

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2237 Session of
2024

INTRODUCED BY SCHEUREN, M. BROWN, STEHR, SMITH, BERNSTINE,
M. MACKENZIE, ROAE, HAMM, FLICK, STAATS, KAUFFMAN, PICKETT,
LABS, FEE, HEFFLEY, MARCELL, KEEFER, RADER, KRUPA, KLUNK,
R. MACKENZIE, O'NEAL, STENDER, WATRO, LEADBETER, GAYDOS,
KUTZ, FRITZ, GROVE, DELOZIER, CAUSER, MUSTELLO AND FLOOD,
APRIL 25, 2024

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 2024

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in arson, criminal mischief and other property
4 destruction, further providing for the offense of criminal
5 mischief; in burglary and other criminal intrusion, providing
6 for removal of trespassers from real property; in particular
7 rights and immunities, providing for an offense and civil
8 action relating to trespass on real property; and imposing
9 penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 3304(b) of Title 18 of the Pennsylvania
13 Consolidated Statutes is amended to read:

14 § 3304. Criminal mischief.

15 * * *

16 (b) Grading.--[Criminal mischief is a felony of the third
17 degree if the actor intentionally causes pecuniary loss in
18 excess of \$5,000, or a substantial interruption or impairment of
19 public communication, transportation, supply of water, gas or

1 power, or other public service. It is a misdemeanor of the
2 second degree if the actor intentionally causes pecuniary loss
3 in excess of \$1,000, or a misdemeanor of the third degree if he
4 intentionally or recklessly causes pecuniary loss in excess of
5 \$500 or causes a loss in excess of \$150 for a violation of
6 subsection (a) (4). Otherwise criminal mischief is a summary
7 offense.] Criminal mischief shall be graded as:

8 (1) a felony of the first degree if the actor unlawfully
9 enters a building or occupied structure and intentionally
10 causes pecuniary loss in excess of \$1,000;

11 (2) a felony of the third degree if the actor
12 intentionally causes pecuniary loss in excess of \$5,000 or a
13 substantial interruption or impairment of public
14 communication, transportation, supply of water, gas or power,
15 or other public service;

16 (3) a misdemeanor of the second degree if the actor
17 intentionally causes pecuniary loss in excess of \$1,000;

18 (4) a misdemeanor of the third degree if the actor
19 intentionally or recklessly causes pecuniary loss in excess
20 of \$500 or causes a loss in excess of \$150 for a violation of
21 subsection (a) (4); or

22 (5) a summary offense if paragraphs (1), (2), (3) and
23 (4) do not apply.

24 * * *

25 Section 2. Title 18 is amended by adding a section to read:
26 § 3503.1. Removal of trespassers from real property.

27 (a) Authorization to remove.--Notwithstanding any other
28 provision of law, a law enforcement officer having probable
29 cause based on an affidavit under subsection (d) to believe that
30 a person on real property has no lawful right of occupancy or

1 entry on the real property or is trespassing in violation of
2 section 3503 (relating to criminal trespass), shall have the
3 authority to remove the person from the premises.

4 (b) Warrant.--If probable cause exists to believe that a
5 person occupying a building or occupied structure has no lawful
6 right of occupancy or entry based on an affidavit submitted
7 under subsection (d), a law enforcement officer shall obtain a
8 search warrant prior to entering the building or occupied
9 structure.

10 (c) Evidence of lawful occupation.--A law enforcement
11 officer removing a person from real property under this section
12 shall provide the person with a reasonable opportunity to secure
13 and present credible evidence demonstrating that the person is
14 an owner or tenant, a guest or invitee of an owner or tenant or
15 otherwise lawfully occupying the real property.

16 (d) Affidavit.--An owner, or an authorized agent of the
17 owner, of real property may request removal of a person
18 occupying the real property by providing to law enforcement a
19 signed affidavit stating all of the following:

20 (1) The affiant is the owner or authorized agent of the
21 owner of real property located at a given address.

22 (2) The person who is not licensed or privileged to do
23 so has entered, occupied or remained on the real property.

24 (3) Except as provided in paragraph (4), the person is
25 not and, to the affiant's knowledge and belief, has not been
26 a tenant at the address.

27 (4) If the person who is unlawfully occupying a building
28 or occupied structure was a former tenant, the person was
29 lawfully evicted from the real property. The affiant shall
30 include a copy of the eviction order with the affidavit.

1 (5) The affiant has demanded that the person vacate the
2 real property and the person has not done so.

3 (6) The affiant understands that the statements
4 contained in the affidavit are subject to the penalties for
5 unsworn falsification to authorities under section 4904
6 (relating to unsworn falsification to authorities).

7 (7) The affiant understands and acknowledges the
8 prohibitions in the act of April 6, 1951 (P.L.69, No.20),
9 known as The Landlord and Tenant Act of 1951, against taking
10 or detaining a tenant's personal property or removing or
11 excluding a tenant from residential property without an
12 authorizing court order.

13 (e) Savings clause.--Nothing in this section shall be
14 construed to abrogate or otherwise limit the authority or
15 jurisdiction of law enforcement otherwise provided by law.

16 (f) Illegal alien status.--If a law enforcement officer
17 determines that a person who is unlawfully occupying real
18 property in violation of section 3503 is an illegal alien, the
19 law enforcement officer shall immediately provide notice to the
20 United States Immigration and Customs Enforcement of the
21 person's status as an illegal alien. The law enforcement officer
22 shall include with the notice all relevant information possessed
23 by the law enforcement officer.

24 (g) Immunity.--In addition to any other applicable immunity
25 or limitation on civil liability, a law enforcement officer who,
26 acting in good faith, removes a person from real property in
27 accordance with this section shall not be subject to civil
28 liability.

29 (h) Definitions.--As used in this section, the following
30 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Illegal alien." A noncitizen of the United States who is
3 residing in the United States without official authorization in
4 violation of Federal immigration laws.

5 Section 3. Title 42 is amended by adding a section to read:

6 § 8320.1. Trespass on real property.

7 (a) Cause of action established.--An owner of real property
8 shall have a cause of action against a person who knowingly or
9 intentionally entered, gained entry by subterfuge or
10 surreptitiously remained on the real property and refused the
11 owner's demands to vacate the real property.

12 (b) Treble damages and attorney fees.--In addition to any
13 other relief prescribed by law, an owner of real property who
14 brings suit and prevails under this section shall be awarded
15 treble damages and reasonable attorney fees.

16 Section 4. This act shall take effect in 60 days.