

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 812 Session of
2005

INTRODUCED BY THOMPSON, ROBBINS, STOUT AND WOZNIAK,
JUNE 28, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 24, 2006

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or
28 other moneys to the Commonwealth, or any agency thereof,
29 every State depository and every debtor or creditor of the
30 Commonwealth," further providing for property held by courts
31 and public officers and agencies; PROVIDING FOR COMMONWEALTH

<—

1 SUPPORT FOR HIRING MUNICIPAL POLICE OFFICERS; AND MAKING AN
2 APPROPRIATION.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Section 1301.9 of the act of April 9, 1929
6 (P.L.343, No.176), known as The Fiscal Code, amended December
7 23, 2003 (P.L.243, No.45), is amended to read:

8 Section 1301.9. Property Held by Courts and Public Officers
9 and Agencies.--The following property is presumed abandoned and
10 unclaimed:

11 1. Except as provided in [clause 2 or 6] clauses 2 and 2.1
12 or clause 6, all property held for the owner by any court,
13 public corporation, public authority or instrumentality of the
14 United States, the Commonwealth, or any other state, or by a
15 public officer or political subdivision thereof, unclaimed by
16 the owner for more than five (5) years from the date it first
17 became demandable or distributable.

18 2. Bicycles held for the owner by a municipality unclaimed
19 by the owner for more than ninety (90) days from the date it
20 first became demandable or distributable.

21 2.1. All tangible property, other than bicycles, held for
22 the owner by a municipality unclaimed by the owner for more than
23 three (3) years from the date it first became demandable or
24 distributable.

25 3. The bicycles held pursuant to clause 2 and tangible
26 property held pursuant to clause 2.1 and which the State
27 Treasurer refuses in writing to accept may be disposed of by the
28 municipality to the highest bidder after due notice by
29 advertisement for bids or at public auction at such time and
30 place as may be designated by the municipality or the governing

1 body may, by resolution, donate the bicycles or such tangible
2 property to a charitable organization. Any proceeds from the
3 sale of the bicycles or such tangible property shall be retained
4 by the municipality and used for municipal purposes.

5 4. Bicycles held by or acquired by the Commonwealth for
6 ninety (90) days may be disposed of at public auction at such
7 time and place as may be designated by the State Treasurer.
8 Proceeds of such sale or sales shall be deposited in the General
9 Fund.

10 5. All property held by or subject to the control of any
11 court, public corporation, public authority or instrumentality
12 of the Commonwealth or by a public officer or political
13 subdivision thereof, which is without a rightful or lawful
14 owner, to the extent not otherwise provided for by law, held for
15 more than one year.

16 6. Restitution held for the owner by any court, public
17 corporation, public authority or instrumentality of the
18 Commonwealth, or by a public officer or political subdivision
19 thereof, unclaimed by the owner for more than five (5) years
20 from the date it first became demandable or distributable.

21 ~~Section 2. This act shall take effect in 60 days.~~ <—

22 SECTION 2. THE ACT IS AMENDED BY ADDING AN ARTICLE TO READ: <—

23 ARTICLE XVI-E

24 COMMONWEALTH SUPPORT FOR HIRING

25 MUNICIPAL POLICE OFFICERS

26 SECTION 1601-E. SCOPE.

27 THIS ARTICLE SHALL RELATE TO COMMONWEALTH SUPPORT FOR HIRING
28 MUNICIPAL POLICE OFFICERS.

29 SECTION 1602-E. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ARTICLE

1 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "FUND." THE COMMONWEALTH OFFICER FUND ESTABLISHED IN SECTION
4 1604-E.

5 "POLICE DEPARTMENT." A PUBLIC AGENCY OF A MUNICIPALITY
6 HAVING GENERAL POLICE POWERS AND CHARGED WITH MAKING ARRESTS IN
7 CONNECTION WITH THE ENFORCEMENT OF CRIMINAL OR TRAFFIC LAWS. THE
8 TERM INCLUDES A REGIONAL POLICE DEPARTMENT ORGANIZED UNDER 53
9 PA.C.S. CH. 23 SUBCH. A (RELATING TO INTERGOVERNMENTAL
10 COOPERATION).

11 "POLICE OFFICER." A FULL-TIME ACTIVE SWORN OFFICER EMPLOYED
12 BY A MUNICIPALITY AND ASSIGNED TO CRIMINAL LAW ENFORCEMENT OR
13 TRAFFIC DUTIES IN A SPECIFIC UNIFORMED POLICE DISTRICT WITHIN A
14 MUNICIPALITY. THE TERM DOES NOT INCLUDE:

15 (1) AUXILIARY AND FIRE POLICE.

16 (2) PERSONS ASSIGNED TO TRANSPORTATION CENTERS.

17 (3) PERSONS EMPLOYED TO CHECK PARKING METERS OR TO
18 PERFORM ONLY ADMINISTRATIVE DUTIES.

19 (4) PERSONS ON SPECIAL DETAIL OR ON RESTRICTED OR
20 LIMITED DUTY.

21 "PROGRAM." THE COMMONWEALTH OFFICER PROGRAM ESTABLISHED
22 UNDER SECTION 1603-E.

23 "SALARY." INCLUDES BASE PAY AND HEALTH BENEFITS. THE TERM
24 DOES NOT INCLUDE OVERTIME, LONGEVITY OR PENSION COMPENSATION.
25 SECTION 1603-E. PROGRAM.

26 THE COMMONWEALTH OFFICER PROGRAM IS HEREBY ESTABLISHED IN THE
27 OFFICE OF ATTORNEY GENERAL. THE GOAL OF THE PROGRAM IS TO
28 PROVIDE COMMONWEALTH SUPPORT TO COMMUNITIES THROUGHOUT THIS
29 COMMONWEALTH TO HIRE 10,000 NEW POLICE OFFICERS BY THE YEAR
30 2011. THE OFFICE OF ATTORNEY GENERAL SHALL DO THE FOLLOWING:

1 (1) ADMINISTER THE PROGRAM.

2 (2) REVIEW, APPROVE AND AWARD GRANTS TO APPLICANTS UNDER
3 THE PROGRAM.

4 SECTION 1604-E. FUND.

5 THERE IS ESTABLISHED IN THE STATE TREASURY A SPECIAL FUND TO
6 BE KNOWN AS THE COMMONWEALTH OFFICER FUND. DEPOSITS IN THE FUND
7 SHALL INCLUDE APPROPRIATIONS. MONEY DEPOSITED IN THE FUND AND
8 INTEREST WHICH ACCRUES FROM THOSE FUNDS ARE APPROPRIATED ON A
9 CONTINUING BASIS FOR THE PURPOSES OF THIS ARTICLE.

10 SECTION 1605-E. DEDICATION OF FUNDING.

11 (A) PRIORITY.--THE OFFICE OF ATTORNEY GENERAL SHALL ALLOCATE
12 THE MONEY AVAILABLE IN THE FUND IN THE FOLLOWING ORDER OF
13 PRIORITY:

14 (1) RURAL MUNICIPALITIES EMPLOYING FEWER THAN TEN POLICE
15 OFFICERS.

16 (2) MUNICIPALITIES IN COUNTIES WITH THE HIGHEST
17 PERCENTAGE OF TOTAL CRIMES REPORTED STATEWIDE AS RECORDED IN
18 THE PENNSYLVANIA UNIFORM CRIME REPORTING SYSTEM.

19 (3) MUNICIPALITIES IN COUNTIES HAVING THE LARGEST
20 POPULATION.

21 (B) FORMULA.--THE OFFICE OF ATTORNEY GENERAL SHALL DEVELOP A
22 FORMULA FOR AWARD OF PROGRAM GRANTS WHICH USES A COUNTY'S
23 EXISTING NUMBER OF POLICE OFFICERS, CRIME RATE AND POPULATION TO
24 ACHIEVE THE FUNDING PRIORITY UNDER SUBSECTION (A).

25 SECTION 1606-E. APPLICATIONS.

26 (A) SUBMISSION.--A COUNTY MAY SUBMIT AN APPLICATION TO THE
27 OFFICE OF ATTORNEY GENERAL FOR A PROGRAM GRANT. AN APPLICATION
28 SHALL:

29 (1) INCLUDE A COMMITMENT FROM THE COUNTY TO INVEST
30 MATCHING FUNDS IN THE PROGRAM.

1 (2) INCLUDE A COMMITMENT FROM A MUNICIPALITY SELECTED BY
2 THE COUNTY TO RECEIVE A PROGRAM GRANT TO INVEST MATCHING
3 FUNDS IN THE PROGRAM.

4 (B) MINIMUM MATCHING FUNDS REQUIRED.--A COUNTY RECEIVING A
5 PROGRAM GRANT SHALL COMMIT MATCHING FUNDS IN AN AMOUNT
6 EQUIVALENT TO NO LESS THAN 30% OF THE TOTAL GRANT TO THE COUNTY.
7 A MUNICIPALITY SELECTED BY THE COUNTY TO RECEIVE GRANT FUNDS
8 SHALL COMMIT MATCHING FUNDS IN AN AMOUNT EQUIVALENT TO NO LESS
9 THAN 20% OF THE MUNICIPALITY'S GRANT.

10 (C) EXEMPTION.--THE OFFICE OF ATTORNEY GENERAL SHALL WAIVE
11 THE MATCHING FUNDS REQUIREMENT AT THE REQUEST OF A COUNTY OR
12 MUNICIPALITY DURING THE FIRST YEAR OF PROGRAM IMPLEMENTATION.

13 SECTION 1607-E. USE OF FUNDS.

14 A MUNICIPALITY SELECTED BY THE COUNTY TO RECEIVE GRANT FUNDS
15 SHALL USE THE FUNDS TO DO ANY OF THE FOLLOWING:

16 (1) HIRE NEW POLICE OFFICERS. ANY NEW POSITION
17 ESTABLISHED MUST BE FUNDED FOR A MINIMUM OF 20 YEARS. DURING
18 THE FIRST FOUR YEARS FOLLOWING IMPLEMENTATION OF THE PROGRAM,
19 FUNDS MUST BE USED TO HIRE NEW POLICE OFFICERS. FOLLOWING THE
20 FOURTH YEAR OF IMPLEMENTATION, FUNDS SHALL BE USED TO PAY
21 OFFICERS' SALARIES AT THE RATE OF \$25,000 PER YEAR PER
22 OFFICER.

23 (2) USE UP TO 50% OF THE COMMONWEALTH FUNDS RECEIVED FOR
24 RECRUITING, TRAINING, EQUIPMENT OR OTHER COSTS ASSOCIATED
25 WITH MAINTAINING A FULL-TIME COMPLEMENT OF POLICE OFFICERS.

26 SECTION 1608-E. LAPSE.

27 FUNDS FROM THE FOLLOWING APPROPRIATIONS SHALL LAPSE TO THE
28 GENERAL FUND:

29 (1) \$10,000,000 FROM THE APPROPRIATION FOR THE
30 COMMONWEALTH TECHNOLOGY SERVICES UNDER SECTION 202 OF THE ACT

1 OF JULY 2, 2006 (P.L. , NO.2A), KNOWN AS THE GENERAL
2 APPROPRIATION ACT OF 2006.

3 (2) \$11,500,000 FROM THE APPROPRIATION FOR THE SENATE
4 CAUCUS OPERATIONS ACCOUNT (R) UNDER SECTION 251 OF THE
5 GENERAL APPROPRIATION ACT OF 2006.

6 (3) \$11,500,000 FROM THE APPROPRIATION FOR THE SENATE
7 CAUCUS OPERATION ACCOUNT (D) UNDER SECTION 251 OF THE GENERAL
8 APPROPRIATION ACT OF 2006.

9 (4) \$11,500,000 FROM THE APPROPRIATION FOR THE HOUSE OF
10 REPRESENTATIVES LEGISLATIVE MANAGEMENT ACCOUNT (R) UNDER
11 SECTION 252 OF THE GENERAL APPROPRIATION ACT OF 2006.

12 (5) \$11,500,000 FROM THE HOUSE OF REPRESENTATIVES
13 LEGISLATIVE MANAGEMENT ACCOUNT (D) UNDER SECTION 252 OF THE
14 GENERAL APPROPRIATION ACT OF 2006.

15 SECTION 3. THE SUM OF \$56,000,000, OR AS MUCH THEREOF AS MAY
16 BE NECESSARY, IS HEREBY APPROPRIATED TO THE COMMONWEALTH OFFICER
17 FUND FOR THE FISCAL YEAR JULY 1, 2006, TO JUNE 30, 2007, TO
18 CARRY OUT THE PROVISIONS OF ARTICLE XVI-E OF THE ACT.

19 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

20 (1) THE AMENDMENT OF SECTION 1301.9 OF THE ACT SHALL
21 TAKE EFFECT IN 60 DAYS.

22 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
23 IMMEDIATELY.