

§ 3503. Criminal trespass.

(a) Buildings and occupied structures.--

1. A person commits an offense if, knowing that he is not licensed or privileged to do so, he:
 1. enters, gains entry by subterfuge or surreptitiously remains in any building or occupied structure or separately secured or occupied portion thereof; or
 2. breaks into any building or occupied structure or separately secured or occupied portion thereof.
2. An offense under paragraph (1)(I) is a felony of the third degree, and an offense under paragraph (1)(ii) is a felony of the second degree.
3. As used in this subsection:

"Breaks into"

To gain entry by force, breaking, intimidation, unauthorized opening of locks, or through an opening not designed for human access.

(b) Defiant trespasser.--

1. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:
 1. actual communication to the actor;
 2. posting in a manner prescribed by law or reasonably likely to come to the attention of intruders;
 3. fencing or other enclosure manifestly designed to exclude intruders;
 4. notices posted in a manner prescribed by law or reasonably likely to come to the person's attention at each entrance of school grounds that visitors are prohibited without authorization from a designated school, center or program official; or
 5. an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer.
2. Except as provided in paragraph (1)(v), an offense under this subsection constitutes a misdemeanor of the third degree if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person. An offense under paragraph (1)(v) constitutes a misdemeanor of the first degree. Otherwise it is a summary offense.

(b.1) Simple trespasser.--

1. A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place for the purpose of:
 1. threatening or terrorizing the owner or occupant of the premises;
 2. starting or causing to be started any fire upon the premises; or
 3. defacing or damaging the premises.
2. An offense under this subsection constitutes a summary offense.

(b.2) Agricultural trespasser.--

1. A person commits an offense if knowing that he is not licensed or privileged to do so he:
 1. enters or remains on any agricultural or other open lands when such lands are posted in a manner prescribed by law or reasonably likely to come to the person's attention or are fenced or enclosed in a manner manifestly designed to exclude trespassers or to confine domestic animals; or
 2. enters or remains on any agricultural or other open lands and defies an order not to enter or to leave that has been personally communicated to him by the owner of the lands or other authorized person.

2. An offense under this subsection shall be graded as follows:

1. An offense under paragraph (1)(i) constitutes a misdemeanor of the third degree and is punishable by imprisonment for a term of not more than one year and a fine of not less than \$250.
2. An offense under paragraph (1)(ii) constitutes a misdemeanor of the second degree and is punishable by imprisonment for a term of not more than two years and a fine of not less than \$500 nor more than \$5,000.

3. For the purposes of this subsection, the phrase "agricultural or other open lands" shall mean any land on which agricultural activity or farming as defined in section 3309 (relating to agricultural vandalism) is conducted or any land populated by forest trees of any size and capable of producing timber or other wood products or any other land in an agricultural security area as defined in the act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, or any area zoned for agricultural use.

(c) Defenses.- It is a defense to prosecution under this section that:

1. a building or occupied structure involved in an offense under subsection (a) of this section was abandoned;
2. the premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
3. the actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

(d) Definition.--As used in this section, the term "school grounds" means any building or grounds of any elementary or secondary publicly funded educational institution, any elementary or secondary private school licensed by the Department of Education, any elementary or secondary parochial school, any certified day-care center or any licensed preschool program.