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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 411 Session of  
1993

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INTRODUCED BY CALTAGIRONE AND REBER, FEBRUARY 10, 1993

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, APRIL 25, 1994

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AN ACT

1 Amending the act of February 9, 1984 (P.L.3, No.2), entitled "An  
2 act providing for the education and training of deputy  
3 sheriffs; creating the Deputy Sheriffs' Education and  
4 Training Board under the Pennsylvania Commission on Crime and  
5 Delinquency; providing for the powers and duties of the board  
6 and the Attorney General; establishing the Deputy Sheriffs'  
7 Education and Training Account; providing for a surcharge on  
8 sheriffs' fees; and providing penalties," further providing  
9 for training requirement, for the Deputy Sheriffs' Education  
10 and Training Board, ~~for the Deputy Sheriffs' Education and~~ <—  
11 ~~Training Program~~ and for the Deputy Sheriffs' Education and  
12 Training Account.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. ~~Sections 3, 4 and 5~~ SECTION 3 of the act of <—  
16 February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs'  
17 Education and Training Act, ~~are~~ IS amended to read: <—

18 Section 3. The Deputy Sheriffs' Education and Training Board.

19 (a) Establishment.--There is hereby established within the  
20 commission an advisory board to be known as the Deputy Sheriffs'  
21 Education and Training Board.

(b) Composition.--The board shall be composed of nine members as follows:

(1) The Attorney General.

(2) Two judges of the courts of common pleas from different counties.

(3) Two sheriffs or chief deputies from different counties with a minimum of six years experience as a sheriff or chief deputy.

(4) Three individuals ~~{from different counties}~~, ~~one of~~ ~~whom is a deputy sheriff with a rank of sergeant or deputy sheriff~~ with a minimum of eight years experience ~~{each}~~ as a deputy sheriff~~[], who is currently employed in the capacity as a deputy sheriff with a rank of sergeant or deputy sheriff,~~ to be appointed by the Governor]. ONE OF THE THREE SHALL BE CURRENTLY EMPLOYED IN THE CAPACITY OF DEPUTY SHERIFF WITH THE RANK OF SERGEANT OR DEPUTY SHERIFF.

(5) One educator qualified in the field of curriculum design.

(c) Appointments and terms.--All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years except that upon the effective date of this act the Governor shall appoint one judge for a period of two years, one sheriff for a period of two years and one deputy sheriff for a period of one year. Any member of the board shall cease to be a member of said board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.

(d) Vacancies.--A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed

1 for the unexpired term of the member whom he is to succeed in  
2 the same manner as the original appointment.

3 (e) Expenses.--The members of the board shall serve without  
4 compensation but shall be reimbursed the necessary and actual  
5 expenses incurred in attending the meetings of the board and in  
6 the performance of their duties under this act.

7 (f) Removal.--Members of the board, other than the Attorney  
8 General, may be removed by the Governor for good cause upon  
9 written notice from the Governor specifically setting forth the  
10 cause for removal.

11 (g) Chairman.--The members of the board shall elect a  
12 chairman from among the members to serve for a period of one  
13 year. A chairman may be elected to serve successive terms. The  
14 Governor shall designate the first chairman for organizational  
15 purposes only.

16 (h) Meetings and quorum.--The chairman shall summon the  
17 members of the board to the first meeting within 120 days of the  
18 effective date of this act. The board shall meet at least four  
19 times each year. Special meetings may be called by the chairman  
20 of the board or upon written request of three members. A quorum  
21 shall consist of five members.

22 ~~Section 4. Powers and duties of the board.~~

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23 ~~The board, with the review and approval of the commission,~~  
24 ~~shall:~~

25 ~~(1) Establish, implement and administer the Deputy~~  
26 ~~Sheriffs' Education and Training Program according to the~~  
27 ~~minimum requirements set forth in this act.~~

28 ~~(2) Establish, implement and administer requirements for~~  
29 ~~the minimum courses of study and training for deputy~~  
30 ~~sheriffs. Deputy sheriffs who have successfully completed a~~

~~course of study equivalent to that set out in the Municipal Police Officers' Education and Training Program, at a school certified by the Municipal Police Officers' Education and Training Commission for providing such training, shall be deemed to have satisfied 120 of the 160 hours required as the minimum course of study and training.~~

~~(3) Establish, implement and administer requirements for courses of study and in service training for deputy sheriffs appointed prior to the effective date of this act.~~

~~(4) Establish, implement and administer requirements for a continuing education program for all deputy sheriffs concerning subjects the board may deem necessary and appropriate for the continued education and training of deputy sheriffs.~~

~~(5) Approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements of this act. In all cases where the sheriff of the county chooses to have his deputies receive the municipal police officers' basic training in lieu of the deputy sheriffs' basic training, any school which has been approved for providing basic police training by the Municipal Police Officers' Education and Training Commission shall be deemed to have satisfied the requirements of this paragraph.~~

~~(6) Establish the minimum qualifications for instructors and certify instructors. In all cases where the sheriff of the county chooses to have his deputies receive the municipal police officers' basic training in lieu of the deputy sheriffs' basic training, any instructor who has been certified by the Municipal Police Officers' Education and Training Commission shall be deemed to have satisfied the~~

~~requirements of this paragraph.~~

~~(7) Consult and cooperate with universities, colleges, law schools, community colleges and institutes for the development of specialized courses for deputy sheriffs.~~

~~(8) Promote the most efficient and economical program for deputy sheriff training by utilizing existing facilities, programs and qualified State and local personnel.~~

~~(9) Certify deputy sheriffs who have satisfactorily completed the basic education and training requirements of this act and issue appropriate numbered certificates to them.~~

~~(10) Make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer the education and training program for deputy sheriffs.~~

~~(11) Make an annual report to the Governor and to the General Assembly concerning:~~

~~(i) The administration of the Deputy Sheriffs' Education and Training Program.~~

~~(ii) The activities of the board.~~

~~(iii) The costs of the program.~~

#### ~~Section 5. Training program.~~

~~The Deputy Sheriffs' Education and Training Program shall include appropriate training for a total of 160 hours which content shall be determined by regulation. In all cases where the sheriff of the county chooses to have his deputies receive the municipal police officers' basic training in lieu of the deputy sheriffs' basic training, such training shall be deemed to have satisfied 120 of the 160 hours required by this section.~~

Section 2. Sections 7 and 8 of the act are amended by adding subsections to read:

Section 7. Training requirement.

1       \* \* \*

2       (a.1) Diploma.--No person shall be employed or appointed as  
3 a deputy sheriff unless the person is a high school graduate or  
4 has received a secondary school diploma on the basis of general  
5 education development (GED).

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7       Section 8. Deputy Sheriffs' Education and Training Account.

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9       (b.1) Surcharge in counties of first and second class.--In  
10 counties of the first and second class, a \$2.25 surcharge shall  
11 be collected by the prothonotary of that county for each  
12 defendant named in a document filed to commence an action  
13 pursuant to Pa.R.C.P. No.1007, except when service is made by a  
14 competent adult in the actions listed in Pa.R.C.P. Nos.400(b)  
15 and 400.1(c). Ten percent of the surcharge shall be retained by  
16 the prothonotary to cover administrative costs incurred by  
17 collecting the surcharge and to support any technology and  
18 automation improvements or upgrades for the prothonotary, and  
19 the balance shall be transmitted semiannually to the State  
20 Treasurer for deposit into the account.

21       \* \* \*

22       Section 3. The amendment of section 7 of the act shall apply  
23 to all deputy sheriffs employed or appointed on or after the  
24 effective date of this act.

25       Section 4. All acts and parts of acts are repealed insofar  
26 as they are inconsistent with this act.

27       Section 5. This act shall take effect as follows:

28           (1) The addition of section 8(b.1) of the act shall take  
29 effect in 60 days.

30           (2) The remainder of this act shall take effect

1 immediately.