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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 546 Session of  
2019

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INTRODUCED BY NEILSON, RYAN, STAATS, READSHAW, IRVIN, OTTEN,  
CIRESI, DALEY, HILL-EVANS, CEPHAS, McCLINTON, LONGIETTI,  
B. MILLER, PASHINSKI, KORTZ, EVERETT AND GILLESPIE,  
FEBRUARY 19, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 19, 2019

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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 a 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  
17 an arrest.

18 (b) Warrant required.--If probable cause exists to believe

1 that a person at a residential property has no lawful right of  
2 occupancy or entry is based on an affidavit submitted under  
3 subsection (d), a law enforcement officer shall obtain a search  
4 warrant prior to entering the property.

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

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

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

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

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

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

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

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

1 authorizing court order.

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

8 (f) Definition.--As used in this section, the term  
9 "residential property" means a dwelling intended for human  
10 habitation, including a house, apartment, mobile home or  
11 manufactured home.

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