

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1561

Session of  
2005

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INTRODUCED BY GRUCELA, BLAUM, BELFANTI, CALTAGIRONE, CRAHALLA,  
DeWEESE, FABRIZIO, FREEMAN, GEORGE, O'NEILL, REICHLEY,  
ROEBUCK, SCAVELLO, SIPTROTH, SHANER, SOLOBAY, STABACK, STERN,  
TANGRETTI, THOMAS, TIGUE, WANSACZ, WHEATLEY, WOJNAROSKI,  
YOUNGBLOOD AND YUDICHAK, MAY 10, 2005

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 26, 2006

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## AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, further providing for municipal police  
3 education and training AND FOR POWERS OF HOME RULE CHARTER <—  
4 COUNTIES; AND MAKING AN INCONSISTENT REPEAL OF THE SHERIFF  
5 FEE ACT.

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

8 ~~Section 1. The definition of "police officer" in section~~ <—  
9 ~~2162 of Title 53 of the Pennsylvania Consolidated Statutes is~~  
10 ~~amended and the section is amended by adding a definition to~~  
11 ~~read:~~

12 SECTION 1. THE DEFINITIONS OF "POLICE DEPARTMENT" AND <—  
13 "POLICE OFFICER" IN SECTION 2162 OF TITLE 53 OF THE PENNSYLVANIA  
14 CONSOLIDATED STATUTES ARE AMENDED AND THE SECTION IS AMENDED BY  
15 ADDING A DEFINITION TO READ:

16 § 2162. Definitions.

17 The following words and phrases when used in this subchapter

1 shall have the meanings given to them in this section unless the  
2 context clearly indicates otherwise:

3 \* \* \*

4 "POLICE DEPARTMENT." ANY OF THE FOLLOWING: <—

5 (1) A PUBLIC AGENCY OF A POLITICAL SUBDIVISION HAVING  
6 GENERAL POLICE POWERS AND CHARGED WITH MAKING ARRESTS IN  
7 CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR TRAFFIC  
8 LAWS. THIS PARAGRAPH INCLUDES THE SHERIFF'S OFFICE IN A  
9 COUNTY OF THE SECOND CLASS.

10 (2) A CAMPUS POLICE OR UNIVERSITY POLICE DEPARTMENT, AS  
11 USED IN SECTION 2416 OF THE ACT OF APRIL 9, 1929 (P.L.177,  
12 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, CERTIFIED  
13 BY THE OFFICE OF ATTORNEY GENERAL AS A CRIMINAL JUSTICE  
14 AGENCY UNDER THE DEFINITION OF "CRIMINAL JUSTICE AGENCY" IN  
15 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS). THIS PARAGRAPH  
16 DOES NOT INCLUDE A CAMPUS POLICE OR UNIVERSITY POLICE  
17 DEPARTMENT OF THE STATE SYSTEM OF HIGHER EDUCATION AND ITS  
18 MEMBER INSTITUTIONS.

19 (3) A RAILROAD OR STREET RAILWAY POLICE DEPARTMENT  
20 FORMED WITH OFFICERS COMMISSIONED UNDER 22 PA.C.S. CH. 33  
21 (RELATING TO RAILROAD AND STREET RAILWAY POLICE) OR ANY PRIOR  
22 STATUTE PROVIDING FOR SUCH COMMISSIONING.

23 (4) THE CAPITOL POLICE.

24 (5) THE HARRISBURG INTERNATIONAL AIRPORT POLICE.

25 (6) AN AIRPORT AUTHORITY POLICE DEPARTMENT.

26 (7) A COUNTY PARK POLICE DEPARTMENT.

27 "Police officer." Any of the following:

28 (1) A full-time or part-time employee assigned to  
29 criminal or traffic law enforcement duties of any of the  
30 following:

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

3 (ii) Any railroad or street railway police.

4 (iii) Any campus or university police department.

5 (iv) The Capitol Police.

6 (v) The Harrisburg International Airport Police.

7 (vi) An airport authority police department.

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

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

12 (4) A school police officer.

13 (5) A COUNTY PARK POLICE OFFICER.

<—

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

17 \* \* \*

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

23 \* \* \*

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

26 § 2167. Police training.

27 \* \* \*

28 (a.1) School police officers.--All school districts of this  
29 Commonwealth shall be required to train their school police  
30 officers pursuant to this subchapter prior to their enforcing

1 criminal laws or enforcing moving traffic violations under 75  
2 Pa.C.S. (relating to vehicles).

3 \* \* \*

4 § 2168. Automatic certification.

5 \* \* \*

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

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

20 § 2170. Reimbursement of expenses.

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

1 shall reimburse the employing municipality or school district  
2 for 60% of the regular salaries of police officers while  
3 attending schools approved under this subchapter. The commission  
4 shall require written documentation of all expenses incurred by  
5 municipalities or school districts relating to the training of  
6 [municipal] police officers for the purposes of reimbursement by  
7 the commission. All municipalities and school districts shall  
8 annually audit these funds as part of their annual audit and  
9 submit a copy of the audit to the commission. Failure to perform  
10 the audit and submit a copy of it to the commission shall render  
11 the municipality or school district in violation of this  
12 subchapter.

13 \* \* \*

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

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

1 a police officer with another municipality or school district,  
2 the municipality or school district which employs the previously  
3 certified police officer shall reimburse the municipality or  
4 school district which formerly employed the police officer for  
5 the nonreimbursable portion of the salary paid to the police  
6 officer while complying with the provisions of this subchapter.

7 \* \* \*

8 SECTION 4. SECTION 2962 OF TITLE 53 IS AMENDED BY ADDING A <—  
9 SUBSECTION TO READ:

10 § 2962. LIMITATION ON MUNICIPAL POWERS.

11 \* \* \*

12 (K) SHERIFF FEES.--A COUNTY WHICH ADOPTS A HOME RULE CHARTER  
13 MAY ESTABLISH BY ORDINANCE THE FEES, INCLUDING COMMISSIONS AND  
14 MILEAGE, TO BE RECEIVED BY THE SHERIFF OF THE COUNTY FROM A  
15 PERSON OR THE COUNTY REQUIRING SERVICES OF THE SHERIFF.

16 SECTION 5. SECTION 2 OF THE ACT OF JULY 6, 1984 (P.L.614,  
17 NO.127), KNOWN AS THE SHERIFF FEE ACT, IS REPEALED INSOFAR AS IT  
18 IS INCONSISTENT WITH THE ADDITION OF 53 PA.C.S. § 2962(K).

19 Section 4 6. This act shall take effect in one year. <—