

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1664 Session of 2019

INTRODUCED BY LEE, GAINEY, KINSEY, FRANKEL, FIEDLER, RABB, A. DAVIS, KIRKLAND, YOUNGBLOOD, HILL-EVANS, McCLINTON, KENYATTA, WEBSTER, BULLOCK, DAVIDSON, INNAMORATO, HARRIS, OTTEN, WHEATLEY, CEPHAS, SIMS, D. MILLER, JOHNSON-HARRELL AND KOSIEROWSKI, JUNE 24, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2019

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 law
 4 enforcement.

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

7 Section 1. Section 508(a) of Title 18 of the Pennsylvania
 8 Consolidated Statutes is amended to read:

9 § 508. Use of force in law enforcement.

10 (a) Peace officer's use of force in making arrest.--

11 [(1)] A peace officer, or any person whom he has summoned
 12 or directed to assist him, need not retreat or desist from
 13 efforts to make a lawful arrest because of resistance or
 14 threatened resistance to the arrest. He is justified in the
 15 use of [any] reasonable force which he believes to be
 16 necessary to effect the arrest and of [any] reasonable force
 17 which he believes to be necessary to defend himself or

1 another from bodily harm while making the arrest. However, he
2 is justified in using deadly force only when he reasonably
3 believes that such force is necessary to [prevent death or
4 serious bodily injury to himself or such other person, or
5 when he believes both that:

6 (i) such force is necessary to prevent the arrest
7 from being defeated by resistance or escape; and

8 (ii) the person to be arrested has committed or
9 attempted a forcible felony or is attempting to escape
10 and possesses a deadly weapon, or otherwise indicates
11 that he will endanger human life or inflict serious
12 bodily injury unless arrested without delay.

13 (2) A peace officer making an arrest pursuant to an
14 invalid warrant is justified in the use of any force which he
15 would be justified in using if the warrant were valid, unless
16 he knows that the warrant is invalid.] protect himself or
17 another from imminent death, serious bodily injury,
18 kidnapping or sexual intercourse compelled by force or
19 threat.

20 * * *

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