

KNOWING *your* RIGHTS



Castle Doctrine

Act 10 of 2011

*"The right of the citizens to bear arms
in defense of themselves and the State
shall not be questioned."*

Article 1, Section 21
of the Pennsylvania Constitution



Act 10 of 2011

Act 10 of 2011, known as the Castle Doctrine, addresses the right to use force, including deadly force, in self defense and the defense of others. It contains several topics dealing with self defense, including:

- Use of force in a dwelling, residence or occupied vehicle,
- Use of force outside a dwelling, residence or occupied vehicle, and
- Limits on lawsuits for legal use of force.

This is intended as a short overview of the Castle Doctrine legislation and is not a complete explanation of the law as it relates to the use of deadly force in self defense.

USE OF FORCE IN

A DWELLING, RESIDENCE OR OCCUPIED VEHICLE:

The Castle Doctrine assumes that an "attacker" or "intruder" intends great bodily harm if he/she **either**:

1. unlawfully and forcefully enters a dwelling, residence or occupied vehicle, **or**
2. is attempting to unlawfully and forcefully remove someone from a dwelling, residence or occupied vehicle.

Either of these circumstances results in an **initial presumption** that a person (who is aware that 1. or 2. above has occurred) is justified in using deadly force in self defense against the "attacker" or "intruder."

NOTE: This rule does **NOT APPLY** if **ANY** of the following apply:

- the "attacker" or "intruder" is another resident or has a right to be in the dwelling, residence or occupied vehicle;
- the "attacker" or "intruder" is a parent, grandparent or other guardian removing a child from the dwelling, residence or occupied vehicle;
- the "attacker" or "intruder" is actually a law enforcement officer engaged in the performance of his duties; **OR**
- the "attack" or "intrusion" is related to criminal activity in the dwelling, residence or occupied vehicle (e.g., an "attacker" breaks into a home to steal drugs from a drug dealer).

USE OF FORCE OUTSIDE

A DWELLING, RESIDENCE OR OCCUPIED VEHICLE:

Outside a dwelling, residence or occupied vehicle, the Castle Doctrine legislation eliminates the duty to retreat and a person can "stand his ground and use force," including deadly force, in self defense, if **ALL** of the following apply:

- the person has a right to be in the place he/she was attacked;
- the person has a reasonable belief that the use of force is immediately necessary to protect against imminent death, serious injury, kidnapping or rape;
- the person is not illegally possessing a firearm;
- the person is not engaged in criminal activity;
- the "attacker" displays or uses a firearm or any other deadly weapon; **AND**
- the "attacker" is not a law enforcement officer engaged in the performance of his duties.



LIMITS ON LAWSUITS FOR LEGAL USE OF FORCE

Any person who legally uses force in self defense is entitled to protection against civil lawsuits by his/her "attacker" or the family of the "attacker." This protection allows the person to recover attorney fees, court costs and compensation for loss of income if:

- the person uses force in compliance with Pennsylvania law;
- the person is sued by the "attacker" or the family of the "attacker" for an injury to the "attacker" as a result of that force; **AND**
- the person wins the lawsuit.

WHERE CAN I FIND THE FULL TEXT OF THE "CASTLE DOCTRINE" LEGISLATION?

Act 10 of 2011 was signed into law on June 28, 2011. Specific acts and the Pennsylvania Consolidated Statutes can be viewed on the General Assembly's Website: www.legis.state.pa.us.

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