

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 768 Session of
2007

INTRODUCED BY GRUCELA, BELFANTI, CALTAGIRONE, CAPPELLI, DALEY,
FABRIZIO, FREEMAN, GEIST, HESS, JAMES, MANN, O'NEILL,
PALLONE, PETRONE, SIPTROTH, SOLOBAY, STERN, YOUNGBLOOD,
YUDICHAK, LONGIETTI AND MURT, MARCH 19, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 24, 2007

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for municipal police
3 education and training.

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

6 ~~Section 1. The definition of "police officer" in section~~ <—
7 ~~2162 of Title 53 of the Pennsylvania Consolidated Statutes is~~
8 ~~amended and the section is amended by adding a definition to~~
9 ~~read:~~

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

14 § 2162. Definitions.

15 The following words and phrases when used in this subchapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

1 * * *

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

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

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

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

21 (4) THE CAPITOL POLICE.

22 (5) THE HARRISBURG INTERNATIONAL AIRPORT POLICE.

23 (6) AN AIRPORT AUTHORITY POLICE DEPARTMENT.

24 (7) A COUNTY PARK POLICE DEPARTMENT.

25 "Police officer." Any of the following:

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

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

- (ii) Any railroad or street railway police.
(iii) Any campus or university police department.
(iv) The Capitol Police.
(v) The Harrisburg International Airport Police.
(vi) An airport authority police department.

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

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

(4) A school police officer.

(5) A COUNTY PARK POLICE OFFICER.

←

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

* * *

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

* * *

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

§ 2167. Police training.

* * *

(a.1) School police officers.--All school districts of this Commonwealth shall be required to train their school police officers pursuant to this subchapter prior to their enforcing criminal laws or enforcing moving traffic violations under 75 Pa.C.S. (relating to vehicles).

1 * * *

2 § 2168. Automatic certification.

3 * * *

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

16 (F) COUNTY PARK POLICE.--ANY COUNTY PARK POLICE OFFICER WHO <—
17 HAS SUCCESSFULLY COMPLETED THE BASIC TRAINING COURSE UNDER THIS
18 SUBCHAPTER PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION SHALL
19 BE ASSIGNED A CERTIFICATION NUMBER UNDER THIS SUBCHAPTER BUT
20 SHALL BE REQUIRED TO COMPLETE THE IN-SERVICE TRAINING AS SET
21 FORTH IN SECTION 2164(7) (RELATING TO POWERS AND DUTIES OF
22 COMMISSION).

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

25 § 2170. Reimbursement of expenses.

26 (a) General rule.--The commission shall provide for
27 reimbursement to each municipality and school district of the
28 entire amount of the allowable tuition and the ordinary and
29 necessary living and travel expenses incurred by their police
30 officers while attending certified municipal police basic

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

18 * * *

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

30 (d) Subsequent employment with another municipality or

1 school district.--If a police officer, within two years
2 following certification, terminates his employment with the
3 municipality or school district by which the officer was
4 employed at the time he was certified as having met the
5 commission's requirement and subsequently obtains employment as
6 a police officer with another municipality or school district,
7 the municipality or school district which employs the previously
8 certified police officer shall reimburse the municipality or
9 school district which formerly employed the police officer for
10 the nonreimbursable portion of the salary paid to the police
11 officer while complying with the provisions of this subchapter.

12 * * *

13 Section 4. This act shall take effect in one year.