

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2585 Session of  
2010

INTRODUCED BY BELFANTI, PHILLIPS, GOODMAN, MAHONEY, BAKER,  
CAUSER, D. COSTA, 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, MILLARD, CHRISTIANA AND MIRABITO,  
JUNE 29, 2010

AS AMENDED, COMMITTEE ON LABOR RELATIONS, HOUSE OF  
REPRESENTATIVES, SEPTEMBER 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

1 indicates otherwise, the meanings given to them in this section:

2 \* \* \*

3 "Police officer." The term shall include the sheriff of a  
4 county of the second class, second class A, third class, fourth  
5 class, fifth class, sixth class, seventh class or eighth class  
6 and a deputy [sheriffs] sheriff of a county of the second class, 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  
14 Section 2. The definitions of "chief law enforcement  
15 officer" and "municipal police officer" in section 8951 of Title  
16 42 are amended to read:

17 § 8951. Definitions.

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

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

1 "Municipal police officer." Any natural person who is  
2 properly employed by a municipality, including a home rule  
3 municipality, as a regular full-time or part-time police officer  
4 or a certified sheriff or deputy sheriff. THE TERM DOES NOT  
5 INCLUDE A CERTIFIED SHERIFF OR DEPUTY SHERIFF OF A COUNTY OF THE  
6 FIRST CLASS.

7 \* \* \*

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

9 § 8954. Noncompliance with mandatory certification  
10 requirements.

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

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

21 Subchapter A

22 [ (Reserved) ]

23 COUNTY OFFICERS AND EMPLOYEES

24 Section 5. Title 53 is amended by adding sections to read:  
25 § 2111. Office of Sheriff.

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

1       (1) Is a citizen of the United States.

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

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

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

7       (b) Educational requirements.--

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

19       (2) (i) A sheriff who has successfully completed THE ←  
20 STANDARDS AND training under IN ACCORDANCE WITH ←  
21 Subchapter D (relating to municipal police education and  
22 training) or the act of February 9, 1984 (P.L.3, No.2),  
23 known as the Deputy Sheriffs' Education and Training Act,  
24 or Pennsylvania State Police training, IF THEY ARE ←  
25 SUBSTANTIALLY EQUAL TO THE STANDARDS AND TRAINING UNDER  
26 SUBCHAPTER D, shall be eligible to perform all duties  
27 authorized by law.

28       (ii) A sheriff who has not completed training in  
29 accordance with this section shall serve in an  
30 administrative capacity and eligible only to complete

1 administrative functions unless or until such training is  
2 completed. A sheriff who completes administrative  
3 functions and serves in an administrative capacity shall  
4 only provide administrative function including, but not  
5 limited to, planning, organizing, staffing and directing  
6 of the office of sheriff, and may not perform law  
7 enforcement functions as authorized by law.

8 § 2112. Deputies and clerks.

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

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

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

25 (d) Rights.--Except where prohibited by law, deputy sheriffs  
26 shall be subject to the act of July 23, 1970 (P.L.563, No.195),  
27 known as the Public Employe Relations Act, in the same manner  
28 and receive the same rights as units of guards at prisons or  
29 mental hospitals or units of employees directly involved with  
30 and necessary to the function of the courts in this

1 ~~Commonwealth. The rights shall include, but not be limited to,~~  
2 ~~the right to a separate homogeneous bargaining unit.~~

3 § 2113. Powers and duties of sheriff and deputy sheriff.

4 (a) General rule.--A sheriff and deputy sheriff shall  
5 perform and possess all authority and powers to perform all  
6 duties required of a police officer, sheriff or deputy sheriff  
7 or law enforcement official in accordance with the following  
8 laws:

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

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

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

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

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

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

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

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

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

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

7       (c) Jurisdiction.--

8       (1) The sheriff shall have primary jurisdiction within  
9       all courthouses of the county and other county-owned or  
10       leased buildings, properties and facilities including  
11       properties owned or leased by county agencies and, as such,  
12       shall enforce good order in county courthouses, or other  
13       grounds and buildings owned or leased by the county or within  
14       500 feet of county-owned or leased property and upon the  
15       sidewalks, roads, streets and parking areas within such area.

16       (2) The sheriff shall safeguard and have law  
17       enforcement, investigation and arrest authority in county  
18       courthouses, in county-owned or leased buildings and with  
19       respect to all other county or county agency property.

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

22       (e) Assistance to other law enforcement officials.--A  
23       sheriff may assist the Attorney General of the Commonwealth, the  
24       county district attorney and other law enforcement officials in  
25       the enforcement of the laws of this Commonwealth, including, but  
26       not limited to, participation in the following:

27       (1) Terrorism task forces.

28       (2) Attorney General or District Attorney drug task  
29       forces.

30       (3) Joint task forces in association with other Federal,

State and local law enforcement agencies.

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

(g) Municipal police powers.--A sheriff may exercise the authority and power provided to municipal police officers by 42 Pa.C.S. Ch. 89, Subch. D (relating to municipal police jurisdiction).

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

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

§ 2114. NONAPPLICABILITY.

THIS SUBCHAPTER SHALL NOT APPLY TO A COUNTY OF THE FIRST CLASS.

~~§ 2114~~ 2115. Construction.

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

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



1 § 2162. Definitions.

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

5 \* \* \*

6 "Police officer." Any of the following:

7 (1) A full-time or part-time employee assigned to  
8 criminal or traffic law enforcement duties of any of the  
9 following:

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

12 (ii) Any railroad or street railway police.

13 (iii) Any campus or university police department.

14 (iv) The Capitol Police.

15 (v) The Harrisburg International Airport Police.

16 (vi) An airport authority police department.

17 (2) A sheriff or deputy sheriff of a county [of the  
18 second class], EXCLUDING A COUNTY OF THE FIRST CLASS. ←

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

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

25 \* \* \*

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

28 § 2163. Commission members.

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

1           \* \* \*

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

4           (i) A borough official, a first class township  
5 official, a second class township official and a city  
6 official.

7           (ii) Four incumbent chiefs of police from the  
8 various municipalities of this Commonwealth, at least one  
9 to be a chief of a borough police department, at least  
10 one to be a chief of a township police department and at  
11 least one to be a chief of a city police department.

12           (iii) One Federal Bureau of Investigation special  
13 agent-in-charge.

14           (iv) One educator qualified in the field of law  
15 enforcement.

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

17           (vi) Two noncommissioned police officers.

18           (vii) A director of one of the certified training  
19 schools.

20           (viii) Two sheriffs.

21           (ix) Two deputy sheriffs.

22           \* \* \*

23 Section 8. Repeals are as follows:

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

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

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

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