

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1580 Session of 2015

INTRODUCED BY EVERETT, ENGLISH, MCGINNIS, V. BROWN, PHILLIPS-HILL, CORBIN, HARHART, MARSHALL, CAUSER, MALONEY, PICKETT, CUTLER, GREINER, READSHAW, GROVE, JAMES, VEREB, TAYLOR, A. HARRIS, IRVIN, SAINATO, SCHWEYER, HEFFLEY, LONGIETTI, BENNINGHOFF, KNOWLES, QUIGLEY, KAUFFMAN, REGAN, KORTZ, MURT, DAVIS, REESE, MOUL, TALLMAN, GABLER, SACCONI, NEUMAN, KOTIK, CARROLL, SCHEMEL, BURNS, HARHAI, SNYDER, WARD, LAWRENCE AND GIBBONS, OCTOBER 1, 2015

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 1, 2015

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
 2 Consolidated Statutes, in municipal police education and  
 3 training, prohibiting motorcycle profiling and establishing a  
 4 private right of action.

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

7 Section 1. Title 53 of the Pennsylvania Consolidated  
 8 Statutes is amended by adding a section to read:

9 § 2167.1. Motorcycle profiling prohibited.

10 (a) General rule.--No police officer or police department  
 11 may engage in motorcycle profiling in this Commonwealth.

12 (b) Duty of commission.--The commission shall include, as  
 13 part of the basic and in-service training required by this  
 14 subchapter, instruction on what conduct constitutes motorcycle  
 15 profiling in patrol procedures and other police department  
 16 operations and the duty to refrain from engaging in motorcycle

1 profiling.

2 (c) Duty of police departments.--A police department shall  
3 include in its patrol procedures and operations policies a  
4 statement that condemns motorcycle profiling.

5 (d) Private right of action established.--A victim of  
6 motorcycle profiling may bring a private right of action in a  
7 court of competent jurisdiction against any police officer or  
8 police department that engages in motorcycle profiling in  
9 violation of this section. In the action, the victim may be  
10 awarded injunctive relief, actual damages, punitive damages and  
11 reasonable attorney fees and costs.

12 (e) For purposes of this section, "motorcycle profiling"  
13 means the use of the fact that an individual rides a motorcycle  
14 or wears clothes or possesses paraphernalia that a reasonable  
15 person associates with such individuals as a factor in a  
16 decision to stop and question, take enforcement action against,  
17 arrest or search the individual or motorcycle in violation of  
18 Federal or State law.

19 Section 2. This act shall take effect in 60 days.