

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1462 Session of  
1999

INTRODUCED BY BATTISTO, MARKOSEK, HENNESSEY, YOUNGBLOOD,  
M. COHEN, MELIO, STABACK, BELFANTI, CORRIGAN, KIRKLAND,  
TRELLO, PETRONE, RAMOS AND COLAFELLA, MAY 6, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MAY 6, 1999

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the  
2 Pennsylvania Consolidated Statutes, authorizing the  
3 appointment of special police officers for planned  
4 communities; providing for their powers; authorizing the  
5 Commissioner of the Pennsylvania State Police to make certain  
6 training available; and providing for procedures and  
7 penalties.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Title 22 of the Pennsylvania Consolidated  
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 35

13 SPECIAL POLICE OFFICERS FOR PLANNED COMMUNITIES

14 Sec.

15 3501. Definitions.

16 3502. Appointment authorized.

17 3503. Contents of application.

18 3504. Training requirements.

19 3505. Authority of Commissioner of Pennsylvania State Police.

20 3506. Oath of office.

1 3507. Powers.

2 3508. Compensation and liability.

3 3509. Termination of appointment.

4 § 3501. Definitions.

5 The following words and phrases when used in this chapter  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Commission." The Municipal Police Officers' Education and  
9 Training Commission.

10 "Commissioner." The Commissioner of the Pennsylvania State  
11 Police.

12 "Planned community." A geographically contiguous private  
13 development of 100 or more lots, whether or not one or all of  
14 the lots have been sold or are occupied by private owners. The  
15 term does not include a geographic area which constitutes an  
16 entire municipality.

17 "Police officer." A person appointed under this chapter as a  
18 special police officer for a planned community.

19 § 3502. Appointment authorized.

20 (a) Application to court.--The developer of a planned  
21 community, or any association of lot owners of a planned  
22 community, may apply to the court of common pleas of the county  
23 in which the planned community is located for the appointment of  
24 such persons as the developer or association may designate to  
25 act as special police officers for the planned community.

26 (b) Court review.--

27 (1) The court, upon reviewing the application and after  
28 consideration of the need for and appropriateness of special  
29 police officers in the planned community, may decree and  
30 order such persons, or as many of them as the court may deem

proper, to be provisional special police officers for the planned community, subject to satisfactory completion of the requirements of section 3504 (relating to training requirements).

(2) Thereafter, upon the submission of proof satisfactory to the court that such persons have complied with the training requirements of section 3504, the court may decree and order the persons to be certified special police officers for the planned community.

(3) During the period that any such person is a provisional special police officers, that person shall not possess the additional power and authority conferred by this chapter.

(4) A provisional special police officer who fails to obtain a certificate from the commissioner that the officer has satisfactorily completed the basic education and training requirements within 18 months of the officer's appointment shall not be eligible for appointment as a certified special police officer.

§ 3503. Contents of application.

(a) Initial application.--The initial application to the court for the appointment of special police officers for a planned community shall clearly define the boundaries of the planned community and state the reasons why the special police officers are needed or desired. It shall state the number of special police officers requested and the information specified in subsection (b) for each person who, if that person's appointment is authorized, will be employed in that capacity.

(b) Personal information.--The application shall incorporate all of the following information with respect to each person to

1 be employed as a special police officer:

2 (1) The person's full name, age, residence and present  
3 and previous occupations.

4 (2) Evidence that the fingerprints of the person have  
5 been examined within the last three months by the  
6 Pennsylvania State Police or the Federal Bureau of  
7 Investigation and that the person has not been convicted of  
8 or has not pleaded guilty or nolo contendere to a crime of  
9 violence.

10 (3) Proof that the person is 18 years of age or older.

11 (4) Any other personal information the court may  
12 require.

13 (c) Additional applications.--After the initial application  
14 for the appointment of special police officers for a planned  
15 community has been approved by the court, at any subsequent time  
16 that the planned community wishes to employ another person in  
17 that capacity, up to the number of persons authorized by the  
18 court, the information relating to such person prescribed by  
19 subsection (b) shall be submitted.

20 § 3504. Training requirements.

21 A person decreed by the court to be a provisional special  
22 police officer shall be required to successfully complete the  
23 same course of instruction required for municipal police  
24 officers by 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal  
25 police education and training), with the exception of such  
26 physical training requirements as the commission may deem  
27 appropriate to alter or waive.

28 § 3505. Authority of Commissioner of Pennsylvania State Police.

29 In addition to the powers set forth in 53 Pa.C.S. Ch. 21  
30 Subch. D (relating to municipal police education and training),

1 the commissioner shall have the authority to admit persons who  
2 have been decreed by the court to be provisional special police  
3 officers to the Municipal Police Officers' Education and  
4 Training Program and to issue appropriate certificates to  
5 provisional special police officers who have satisfactorily  
6 completed the basic educational and training requirements as  
7 established by the commission. Tuition fees and other costs of  
8 training, as determined by the commission, shall be borne by the  
9 sponsoring employer or by the provisional special police  
10 officer.

11 § 3506. Oath of office.

12 Every certified special police officer appointed under this  
13 chapter shall, before entering upon the duties of that officer's  
14 office, take and subscribe the oath required by section 3 of  
15 Article VI of the Constitution of Pennsylvania. The oath,  
16 together with the decree and order of the court appointing that  
17 person a certified special police officer, shall be recorded by  
18 the recorder of deeds of each county in which it is intended  
19 that the police officer shall act.

20 § 3507. Powers.

21 (a) General rule.--Certified special police officers  
22 appointed under this chapter shall severally possess and  
23 exercise all the powers of a municipal police officer in this  
24 Commonwealth, in and upon the property of the planned community.

25 (b) Hot pursuit.--

26 (1) If a certified special police officer leaves the  
27 property of the planned community in hot pursuit of a  
28 suspected lawbreaker, it shall be that officer's duty to  
29 immediately communicate with and request the assistance of  
30 the organized law enforcement agency which regularly provides

1 primary police services in the municipality.

2 (2) Upon the appearance of the first officer in response  
3 to that request, the special police officer shall follow the  
4 commands of that first officer, who may either direct the  
5 certified special police officer to assist in the  
6 apprehension or to discontinue that special police officer's  
7 efforts to apprehend the suspect.

8 (c) Arrests prohibited; detention of suspects.--A certified  
9 special police officer shall have no authority by virtue of this  
10 chapter to make an arrest beyond the property of the planned  
11 community, but the officer shall have the authority to detain a  
12 suspect for a reasonable period of time until an officer of the  
13 organized law enforcement agency arrives to render assistance.

14 (d) Jails and places of detention.--The keepers of jails and  
15 other places of detention in any county of this Commonwealth  
16 shall receive all persons arrested by certified special police  
17 officers for purposes of detention until they are dealt with  
18 according to law.

19 (e) Limitation.--Whenever a certified special police officer  
20 exercises any power or authority over any person or event  
21 pursuant to this chapter, the officer shall relinquish authority  
22 and control over any such person or event upon the request of  
23 the chief law enforcement officer, or a person authorized by him  
24 to make the request, of the organized law enforcement agency  
25 which regularly provides primary police services in the  
26 municipality.

27 (f) Metallic shields to be worn.--A police officer appointed  
28 under this chapter, when on duty, shall wear a metallic shield  
29 with the words "certified special police officer" and the name  
30 of the planned community for which appointed inscribed thereon.

1 § 3508. Compensation and liability.

2 The compensation of police officers shall be paid by the  
3 developer or association of lot owners of the planned community  
4 by which the police officers are employed, as may be agreed upon  
5 between the employer and the police officers. The Commonwealth  
6 of Pennsylvania shall not be held liable for any wrongful act of  
7 any police officers appointed under this chapter.

8 § 3509. Termination of appointment.

9 (a) General rule.--When any planned community no longer  
10 requires the services of any person who has been appointed a  
11 certified special police officer, it shall, within three  
12 business days, file a notice to that effect in the office of the  
13 recorder of deeds where the court decree and order of  
14 appointment of the police officer was recorded. The recorder of  
15 deeds shall note this information upon the margin of the record  
16 where the court decree and order were recorded, and thereupon  
17 the powers of the police officer shall terminate. The recorder  
18 of deeds shall notify the clerk of the court, by which the  
19 police officer was appointed, of the termination of the  
20 appointment in the county.

21 (b) Penalty.--Failure of an employer of a certified special  
22 police officer to file the notice required by this section  
23 constitutes a summary offense, and the developer or the chief  
24 officer of the association of lot owners shall, upon conviction,  
25 be sentenced to pay a fine of \$100.

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