

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 67 Session of 2011

INTRODUCED BY GREENLEAF AND LEACH, JANUARY 12, 2011

REFERRED TO JUDICIARY, JANUARY 12, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in commencement of  
3 proceedings, requiring municipal police department policies  
4 relating to strip and body cavity searches.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8903. Strip and body cavity searches.

10 (a) Policy required.--A municipal law enforcement agency  
11 shall adopt and implement a written policy that governs  
12 procedures for strip searches and body cavity searches. The  
13 policy shall:

14 (1) Be consistent with the law on strip searches and  
15 body cavity searches.

16 (2) Specify when under the law a strip or body cavity  
17 search is allowed and under what constraints.

18 (3) Include:

19 (i) The authority necessary for conducting a strip

1       or body cavity search, with or without a search warrant.

2       (ii) Privacy provisions, including a strip or body  
3       cavity search by a person of the same gender.

4       (iii) Reporting requirements when a strip or body  
5       cavity search is conducted.

6       (b) Witness required.--Except for exigent circumstances, the  
7       person conducting a strip or body cavity search shall ensure  
8       that another person is present as a witness to the search.

9       (c) Condition of body cavity search.--A body cavity search  
10       shall be conducted by qualified medical personnel in a hygienic  
11       setting.

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