

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1062 Session of 2015

INTRODUCED BY RAFFERTY, SABATINA, EICHELBERGER, FONTANA, YUDICHAK, COSTA, TARTAGLIONE, WOZNIAK, BOSCOLA, AUMENT, MENSCH, HUGHES, FARNESE AND BROWNE, NOVEMBER 13, 2015

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, APRIL 11, 2016

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 42 (JUDICIARY <--  
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated  
3 Statutes, in burglary and other criminal intrusions, further  
4 providing for burglary; AND, IN SENTENCING, PROVIDING FOR <--  
5 SENTENCING FOR BURGLARY.

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

8 Section 1. Section 3502(a)(1) of Title 18 of the  
9 Pennsylvania Consolidated Statutes is amended and the section is  
10 amended by adding ~~subsections~~ A SUBSECTION to read: <--

11 § 3502. Burglary.

12 (a) Offense defined.--A person commits the offense of  
13 burglary if, with the intent to commit a crime therein, the  
14 person:

15 (1) (i) enters a building or occupied structure, or  
16 separately secured or occupied portion thereof, that is  
17 adapted for overnight accommodations in which at the time  
18 of the offense any person is present and the person  
19 commits, attempts or threatens to commit a bodily injury

1 crime therein;

2 (ii) enters a building or occupied structure, or  
3 separately secured or occupied portion thereof that is  
4 adapted for overnight accommodations in which at the time  
5 of the offense any person is present;

6 \* \* \*

7 ~~(e) Penalty. The maximum sentence for a person convicted~~ <--  
8 ~~under subsection (a) (1) (i) shall be the greater of the~~  
9 ~~following:~~

10 ~~(1) Forty years.~~

11 ~~(2) The mandatory maximum sentence that may be imposed~~  
12 ~~under 42 Pa.C.S. § 9714(a.1) (relating to sentences for~~  
13 ~~second and subsequent offenses).~~

14 ~~(f) (E) Definitions.--As used in this section, the following~~ <--  
15 ~~words and phrases shall have the meanings given to them in this~~  
16 ~~subsection:~~

17 ~~"Bodily injury crime." As follows:~~

18 ~~(1) An act, attempt or threat to commit an act which~~  
19 ~~would constitute a misdemeanor or felony under the following:~~

20 ~~Chapter 25 (relating to criminal homicide).~~

21 ~~Chapter 27 (relating to assault).~~

22 ~~Chapter 29 (relating to kidnapping).~~

23 ~~Chapter 31 (relating to sexual offenses).~~

24 ~~Section 3301 (relating to arson and related~~  
25 ~~offenses).~~

26 ~~Chapter 37 (relating to robbery).~~

27 ~~Chapter 49 Subch. B (relating to victim and witness~~  
28 ~~intimidation).~~

29 ~~(2) The term includes violations of any protective order~~  
30 ~~issued as a result of an act related to domestic violence.~~

1 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <--

2 § 9720.7. SENTENCING FOR BURGLARY.

3 THE PENNSYLVANIA COMMISSION ON SENTENCING, IN ACCORDANCE WITH

4 SECTION 2154 (RELATING TO ADOPTION OF GUIDELINES FOR

5 SENTENCING), SHALL PROVIDE FOR A SENTENCE ENHANCEMENT WITHIN ITS

6 GUIDELINES FOR AN OFFENSE UNDER 18 PA.C.S. § 3502(A)(1)(I)

7 (RELATING TO BURGLARY).

8 Section ~~2~~ 3. This act shall take effect in 60 days. <--