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.

"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
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 have 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.

NOTICE: Neither the Republican Caucus of the Pennsylvania House of Representatives, nor any individual member or employee thereof, shall be responsible for any errors or omissions in the material contained in this document, or for the effect on such material of the subsequent passage or repeal, after its publication, of legislation dealing with the same subject matter. Moreover, the above mentioned parties shall not be responsible for mistakes in the interpretation by any person, of any statutory provisions or case law decisions thereto. Any user of this document shall consult with an attorney for advice on interpreting the material contained herein before taking any action in reliance thereon, which could affect his or her own rights or the rights of others.