

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1667 Session of
1989

INTRODUCED BY CORRIGAN, OLIVER, LINTON AND HAYDEN, JUNE 7, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 3, 1989

AN ACT

1 Amending the act of June 18, 1974 (P.L.359, No.120), entitled
2 "An act creating the Municipal Police Officers' Education and
3 Training Commission; providing for the commission's
4 membership, selection, compensation, and removal; providing
5 for the powers and duties of the commission; providing for
6 the appointment and duties of the chairman; providing for the
7 act's applicability to the civil service laws; requiring
8 training by certain political subdivisions and police
9 departments; providing penalties for violation thereof; and
10 making an appropriation," further defining "police officer,"
11 "police department" and adding a definition; AND FURTHER <—
12 PROVIDING FOR MANDATORY TRAINING, AUTOMATIC CERTIFICATION AND
13 IN-SERVICE TRAINING.

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

16 SECTION 1. THE TITLE OF THE ACT OF JUNE 18, 1974 (P.L.359, <—
17 NO.120), REFERRED TO AS THE MUNICIPAL POLICE EDUCATION AND
18 TRAINING LAW, IS AMENDED TO READ:

AN ACT

20 CREATING THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING
21 COMMISSION; PROVIDING FOR THE COMMISSION'S MEMBERSHIP,
22 SELECTION, COMPENSATION, AND REMOVAL; PROVIDING FOR THE
23 POWERS AND DUTIES OF THE COMMISSION; PROVIDING FOR THE

1 APPOINTMENT AND DUTIES OF THE CHAIRMAN; PROVIDING FOR THE
2 ACT'S APPLICABILITY TO THE CIVIL SERVICE LAWS; REQUIRING
3 TRAINING BY THE COMMONWEALTH OF PENNSYLVANIA AND BY CERTAIN
4 POLITICAL SUBDIVISIONS AND POLICE DEPARTMENTS; PROVIDING
5 PENALTIES FOR VIOLATION THEREOF; AND MAKING AN APPROPRIATION.

6 Section ~~1~~ 2. ~~Section 2~~ SECTIONS 2, 9, 9.1 AND 9.2 of the act <—
7 ~~of June 18, 1974 (P.L.359, No.120), referred to as the Municipal~~ <—
8 ~~Police Education and Training Law~~, amended or added December 20,
9 1984 (P.L.1197, No.227) and December 21, 1988 (P.L.1865,
10 No.180), ~~is~~ ARE amended to read: <—

11 Section 2. Definitions.--As used in this act:

12 (1) "Commission" means the Municipal Police Officers'
13 Education and Training Commission.

14 (2) "College or university" means any college or university
15 which has a campus police department as used in section 2416 of
16 the act of April 9, 1929 (P.L.177, No.175), known as "The
17 Administrative Code of 1929," which has been certified by the
18 Office of Attorney General as a criminal justice agency within
19 the meaning of the Criminal History Record Information Act, 18
20 Pa.C.S. Ch. 91 (relating to criminal history record
21 information).

22 ~~[(2)]~~ (3) "School" means a training school or academy which
23 provides a basic police training course within the functional
24 organization of a police department or departments or any
25 educational facility within the Commonwealth of Pennsylvania.

26 ~~[(3)]~~ (4) "Police officer" means any full-time or part-time
27 employe, of a city, borough, town, township, campus police or
28 university police, or county police department, OR FULL-TIME OR <—
29 PART-TIME CAPITOL POLICE OFFICER OR COMMONWEALTH PROPERTY POLICE
30 OFFICER, assigned to criminal and/or traffic law enforcement

1 duties, ANY DEPUTY SHERIFF OF A COUNTY OF THE SECOND CLASS, and <—
2 for the purpose of training only, security officers of first
3 class city housing authority, but shall exclude persons employed
4 to check parking meters and/or to perform only administrative
5 duties, auxiliary and fire police.

6 [(4)] (5) "Police department" means:

7 (i) any public agency of a political subdivision having
8 general police powers and charged with making arrests in
9 connection with the enforcement of the criminal and/or traffic
10 laws[.], INCLUDING THE SHERIFF'S OFFICE IN COUNTIES OF THE <—
11 SECOND CLASS; ~~or~~ <—

12 (ii) any campus police or university police department as
13 used in section 2416 of the act of April 9, 1929 (P.L.177,
14 No.175), known as "The Administrative Code of 1929," which has
15 been certified by the Office of Attorney General as a criminal
16 justice agency within the meaning of the Criminal History Record
17 Information Act, 18 Pa.C.S. Ch. 91 (relating to criminal history
18 record information); OR <—

19 (III) THE COMMONWEALTH OF PENNSYLVANIA IN THE CASE OF
20 CAPITOL POLICE AND COMMONWEALTH PROPERTY POLICE.

21 [(5)] (6) "Commissioner" means the Commissioner of the
22 Pennsylvania State Police.

23 [(6)] (7) "Political subdivision" means any county, city,
24 borough, incorporated town or township.

25 [(7)] (8) "Certification" means the assignment of a
26 certification number to a police officer after successful
27 completion of a mandatory basic training course or receipt of a
28 waiver of basic training from the commission and successful
29 completion of mandatory in-service training. Certification is
30 for a period of two years.

1 SECTION 9. POLICE TRAINING MANDATORY; PENALTIES.--(A) [ALL] <—
2 THE COMMONWEALTH OF PENNSYLVANIA AND ALL POLITICAL SUBDIVISIONS
3 OF THE COMMONWEALTH OR GROUPS OF POLITICAL SUBDIVISIONS ACTING
4 IN CONCERT AND COLLEGES AND UNIVERSITIES SHALL BE REQUIRED TO
5 TRAIN ALL MEMBERS OF THEIR POLICE DEPARTMENTS PRIOR TO ACTUALLY
6 ENFORCING CRIMINAL LAWS, ENFORCING MOVING TRAFFIC VIOLATIONS
7 UNDER 75 PA.C.S. (RELATING TO VEHICLES) OR BEING AUTHORIZED TO
8 CARRY A FIREARM AFTER THE EFFECTIVE DATE OF THIS ACT, PURSUANT
9 TO THE PROVISIONS OF THIS ACT.

10 (B) THOSE [MUNICIPAL] POLICE OFFICERS EMPLOYED ON THE
11 EFFECTIVE DATE OF THIS SUBSECTION SHALL BE ABLE TO PERFORM
12 CRIMINAL OR TRAFFIC DUTIES AND BE AUTHORIZED TO CARRY A FIREARM
13 UNTIL CERTIFIED BY THE COMMISSION, BUT NO LONGER THAN ONE YEAR
14 FROM THEIR DATE OF EMPLOYMENT.

15 (C) ANY PERSON HIRED AS A [MUNICIPAL] POLICE OFFICER BY THE
16 COMMONWEALTH OF PENNSYLVANIA OR BY ANY POLITICAL SUBDIVISION OR
17 GROUP THEREOF ACTING IN CONCERT OR COLLEGE OR UNIVERSITY SHALL
18 BE INELIGIBLE TO RECEIVE ANY SALARY, COMPENSATION OR OTHER
19 CONSIDERATION OR THING OF VALUE FOR THE PERFORMANCE OF HIS
20 DUTIES AS A POLICE OFFICER UNLESS HE HAS MET ALL OF THE
21 REQUIREMENTS AS ESTABLISHED BY THE COMMISSION AND HAS BEEN DULY
22 CERTIFIED AS HAVING MET THOSE REQUIREMENTS BY THE COMMISSION.

23 (D) ANY OFFICIAL OF THE COMMONWEALTH OF PENNSYLVANIA OR ANY
24 POLITICAL SUBDIVISION, COLLEGE OR UNIVERSITY WHO ORDERS,
25 AUTHORIZES OR PAYS AS SALARY TO A PERSON IN VIOLATION OF THE
26 PROVISIONS OF THIS ACT SHALL ON SUMMARY CONVICTION THEREOF BE
27 SENTENCED TO PAY A FINE OF ONE HUNDRED DOLLARS (\$100) OR BE
28 IMPRISONED FOR A TERM NOT TO EXCEED A PERIOD OF THIRTY DAYS. THE
29 COMMISSION MAY STOP PAYMENT OF ALL FUNDS WHICH PASS TO
30 MUNICIPALITIES BY THIS ACT FOR ANY VIOLATION OF THIS ACT. IT

1 SHALL NOTIFY THE STATE TREASURER TO DISCONTINUE DISBURSEMENT OF
2 ANY STATE FUNDS UNTIL A MUNICIPALITY IS IN COMPLIANCE WITH THIS
3 ACT.

4 SECTION 9.1. AUTOMATIC CERTIFICATION.--(A) ALL [MUNICIPAL]
5 POLICE OFFICERS, INCLUDING DEPUTY SHERIFFS IN COUNTIES OF THE
6 SECOND CLASS, HIRED PRIOR TO JUNE 18, 1974, SHALL BE
7 AUTOMATICALLY CERTIFIED FOR BASIC TRAINING BUT SHALL BE REQUIRED
8 TO COMPLETE THE IN-SERVICE TRAINING AS SET FORTH IN SECTION
9 5(7).

10 (B) DEPUTY SHERIFFS IN COUNTIES OF THE SECOND CLASS WHO HAVE
11 SUCCESSFULLY COMPLETED THE BASIC TRAINING COURSE UNDER THIS ACT
12 PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION SHALL BE ASSIGNED
13 A CERTIFICATION NUMBER UNDER THIS ACT.

14 SECTION 9.2. IN-SERVICE TRAINING BY EXISTING PERSONNEL.--THE
15 REQUIREMENTS OF SECTION 5(7) SHALL APPLY TO EVERY [MUNICIPAL]
16 POLICE OFFICER.

17 Section ~~2~~ 3. This act shall take effect in 60 days.

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