

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1528 Session of
2009

INTRODUCED BY GRUCELA, BELFANTI, BEYER, BRENNAN, D. COSTA,
CREIGHTON, DALLY, DERMODY, FABRIZIO, FREEMAN, GALLOWAY,
HALUSKA, HARHAI, HARKINS, HESS, HORNAMAN, KOTIK, MAHONEY,
MANN, MURPHY, MURT, READSHAW AND J. TAYLOR, MAY 26, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MAY 26, 2009

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for municipal police
3 education and training.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. The definitions of "police department" and
7 "police officer" in section 2162 of Title 53 of the Pennsylvania
8 Consolidated Statutes are amended and the section is amended by
9 adding definitions to read:

10 § 2162. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Police department." Any of the following:

16 (1) A public agency of a political subdivision having
17 general police powers and charged with making arrests in

1 connection with the enforcement of the criminal or traffic
2 laws. This paragraph includes the sheriff's office in a
3 county of the second class.

4 (2) A campus police or university police department, as
5 used in section 2416 of the act of April 9, 1929 (P.L.177,
6 No.175), known as The Administrative Code of 1929, certified
7 by the Office of Attorney General as a criminal justice
8 agency under the definition of "criminal justice agency" in
9 18 Pa.C.S. § 9102 (relating to definitions). This paragraph
10 does not include a campus police or university police
11 department of the State System of Higher Education and its
12 member institutions.

13 (3) A railroad or street railway police department
14 formed with officers commissioned under 22 Pa.C.S. Ch. 33
15 (relating to railroad and street railway police) or any prior
16 statute providing for such commissioning.

17 (4) The Capitol Police.

18 (5) The Harrisburg International Airport Police.

19 (6) An airport authority police department.

20 (7) A school police department.

21 "Police officer." Any of the following:

22 (1) A full-time or part-time employee assigned to
23 criminal or traffic law enforcement duties of any of the
24 following:

25 (i) A police department of a county, city, borough,
26 town or township.

27 (ii) Any railroad or street railway police.

28 (iii) Any campus or university police department.

29 (iv) The Capitol Police.

30 (v) The Harrisburg International Airport Police.

(vi) An airport authority police department.

(2) A deputy sheriff of a county of the second class.

(3) A security officer of a first class city housing authority or a police officer of a second class city housing authority.

(4) A school police officer.

The term excludes persons employed to check parking meters or to perform only administrative duties and auxiliary and fire police.

* * *

"School police department." A law enforcement agency employed by any school district that has appointed school police officers, as provided by section 778(a) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949.

"School police officer." An officer employed by a school district who has been granted powers under section 778(c)(2) or (3) of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, or who has been authorized to carry a firearm, or any combination thereof.

* * *

Section 2. Sections 2167 and 2168 of Title 53 are amended by adding subsections to read:

§ 2167. Police training.

* * *

(a.1) School police officers.--All school districts of this Commonwealth shall be required to train their school police officers under this subchapter prior to their enforcing criminal laws or enforcing moving traffic violations under 75 Pa.C.S. (relating to vehicles).

* * *

1 § 2168. Automatic certification.

2 * * *

3 (e) School police officers.--Any school police officer who,
4 as of the effective date of this subsection, has successfully
5 completed a basic training course similar to that required under
6 this subchapter shall, after review by the commission, be
7 certified as having met the basic training requirements of this
8 subchapter. Any school police officer who, as of the effective
9 date of this subsection, has not successfully completed a basic
10 training course similar to that required under this subchapter
11 which qualifies the police officer for certification shall be
12 able to perform the duties of a school police officer until
13 certified by the commission, but no longer than two years from
14 the effective date of this subsection.

15 Section 3. Section 2170(a), (c) and (d) of Title 53 are
16 amended to read:

17 § 2170. Reimbursement of expenses.

18 (a) General rule.--The commission shall provide for
19 reimbursement to each municipality and school district of the
20 entire amount of the allowable tuition and the ordinary and
21 necessary living and travel expenses incurred by their police
22 officers while attending certified municipal police basic
23 training schools if the municipality [adheres] and school
24 district adhere to the training standards established by the
25 commission. The regular salary of police officers while
26 attending approved schools shall be paid by the employing
27 municipality or school district, as applicable. The commission
28 shall reimburse the employing municipality or school district
29 for 60% of the regular salaries of police officers while
30 attending schools approved under this subchapter. The commission

1 shall require written documentation of all expenses incurred by
2 municipalities or school districts relating to the training of
3 [municipal] police officers for the purposes of reimbursement by
4 the commission. All municipalities and school districts shall
5 annually audit these funds as part of their annual audit and
6 submit a copy of the audit to the commission. Failure to perform
7 the audit and submit a copy of it to the commission shall render
8 the municipality or school district in violation of this
9 subchapter.

10 * * *

11 (c) Application for funding.--All municipalities and school
12 districts of this Commonwealth or groups of municipalities and
13 school districts acting in concert may make application to the
14 commission for funding pursuant to the provisions of this
15 subchapter. The application shall be accompanied by a certified
16 copy of a resolution adopted by its governing body. The
17 resolution shall provide that, while receiving any State funds
18 pursuant to this subchapter, the municipality or school district
19 agrees to adhere to the standards for training established by
20 the commission. The application shall contain any information
21 that the commission requests.

22 (d) Subsequent employment with another municipality or
23 school district.--If a police officer, within two years
24 following certification, terminates his employment with the
25 municipality or school district by which the officer was
26 employed at the time he was certified as having met the
27 commission's requirement and subsequently obtains employment as
28 a police officer with another municipality or school district,
29 the municipality or school district which employs the previously
30 certified police officer shall reimburse the municipality or

1 school district which formerly employed the police officer for
2 the nonreimbursable portion of the salary paid to the police
3 officer while complying with the provisions of this subchapter.

4 * * *

5 Section 4. This act shall take effect in one year.