

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2585 Session of 2010

INTRODUCED BY BELFANTI, PHILLIPS, GOODMAN, MAHONEY, BAKER, CAUSER, D. COSTA, COX, DALEY, J. EVANS, EVERETT, FABRIZIO, FAIRCHILD, GIBBONS, GROVE, HARKINS, HARRIS, HORNAMAN, KIRKLAND, KULA, MARSHALL, MATZIE, MICOZZIE, MILLER, MILNE, MOUL, MURT, PICKETT, PRESTON, RAPP, REED, ROAE, SANTONI, SCAVELLO, SOLOBAY, STABACK, STEVENSON, THOMAS, YOUNGBLOOD, METCALFE, GEORGE AND MILLARD, JUNE 29, 2010

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 29, 2010

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 53 (Municipalities Generally) of the
3 Pennsylvania Consolidated Statutes, further providing for
4 definitions; providing for county sheriffs and deputy
5 sheriffs; and repealing related provisions of the Second
6 Class County Code.

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

9 Section 1. The definition of "police officer" in section 103
10 of Title 18 of the Pennsylvania Consolidated Statutes is amended
11 to read:

12 § 103. Definitions.

13 Subject to additional definitions contained in subsequent
14 provisions of this title which are applicable to specific
15 provisions of this part, the following words and phrases when
16 used in this title shall have, unless the context clearly
17 indicates otherwise, the meanings given to them in this section:

1 * * *

2 "Police officer." The term shall include the sheriff of a
3 county of the second class, second class A, third class, fourth
4 class, fifth class, sixth class, seventh class or eighth class
5 and a deputy [sheriffs] sheriff of a county of the second class,
6 second class A, third class, fourth class, fifth class, sixth
7 class, seventh class or eighth class who [have] has successfully
8 completed the requirements under the act of June 18, 1974
9 (P.L.359, No.120), referred to as the Municipal Police Education
10 and Training Law, or the act of February 9, 1984 (P.L.3, No.2),
11 known as the Deputy Sheriffs' Education and Training Act.

12 * * *

13 Section 2. The definitions of "chief law enforcement
14 officer" and "municipal police officer" in section 8951 of Title
15 42 are amended to read:

16 § 8951. Definitions.

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

20 "Chief law enforcement officer." The head of a duly
21 constituted municipal law enforcement agency which regularly
22 provides primary police services to a political subdivision or,
23 in the absence of any such municipal law enforcement agency, the
24 commanding officer of the Pennsylvania State Police installation
25 which regularly provides primary police services to the
26 political subdivision or, in the case of any occurrence or event
27 that takes place on real property owned or leased by a county
28 government, including, but not limited to, a county correctional
29 facility, courthouse or park, the sheriff of the county.

30 "Municipal police officer." Any natural person who is

properly employed by a municipality, including a home rule municipality, as a regular full-time or part-time police officer or a certified sheriff or deputy sheriff.

* * *

Section 3. Section 8954 of Title 42 is amended to read:

§ 8954. Noncompliance with mandatory certification requirements.

Any person employed as a municipal police officer who is subject to the mandatory certification requirements of the training law and fails to obtain the required certification from the Commissioner of the Pennsylvania State Police or the executive director of the Pennsylvania Commission on Crime and Delinquency within the time limits provided by law shall cease to be empowered or authorized to function as a municipal police officer for any purpose whatsoever.

Section 4. Subchapter A heading of Chapter 21 of Title 53 is amended to read:

Subchapter A

[(Reserved)]

COUNTY OFFICERS AND EMPLOYEES

Section 5. Title 53 is amended by adding sections to read:

§ 2111. Office of Sheriff.

(a) Qualifications.--On or after January 1, 2010, a person shall not be eligible to be a candidate for the Office of Sheriff and a person shall not be elected or appointed to the Office of Sheriff unless that person meets the following qualifications:

(1) Is a citizen of the United States.

(2) Has been a resident of the county for at least one year.

1 (3) Has not been convicted of an offense graded higher
2 than a misdemeanor of the third degree.

3 (4) Is at least 18 years of age.

4 (b) Educational requirements.--

5 (1) Except as otherwise provided in this subchapter, any
6 person first elected to the Office of Sheriff on or after
7 January 1, 2010, shall have completed a recognized law
8 enforcement management/administration program including, but
9 not limited to, the National Sheriffs' Institute training
10 course. In the event the individual elected as sheriff has
11 not completed the National Sheriffs' Institute's or a similar
12 course, the individual shall within the first term of office
13 successfully complete the National Sheriffs' Institute
14 training course administered by the National Sheriffs'
15 Association.

16 (2) (i) A sheriff who has successfully completed
17 training under Subchapter D (relating to municipal police
18 education and training) or the act of February 9, 1984
19 (P.L.3, No.2), known as the Deputy Sheriffs' Education
20 and Training Act, or Pennsylvania State Police training
21 shall be eligible to perform all duties authorized by
22 law.

23 (ii) A sheriff who has not completed training in
24 accordance with this section shall serve in an
25 administrative capacity and eligible only to complete
26 administrative functions unless or until such training is
27 completed. A sheriff who completes administrative
28 functions and serves in an administrative capacity shall
29 only provide administrative function including, but not
30 limited to, planning, organizing, staffing and directing

of the office of sheriff, and may not perform law enforcement functions as authorized by law.

§ 2112. Deputies and clerks.

(a) General rule.--The sheriff of each county may appoint such deputies and clerks as may be necessary to properly transact business of the office. The sheriff may hire, discharge and supervise the deputies and clerks in accordance with law. The number of deputies and clerks shall be determined by the county salary board.

(b) Educational requirements.--A deputy appointed on or after January 1, 2010, shall have successfully completed the standards and training in accordance with Subchapter D (relating to municipal police education and training) or the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, if they are substantially equal to the standards and training under Subchapter D.

(c) Hiring procedure.--A deputy shall be hired by the sheriff utilizing the same process as the county district attorney for the employment of county detectives.

(d) Rights.--Except where prohibited by law, deputy sheriffs shall be subject to the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in the same manner and receive the same rights as units of guards at prisons or mental hospitals or units of employees directly involved with and necessary to the function of the courts in this Commonwealth. The rights shall include, but not be limited to, the right to a separate homogeneous bargaining unit.

§ 2113. Powers and duties of sheriff and deputy sheriff.

(a) General rule.--A sheriff and deputy sheriff shall perform and possess all authority and powers to perform all

duties required of a police officer, sheriff or deputy sheriff
or law enforcement official in accordance with the following
laws:

(1) Title 18 (relating to crimes and offenses) of the
Pennsylvania Consolidated Statutes.

(2) Title 75 (relating to vehicles) of the Pennsylvania
Consolidated Statutes.

(3) Dealer licensing under the act of February 24, 1984
(P.L.92, No.17), referred to as the Precious Metal Sale
Regulation Law.

(4) Issuing firearms licenses and investigating and
enforcing the laws relating to violations and performing all
duties required by 18 Pa.C.S. Ch. 61 (relating to firearms
and other dangerous articles).

(5) Conduct investigations under 3 Pa.C.S. Ch. 23
(relating to domestic animals).

(6) Remove at the expense of the owner all stocks of
consumer fireworks or display fireworks or combustibles sold
or stored in violation of the act of May 15, 1939 (P.L.134,
No.65), referred to as the Fireworks Law.

(7) Make arrests and perform all duties required of the
sheriff by 23 Pa.C.S. Ch. 61 (relating to protection from
abuse).

(8) Seize all guns used or possessed in violation of the
laws of this Commonwealth.

(9) Enforce the act of July 10, 1981 (P.L.214, No.67),
known as the Bingo Law.

(b) Execution of process, writs and orders.--The sheriff
shall either personally or by deputy, execute all process, writs
and orders issued or made by lawful authority and delivered to

1 the sheriff.

2 (c) Jurisdiction.--

3 (1) The sheriff shall have primary jurisdiction within
4 all courthouses of the county and other county-owned or
5 leased buildings, properties and facilities including
6 properties owned or leased by county agencies and, as such,
7 shall enforce good order in county courthouses, or other
8 grounds and buildings owned or leased by the county or within
9 500 feet of county-owned or leased property and upon the
10 sidewalks, roads, streets and parking areas within such area.

11 (2) The sheriff shall safeguard and have law
12 enforcement, investigation and arrest authority in county
13 courthouses, in county-owned or leased buildings and with
14 respect to all other county or county agency property.

15 (d) School resource officers.--A sheriff may serve as a
16 school resource officer.

17 (e) Assistance to other law enforcement officials.--A
18 sheriff may assist the Attorney General of the Commonwealth, the
19 county district attorney and other law enforcement officials in
20 the enforcement of the laws of this Commonwealth, including, but
21 not limited to, participation in the following:

22 (1) Terrorism task forces.

23 (2) Attorney General or District Attorney drug task
24 forces.

25 (3) Joint task forces in association with other Federal,
26 State and local law enforcement agencies.

27 (f) Search and rescue operations.--A sheriff may search and
28 rescue persons who are lost or are in danger of their lives
29 within or in the immediate vicinity of the county.

30 (g) Municipal police powers.--A sheriff may exercise the

1 authority and power provided to municipal police officers by 42
2 Pa.C.S. Ch. 89, Subch. D (relating to municipal police
3 jurisdiction).

4 (h) Cooperative agreements.--A sheriff may enter into
5 cooperative law enforcement police service agreements under 42
6 Pa.C.S. § 8953(e) (relating to Statewide municipal police
7 jurisdiction) with other municipalities for purposes of,
8 including, but not limited to, describing conditions of mutual
9 aid, assigning liability and determining appropriate costs of
10 these cooperative efforts with the approval of the board of
11 county commissioners or the county council in home rule
12 counties.

13 (i) Other duties.--A sheriff shall perform all other duties
14 required of the sheriff by law or lawfully by a court of this
15 Commonwealth.

16 § 2114. Construction.

17 Nothing in this subchapter shall be construed to abolish or
18 supplant an existing police department or law enforcement agency
19 or eliminate, supplant, reduce or displace the employment of any
20 municipal police chief or officer.

21 Section 6. The definition of "police officer" in section
22 2162 of Title 53 is amended to read:

23 § 2162. Definitions.

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

27 * * *

28 "Police officer." Any of the following:

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

1 following:

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

4 (ii) Any railroad or street railway police.

5 (iii) Any campus or university police department.

6 (iv) The Capitol Police.

7 (v) The Harrisburg International Airport Police.

8 (vi) An airport authority police department.

9 (2) A sheriff or deputy sheriff of a county [of the
10 second class].

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

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 Section 7. Section 2163(a)(3) of Title 53 is amended to
19 read:

20 § 2163. Commission members.

21 (a) Selection.--The commission shall be composed of 20
22 members as follows:

23 * * *

24 (3) The following members shall be appointed by the
25 Governor.

26 (i) A borough official, a first class township
27 official, a second class township official and a city
28 official.

29 (ii) Four incumbent chiefs of police from the
30 various municipalities of this Commonwealth, at least one

1 to be a chief of a borough police department, at least
2 one to be a chief of a township police department and at
3 least one to be a chief of a city police department.

4 (iii) One Federal Bureau of Investigation special
5 agent-in-charge.

6 (iv) One educator qualified in the field of law
7 enforcement.

8 (v) One member representing the public at large.

9 (vi) Two noncommissioned police officers.

10 (vii) A director of one of the certified training
11 schools.

12 (viii) Two sheriffs.

13 (ix) Two deputy sheriffs.

14 * * *

15 Section 8. Repeals are as follows:

16 (1) The General Assembly finds that the repeals in
17 paragraphs (2) and (3) are necessary to effectuate this act.

18 (2) Article XII of the act of July 28, 1953 (P.L.723,
19 No.230), known as the Second Class County Code, to the extent
20 of any inconsistency with this act.

21 (3) Any act or part of an act is repealed to the extent
22 of any inconsistency with this act.

23 Section 9. This act shall take effect in 60 days.