

FIREARM TRAINERS LLC

Knowledge is Power



PA RLEIA QUALIFICATION Preparation Package

- **Retired Law Enforcement Officer must provide:**
 - Retired LEO Identification Card
 - PA Driver's License
 - Qualification Pistols
 - Magazines for each Pistol
 - 50 rounds of Ammunition per Pistol
 - Hearing Protection
 - Eye Protection

- **Please carefully review the following attached documents before attending the qualification:**
 - MPOETC 2020 Requirements for Firearms Qualification
 - 2020 MPOETC Back-Up Weapon & RLEIA Handgun Qualification Course
 - RLEIA Firearms Skills Checklist Items
 - Pennsylvania Law

MPOETC 2020 Requirements for Firearms Qualification

Title 37, Section 203 establishes the following regulatory requirements related to police firearms qualification.

- The Municipal Police Officers' Education and Training Commission (Commission) is required to publish requirements related to police firearms qualification. §203.12(3)(i)
- The minimum passing score for a firearms course is 75%. §203.11(11)(ii)(A)
- All waiver-of-training applicants and basic cadets must meet the Commission's standards for firearms qualification. §203.11(11)(ii)(A); §203.12(3)(i)
- All certified officers must complete annual qualification on a police firearms course with any firearms authorized for use, including personal weapons. §203.52(b)(1)(i)
- .38/380 is the minimum acceptable caliber for police firearms qualification §203.33(16)(i)
- Firearms instructors can refuse to qualify an individual on a weapon they have determined is unsafe, inadequate or not appropriate for police training. §203.33(16)(i)
- Failure to meet the Commission's standards for firearms qualification is grounds for revocation of certification. §203.14(a)(3)

MPOETC previously provided standards for annual firearms qualification that were intended to be used by departments when developing their qualification courses. This allowed a great amount of freedom for departments but also resulted in a lack of standardization across the state.

Beginning in 2020, MPOETC will require all certified municipal police officers to qualify on a standardized course of fire for duty weapon (handgun) qualification. The two-phase course mimics the course required in the basic training program but reduces the number of rounds from 60 to 50-rounds and has been modified to streamline use at the department level. The course specifies that officers use duty ammunition for at least the first phase of the course and also provides accommodation for departments who are required to qualify on reduced-distance ranges.

A modified course is also provided and is intended to be used for back-up duty weapons or off-duty weapons if the department chooses to qualify officers on them. This course reduces the maximum shooting distance from 25 to 15 yards to accommodate short barreled handguns and is also intended to be used to qualify retired officers. Due to the variety of holsters, locations of carry, and security features, this second course does not require a holster and allows shooters to begin each stage holding the weapon.

Rifles and Shotguns

The requirements for shotguns or rifles have not changed. These qualifications must be completed on a generally accepted law enforcement qualification course for those weapons.

In situations where an officer is assigned a rifle or shotgun, he/she should qualify with that weapon. In situations where armory stored weapons will be used by multiple officers, all officers authorized to pull firearms must qualify on each weapon system or platform (AR, etc) but not on each individual weapon.

Firearms Instructors

All basic academy firearms training and qualifications must be accomplished by Municipal Police Instructors employed by certified police academies.

All annual firearms qualification for in-service police officers must be conducted by a Certified Law Enforcement Firearms Instructor. Firearms Instructors who have successfully completed firearms instructor training can submit an application and, once approved by MPOETC, are authorized to conduct annual qualifications in Pennsylvania. More information about applying to be a Certified Law Enforcement Firearms Instructor is available on the MPOETC website at

<https://mpoetc.psp.pa.gov/training/Pages/Firearms.aspx>

Documentation

Firearms instructors and Police Chiefs are responsible for producing and maintaining documentation of in-service firearms qualifications to include the number of rounds fired, individual scores, and firearms used.

Annual firearms qualifications must be documented in the MPOETC Training and Certification System (TACS). At a minimum, each officer's primary duty weapon qualification must be entered by the end of each calendar year to maintain certification. Qualifications for additional weapon systems may be entered.

Officers for whom no qualification is entered will show an “**expired**” certification (MPOETC number) and will be removed from the Administrative Office of Pennsylvania Courts (AOPC) until a qualification is entered.

REMINDER: A weapon may not be carried on duty for which an officer is not qualified

2020 MPOETC Back-Up Weapon & RLEIA Handgun Qualification Course

50 Rounds

Stage	Yards	Rounds	Time	Task	Description
1	1	2	4 seconds	Shove-Shoot	From the 1-yard line, on the command to fire, shooter <u>strikes</u> at target with support hand, <u>steps back</u> , and fires 2 rounds in 4 seconds .
2	1	3	2 seconds	Weapon Retention	From the 1-yard line, on the command to fire, shooter fires 3 rounds in 2 seconds from a weapon retention position.
3	3	4	2 seconds	Reaction Shoot	From the 3-yard line, on the command to fire, shooter fires 2 rounds in 2 seconds . Perform a second time while <u>stepping</u> one step either left or right as directed by the instructor.
4	3-7	5 1	8 seconds 2 seconds	Firing Retreat	From the 3-yard line, on the command to fire, shooter fires 5 rounds in 8 seconds while <u>moving</u> back to the 7-yard line. Body Armor Drill: When all shooters have recovered to the "Scan" position and are at the 7-yard line, the firearms instructor will call out "Body Armor!" and the shooters will fire one additional shot to the head.
5	7	8	10 seconds	One handed firing	From the 7-yard line, on the command to fire, shooter draws and fires 2 rounds <u>strong hand only</u> from eye level, de-cocks or engages safety, transfers weapon to support hand and fires 2 rounds with <u>support hand only</u> from eye level. Total time for 4 rounds is 10 seconds.
6	10	8	10 seconds	Lateral Firing	From the 10-yard line, on the command to fire, shooter draws and <u>moves</u> to left while engaging target with 4 rounds in 10 seconds . Repeat Drill moving right.
7	10-5	5	10 seconds	Firing Advance	From the 10-yard line, on the command to fire, shooter draws and fires 5 rounds in 10 seconds while advancing toward target.
8	15	8	10 seconds	Move to cover	From the 15-yard line, on the command to fire, shooter draws and fires 2 rounds at target, <u>moves</u> to the right 2-3 yards to kneel behind low cover or simulated cover and fires 2 rounds at target from behind cover. Total time for 4 rounds is 10 seconds. Repeat Drill moving to the left.
9	15	6	20 seconds	Precision Fire from Cover	From the 15-yard line, on the command to fire, takes cover behind a barricade and fires 3 rounds standing right side of barricade and 3 rounds standing left side of the barricade. Total time for 6 rounds is 20 seconds.

Instructions:

All firing in this course should be done using a two-handed grip unless otherwise annotated.

Due to the variety of holsters and carrying positions, all stages will begin with the weapon in the strong hand, the muzzle in Position Sul, with the Trigger Finger OFF the trigger, outside of the trigger guard, and registered on the frame of the weapon. After firing at all stages, shooters will maintain proper muzzle control and trigger finger management while scanning 360° for additional threats.

Factory-new ammunition (either duty or practice ammunition) may be used for this phase. Shooters will fire the course with full magazines and reload as necessary with no additional time accommodations.

If necessary for safety reasons, firearms instructors should use additional relays in stages involving movement to increase the shooter/instructor ratio and provide adequate space between shooters.

Total – 50 Rounds

TQ 21 target scored 5-3 (Possible 250 points)

75% or 188 points must be attained to successfully pass this course.

RLEIA Firearms Skills Checklist Items

1. **Muzzle Control** - Shooter points weapon in safe direction; does not cover themselves or others while drawing, holstering, reloading; keeps muzzle safely pointed during qualification course.
2. **Trigger Finger Management** - shooter's finger must be braced along the frame or slide of the weapon whenever not actually firing; finger cannot be braced on the front edge of the trigger guard, or un-braced; shooter's finger must reliably leave the trigger guard and assume the braced position whenever the weapon is lowered from the firing position.
3. **Manual Safety Operation** - Shooter quickly and reliably disengages the manual safety when drawing, and reliably engages manual safety before holstering. Shooter achieves firing time limits.
4. **Understands Function of Weapon** - Shooter demonstrates through their weapon handling that they understand the basic functioning cycle of the pistol and the purpose of the weapon's primary parts.
5. **Administrative Loading** - Shooter repeatedly demonstrates proper loading procedure.
6. **Condition Check** - Shooter repeatedly demonstrates proper procedure for checking the chamber.
7. **Administrative Unloading** - Shooter repeatedly demonstrates proper procedure for unloading as taught.
8. **Stance** - Shooter automatically assumes acceptable eye-level firing stance, including acceptable weight balance and foot placement.
9. **Grip** - Shooter automatically assumes the proper grip on the weapon, including placement of support-hand thumb out of slide path (for semi-auto pistol).
10. **Universal Cover Mode, Verbal Challenge** - Shooter repeatedly demonstrates proper universal cover mode and verbal challenge, including safety disengaged and trigger finger outside trigger guard;

Shooter qualifies on qualification course requiring the shooter, at unexpected intervals, to "challenge" instead of firing. Shooter will also be required, at unexpected intervals, starting in the universal cover mode and, upon an audible signal, to hit a torso-sized target at **3 yards** in **0.5 seconds, 3 out of 3 consecutive attempts**.
11. **Concealed Draw Form & Speed** - Shooter demonstrates acceptable concealed carry draw form and speed including both efficiency and safety of movement; manual safety is disengaged and trigger finger properly registered during the draw. Draw form includes a physical display of authority.

Draw speed will be assessed starting with a secured weapon, and hands clasped in front of the body, shooter demonstrates the ability to draw and place a center-mass shot on a man-sized target at **4 yards** in **2.5 seconds** from an audible signal, **2 out of 3 consecutive attempts**.
12. **Concealed Holstering** - Shooter repeatedly demonstrates proper technique for holstering and securing the weapon, using strong hand only and without looking at the holster; from a low ready position, shooter demonstrates the ability to engage the manual safety (if applicable) and holster the weapon as described above in **7.0 seconds, 2 out of 3 consecutive attempts**.
13. **Accuracy** - Shooter repeatedly demonstrates acceptable center-of-mass accuracy at distances to 25 yards; shooter fires qualifying scores on daylight qualification course.
14. **Follows Instructions** - Shooter pays attention to and follows instructions as given.
15. **Follows Safety Rules** - Shooter follows safety rules and procedures as explained.

CHAPTER 5

GENERAL PRINCIPLES OF JUSTIFICATION

Sec.

- 501. Definitions.
- 502. Justification a defense.
- 503. Justification generally.
- 504. Execution of public duty.
- 505. Use of force in self-protection.
- 506. Use of force for the protection of other persons.
- 507. Use of force for the protection of property.
- 508. Use of force in law enforcement.
- 509. Use of force by persons with special responsibility for care, discipline or safety of others.
- 510. Justification in property crimes.

Enactment. Chapter 5 was added December 6, 1972, P.L.1482, No.334, effective in six months.

Cross References. Chapter 5 is referred to in sections 311, 908.1, 2503, 2507, 2605, 2608 of this title; section 711 of Title 51 (Military Affairs).

§ 501. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases, when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Believes" or "belief." Means "reasonably believes" or "reasonable belief."

"Correctional institution." Any penal institution, penitentiary, State farm, reformatory, prison, jail, house of correction, or other institution for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses.

"Corrections officer." A full-time employee assigned to the Department of Corrections whose principal duty is the care, custody and control of inmates of a penal or correctional institution operated by the Department of Corrections.

"Deadly force." Force which, under the circumstances in which it is used, is readily capable of causing death or serious bodily injury.

"Dwelling." Any building or structure, including any attached porch, deck or patio, though movable or temporary, or a portion thereof, which is for the time being the home or place of lodging of the actor.

"Peace officer." Any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or any person on active State duty pursuant to 51 Pa.C.S. § 508 (relating to active duty for emergency). The term "peace officer" shall also include any member of any park police department of any county of the third class.

"Residence." A dwelling in which a person resides, either temporarily or permanently, or visits as an invited guest.

"Unlawful force." Force, including confinement, which is employed without the consent of the person against whom it is directed and the employment of which constitutes an offense or actionable tort or would constitute such offense or tort except for a defense (such as the absence of intent, negligence, or mental capacity; duress; youth; or diplomatic status) not amounting to a privilege to use the force. Assent constitutes consent, within the meaning of this section, whether or not it

otherwise is legally effective, except assent to the infliction of death or serious bodily injury.

"Vehicle." A conveyance of any kind, whether or not motorized, that is designed to transport people or property.
(July 6, 1984, P.L.647, No.134, eff. 90 days; July 17, 2007, P.L.139, No.41, eff. 60 days; June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 501 is referred to in sections 2507, 2702.1 of this title; section 9719.1 of Title 42 (Judiciary and Judicial Procedure).

§ 502. Justification a defense.

In any prosecution based on conduct which is justifiable under this chapter, justification is a defense.

§ 503. Justification generally.

(a) General rule.--Conduct which the actor believes to be necessary to avoid a harm or evil to himself or to another is justifiable if:

(1) the harm or evil sought to be avoided by such conduct is greater than that sought to be prevented by the law defining the offense charged;

(2) neither this title nor other law defining the offense provides exceptions or defenses dealing with the specific situation involved; and

(3) a legislative purpose to exclude the justification claimed does not otherwise plainly appear.

(b) Choice of evils.--When the actor was reckless or negligent in bringing about the situation requiring a choice of harms or evils or in appraising the necessity for his conduct, the justification afforded by this section is unavailable in a prosecution for any offense for which recklessness or negligence, as the case may be, suffices to establish culpability.

§ 504. Execution of public duty.

(a) General rule.--Except as provided in subsection (b) of this section, conduct is justifiable when it is required or authorized by any law of the following:

(1) The law defining the duties or functions of a public officer or the assistance to be rendered to such officer in the performance of his duties.

(2) The law governing the execution of legal process.

(3) The judgment or order of a competent court or tribunal.

(4) The law governing the armed services or the lawful conduct of war.

(5) Any other provision of law imposing a public duty.

(b) Exceptions.--The other sections of this chapter apply to:

(1) The use of force upon or toward the person of another for any of the purposes dealt with in such sections.

(2) The use of deadly force for any purpose, unless the use of such force is otherwise expressly authorized by law or occurs in the lawful conduct of war.

(c) Requisite state of mind.--The justification afforded by subsection (a) of this section applies:

(1) when the actor believes his conduct to be required or authorized by the judgment or direction of a competent court or tribunal or in the lawful execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process; and

(2) when the actor believes his conduct to be required or authorized to assist a public officer in the performance of his duties, notwithstanding that the officer exceeded his legal authority.

§ 505. Use of force in self-protection.

(a) Use of force justifiable for protection of the person.--

The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

(b) Limitations on justifying necessity for use of force.--

(1) The use of force is not justifiable under this section:

(i) to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(ii) to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or

(C) the actor believes that such force is necessary to protect himself against death or serious bodily injury.

(2) The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

(i) the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(ii) the actor knows that he can avoid the necessity of using such force with complete safety by retreating, except the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be.

(2.1) Except as otherwise provided in paragraph (2.2), an actor is presumed to have a reasonable belief that deadly force is immediately necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat if both of the following conditions exist:

(i) The person against whom the force is used is in the process of unlawfully and forcefully entering, or has unlawfully and forcefully entered and is present within, a dwelling, residence or occupied vehicle; or the person against whom the force is used is or is attempting to unlawfully and forcefully remove another against that other's will from the dwelling, residence or occupied vehicle.

(ii) The actor knows or has reason to believe that the unlawful and forceful entry or act is occurring or has occurred.

(2.2) The presumption set forth in paragraph (2.1) does not apply if:

(i) the person against whom the force is used has the right to be in or is a lawful resident of the dwelling, residence or vehicle, such as an owner or lessee;

(ii) the person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under

the lawful guardianship of the person against whom the protective force is used;

(iii) the actor is engaged in a criminal activity or is using the dwelling, residence or occupied vehicle to further a criminal activity; or

(iv) the person against whom the force is used is a peace officer acting in the performance of his official duties and the actor using force knew or reasonably should have known that the person was a peace officer.

(2.3) An actor who is not engaged in a criminal activity, who is not in illegal possession of a firearm and who is attacked in any place where the actor would have a duty to retreat under paragraph (2)(ii) has no duty to retreat and has the right to stand his ground and use force, including deadly force, if:

(i) the actor has a right to be in the place where he was attacked;

(ii) the actor believes it is immediately necessary to do so to protect himself against death, serious bodily injury, kidnapping or sexual intercourse by force or threat; and

(iii) the person against whom the force is used displays or otherwise uses:

(A) a firearm or replica of a firearm as defined in 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms); or

(B) any other weapon readily or apparently capable of lethal use.

(2.4) The exception to the duty to retreat set forth under paragraph (2.3) does not apply if the person against whom the force is used is a peace officer acting in the performance of his official duties and the actor using force knew or reasonably should have known that the person was a peace officer.

(2.5) Unless one of the exceptions under paragraph (2.2) applies, a person who unlawfully and by force enters or attempts to enter an actor's dwelling, residence or occupied vehicle or removes or attempts to remove another against that other's will from the actor's dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit:

(i) an act resulting in death or serious bodily injury; or

(ii) kidnapping or sexual intercourse by force or threat.

(2.6) A public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(3) Except as otherwise required by this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

(c) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(d) Definition.--As used in this section, the term "criminal activity" means conduct which is a misdemeanor or felony, is not

justifiable under this chapter and is related to the confrontation between an actor and the person against whom force is used.
(June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. Act 10 amended subsec. (b) and added subsec. (d). See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 505 is referred to in section 506 of this title; section 6304 of Title 23 (Domestic Relations); section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 506. Use of force for the protection of other persons.

(a) General rule.--The use of force upon or toward the person of another is justifiable to protect a third person when:

- (1) the actor would be justified under section 505 (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;
- (2) under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and
- (3) the actor believes that his intervention is necessary for the protection of such other person.

(b) Exception.--Notwithstanding subsection (a), the actor is not obliged to retreat to any greater extent than the person whom he seeks to protect.

(June 28, 2011, P.L.48, No.10, eff. 60 days)

2011 Amendment. See the preamble to Act 10 in the appendix to this title for special provisions relating to legislative findings.

Cross References. Section 506 is referred to in section 6304 of Title 23 (Domestic Relations); section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 507. Use of force for the protection of property.

(a) Use of force justifiable for protection of property.--The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary:

- (1) to prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible movable property, if such land or movable property is, or is believed by the actor to be, in his possession or in the possession of another person for whose protection he acts; or
- (2) to effect an entry or reentry upon land or to retake tangible movable property, if:
 - (i) the actor believes that he or the person by whose authority he acts or a person from whom he or such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession; and
 - (ii) (A) the force is used immediately or on fresh pursuit after such dispossession; or
(B) the actor believes that the person against whom he uses force has no claim of right to the possession of the property and, in the case of land, the circumstances, as the actor believes them to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained.

(b) Meaning of possession.--For the purpose of subsection (a) of this section:

- (1) A person who has parted with the custody of property to another who refuses to restore it to him is no longer in possession, unless the property is movable and was and still is located on land in his possession.

(2) A person who has been dispossessed of land does not regain possession thereof merely by setting foot thereon.

(3) A person who has a license to use or occupy real property is deemed to be in possession thereof except against the licensor acting under claim of right.

(c) Limitations on justifiable use of force.--

(1) The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor believes that:

- (i) such request would be useless;
- (ii) it would be dangerous to himself or another person to make the request; or
- (iii) substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.

(2) The use of force to prevent or terminate a trespass is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily injury.

(3) The use of force to prevent an entry or reentry upon land or the recaption of movable property is not justifiable under this section, although the actor believes that such reentry or caption is unlawful, if:

- (i) the reentry or recaption is made by or on behalf of a person who was actually dispossessed of the property; and

- (ii) it is otherwise justifiable under subsection (a) (2).

(4) (i) The use of deadly force is justifiable under this section if:

(A) there has been an entry into the actor's dwelling;

(B) the actor neither believes nor has reason to believe that the entry is lawful; and

(C) the actor neither believes nor has reason to believe that force less than deadly force would be adequate to terminate the entry.

(ii) If the conditions of justification provided in subparagraph (i) have not been met, the use of deadly force is not justifiable under this section unless the actor believes that:

(A) the person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(B) such force is necessary to prevent the commission of a felony in the dwelling.

(d) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.

(e) Use of device to protect property.--The justification afforded by this section extends to the use of a device for the purpose of protecting property only if:

(1) the device is not designed to cause or known to create a substantial risk of causing death or serious bodily injury;

(2) the use of the particular device to protect the property from entry or trespass is reasonable under the circumstances, as the actor believes them to be; and

(3) the device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

(f) Use of force to pass wrongful obstructor.--The use of force to pass a person whom the actor believes to be intentionally

or knowingly and unjustifiably obstructing the actor from going to a place to which he may lawfully go is justifiable, if:

(1) the actor believes that the person against whom he uses force has no claim of right to obstruct the actor;

(2) the actor is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the person obstructing him, or in the possession or custody of another person by whose authority the obstructor acts, unless the circumstances, as the actor believes them to be, are of such urgency that it would not be reasonable to postpone the entry or movement on such land until a court order is obtained; and

(3) the force used is not greater than it would be justifiable if the person obstructing the actor were using force against him to prevent his passage.

(Dec. 19, 1980, P.L.1310, No.235, eff. imd.)

1980 Amendment. Act 235 amended subsec. (c).

Cross References. Section 507 is referred to in section 505 of this title; section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 508. Use of force in law enforcement.

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

(1) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

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

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

(2) A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(b) Private person's use of force in making arrest.--

(1) A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another.

(2) A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.

(3) A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:

(i) he believes the arrest is lawful; and

(ii) the arrest would be lawful if the facts were as he believes them to be.

(c) Use of force regarding escape.--

(1) A peace officer, corrections officer or other person who has an arrested or convicted person in his custody is justified in the use of such force to prevent the escape of the person from custody as the officer or other person would be justified in using under subsection (a) if the officer or other person were arresting the person.

(2) A peace officer or corrections officer is justified in the use of such force, including deadly force, which the officer believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(3) A corrections officer is justified in the use of such force, which the officer believes to be necessary to defend himself or another from bodily harm during the pursuit of the escaped person. However, the officer is justified in using deadly force only when the officer believes that such force is necessary to prevent death or serious bodily injury to himself or another or when the officer believes that:

(i) such force is necessary to prevent the apprehension from being defeated by resistance; and

(ii) the escaped person has been convicted of committing or attempting to commit a forcible felony, possesses a deadly weapon or otherwise indicates that he will endanger human life or inflict serious bodily injury unless apprehended without delay.

(d) Use of force to prevent suicide or the commission of crime.--

(1) The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily injury upon himself, committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace, except that:

(i) Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.

(ii) The use of deadly force is not in any event justifiable under this subsection unless:

(A) the actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or

(B) the actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.

(2) The justification afforded by this subsection extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(July 17, 2007, P.L.139, No.41, eff. 60 days)

2007 Amendment. Act 41 amended subsec. (c).

Cross References. Section 508 is referred to in section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

The use of force upon or toward the person of another is justifiable if:

(1) The actor is the parent or guardian or other person similarly responsible for the general care and supervision of a minor or a person acting at the request of such parent, guardian or other responsible person and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the minor, including the preventing or punishment of his misconduct; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, serious bodily injury, disfigurement, extreme pain or mental distress or gross degradation.

(2) The actor is a teacher or person otherwise entrusted with the care or supervision for a special purpose of a minor and:

(i) the actor believes that the force used is necessary to further such special purpose, including the maintenance of reasonable discipline in a school, class or other group, and that the use of such force is consistent with the welfare of the minor; and

(ii) the degree of force, if it had been used by the parent or guardian of the minor, would not be unjustifiable under paragraph (1)(ii).

(3) The actor is the guardian or other person similarly responsible for the general care and supervision of an incapacitated, mentally ill or mentally retarded person; and:

(i) the force is used for the purpose of safeguarding or promoting the welfare of the incapacitated, mentally ill or mentally retarded person, including the prevention of his misconduct, and there is no reasonable alternative to the use of such force; and

(ii) the force used is not designed to cause or known to create a substantial risk of causing death, bodily injury, disfigurement, unnecessary pain, mental distress, or humiliation.

(4) The actor is a doctor or other therapist or a person assisting him at his direction; and:

(i) the force is used for the purpose of administering a recognized form of treatment not prohibited by law of this Commonwealth which the actor believes to be adapted to promoting the physical or mental health of the patient; and

(ii) the treatment is administered with the consent of the patient, or, if the patient is a minor or an incapacitated person with the consent of his parent or guardian or other person legally competent to consent in his behalf, or the treatment is administered in an emergency when the actor believes that no one competent to consent can be consulted and that a reasonable person, wishing to safeguard the welfare of the patient, would consent.

(5) The actor is a warden or other authorized official of a correctional institution; and:

(i) he believes that the force used is necessary for the purpose of enforcing the lawful rules or procedures of the institution, unless his belief in the lawfulness of the rule or procedure sought to be enforced is erroneous and his error is due to ignorance or mistake as to the provisions of this title, any other provision of the criminal law or the law governing the administration of the institution;

(ii) the nature or degree of force used is not forbidden by law; and

(iii) if deadly force is used, its use is otherwise justifiable under this chapter.

(6) The actor is a person responsible for the safety of a vessel or an aircraft or a person acting at his direction; and:

(i) he believes that the force used is necessary to prevent interference with the operation of the vessel or aircraft or obstruction of the execution of a lawful order, unless his belief in the lawfulness of the order is erroneous and his error is due to ignorance or mistake as to the law defining his authority; and

(ii) if deadly force is used, its use is otherwise justifiable under this chapter.

(7) The actor is a person who is authorized or required by law to maintain order or decorum in a vehicle, train or other carrier or in a place where others are assembled; and:

(i) he believes that the force used is necessary for such purpose; and

(ii) the force used is not designed to cause death, or known to create a substantial risk of causing death, bodily injury, or extreme mental distress.

(Oct. 21, 1988, P.L.1000, No.115, eff. imd.; Apr. 16, 1992, P.L.108, No.24, eff. 60 days)

Cross References. Section 509 is referred to in section 8340.2 of Title 42 (Judiciary and Judicial Procedure).

§ 510. Justification in property crimes.

Conduct involving the appropriation, seizure or destruction of, damage to, intrusion on or interference with property is justifiable under circumstances which would establish a defense of privilege in a civil action based thereon, unless:

(1) this title or the law defining the offense deals with the specific situation involved; or

(2) a legislative purpose to exclude the justification claimed otherwise plainly appears.