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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 45 Session of  
2015

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INTRODUCED BY SACCONI, REESE, KNOWLES, BLOOM, KAUFFMAN, MALONEY,  
CUTLER, GILLEN, DIAMOND, MCGINNIS, GABLER, DUSH, SONNEY AND  
METCALFE, JANUARY 21, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in general principles of  
3 justification, further providing for use of force in self-  
4 protection.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 505(b)(2.3) of Title 18 of the  
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 505. Use of force in self-protection.

10 \* \* \*

11 (b) Limitations on justifying necessity for use of force.--

12 \* \* \*

13 (2.3) An actor who is not engaged in a criminal  
14 activity, who is not in illegal possession of a firearm and  
15 who is attacked in any place where the actor would have a  
16 duty to retreat under paragraph (2)(ii), has no duty to  
17 retreat and has the right to stand his ground and use force,  
18 including deadly force, if all of the following subparagraphs

1     apply:

2             (i)   [the] The actor has a right to be in the place  
3     where he was attacked[;].

4             (ii)  [the] The actor believes it is immediately  
5     necessary to do so to protect himself against death,  
6     serious bodily injury, kidnapping or sexual intercourse  
7     by force or threat[; and].

8             (iii) [the] Any of the following clauses apply:

9                 (A) The person against whom the force is used  
10                displays or otherwise uses[:

11                (A)] a firearm or replica of a firearm as  
12                defined in 42 Pa.C.S. § 9712 (relating to sentences  
13                for offenses committed with firearms)[; or].

14                (B) The person against whom the force is used  
15                displays or otherwise uses any other weapon readily  
16                or apparently capable of lethal use.

17                (C) The person against whom the force is used  
18                displays or possesses the physical power, stature or  
19                ability to kill or inflict serious bodily injury and  
20                the actor believes it is necessary to protect himself  
21                against death, serious bodily injury, kidnapping or  
22                sexual intercourse by force or threat.

23                (D) The persons against whom the force is used  
24                outnumber the actor such that he reasonably fears  
25                death, serious bodily injury, kidnapping or sexual  
26                intercourse by force or threat.

27             \* \* \*

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