
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 167 Session of
2017

INTRODUCED BY SACCONI, BAKER, MUSTIO, ORTITAY, ROTHMAN, WARD,
KNOWLES, DUNBAR, DIAMOND, BLOOM, MILLARD, REESE, ZIMMERMAN,
GROVE, KAUFFMAN, GILLEN AND GABLER, JANUARY 23, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 23, 2017

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.