNER, GAYDOS, BROOKS, BOBACK, CIRESI,
WHEELAND, HEFFLEY AND ROWE, MARCH 8, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in burglary and other criminal
3 intrusion, providing for removal of persons from residential
4 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. Removal of persons from residential property.

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

17 (b) Warrant required.--If probable cause exists to believe
18 that a person on a residential property has no lawful right of

1 occupancy or entry based on an affidavit submitted under
2 subsection (d), a law enforcement officer shall obtain a search
3 warrant prior to entering the property.

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

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

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

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

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

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

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

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

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

7 (f) Savings clause.--Nothing in this section shall be
8 construed to abrogate or otherwise limit the authority or
9 jurisdiction of law enforcement otherwise provided by law.

10 (g) 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.