

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1228 Session of 2011

INTRODUCED BY STURLA, JOSEPHS, BOYD, CALTAGIRONE, DALEY,
DONATUCCI, GEIST, GODSHALL, KIRKLAND, KORTZ, MUNDY,
M. O'BRIEN, PASHINSKI, PRESTON, READSHAW, SANTARSIERO,
STEPHENS AND YOUNGBLOOD, MARCH 31, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 31, 2011

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, imposing a fee for service on
3 municipalities for patrol services provided by the
4 Pennsylvania State Police; providing for allocation of funds,
5 for fees for intermunicipal police response, for patrol
6 responsibility and for penalties; establishing the Regional
7 Police Assistance Fund and the Cadet Training Fund; providing
8 for powers and duties of the Center for Local Government
9 Services in the Department of Community and Economic
10 Development and the Pennsylvania State Police; and making
11 appropriations.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Title 44 of the Pennsylvania Consolidated
15 Statutes is amended by adding chapters to read:

16 Chapter

17 25. Municipal Patrol Services

18 41. Miscellaneous Provisions

19 CHAPTER 25

20 MUNICIPAL PATROL SERVICES

21 Sec.

1 2501. Scope of chapter.
2 2502. Definitions.
3 2503. Pennsylvania State Police full-time patrol services fee.
4 2504. Pennsylvania State Police part-time patrol services fee.
5 2505. Reduction or elimination.
6 2506. Allocation.
7 2507. Distressed municipalities.
8 2508. Annual reports by Pennsylvania State Police.
9 2509. Intermunicipal police response.
10 2510. Penalties.
11 2511. Prohibition.
12 2512. Applicability.

13 § 2501. Scope of chapter.

14 This chapter relates to municipal patrol services.

15 § 2502. Definitions.

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

19 "Commissioner." The Commissioner of Pennsylvania State
20 Police.

21 "Local full-time patrol services." Patrol services provided
22 by a municipality for a period of 24 hours a day, seven days a
23 week.

24 "Local part-time patrol services." Patrol services provided
25 by a municipality for a period of less than 24 hours a day and
26 less than seven days a week.

27 "Patrol services." Police services provided to protect
28 public safety by maintaining order, protecting people and
29 property and enforcing motor vehicle and criminal laws, by
30 routine visits through a municipality.

1 "Pennsylvania State Police full-time patrol services."

2 Patrol services provided by the Pennsylvania State Police which
3 are the primary police services for a municipality.

4 "Pennsylvania State Police part-time patrol services."

5 Patrol services provided by the Pennsylvania State Police which
6 supplement the local part-time patrol services provided in the
7 municipality.

8 § 2503. Pennsylvania State Police full-time patrol services
9 fee.

10 (a) Requirement.--Each municipality that receives
11 Pennsylvania State Police full-time patrol services shall pay
12 the fee for service under subsection (b) for the Pennsylvania
13 State Police full-time patrol services provided in the previous
14 calendar year if it meets the following criteria:

15 (1) Does not provide its own local full-time patrol
16 services.

17 (2) Does not participate in a regional police force for
18 local full-time patrol services.

19 (3) Does not contract with another municipality for
20 local full-time patrol services.

21 (b) Amount.--A fee for service shall be paid by a
22 municipality under subsection (a) as follows:

23 (1) For the first year of service, the fee for service
24 shall be \$52 per resident per year.

25 (2) For the second year of service, the fee for service
26 shall be \$104 per resident per year.

27 (3) For the third and subsequent years of service, the
28 fee for service shall be \$156 per resident per year.

29 (c) Elimination.--A municipality that provides local full-
30 time patrol services and subsequently eliminates the services

1 shall be assessed at a fee for service of \$156 per resident per
2 year.

3 (d) Determination and payment.--

4 (1) The commissioner shall determine whether a
5 municipality provides local full-time patrol services and
6 shall maintain a list of those municipalities, which shall be
7 made available to municipal officials.

8 (2) The commissioner shall submit an invoice by February
9 1 to each municipality determined under paragraph (1) for
10 Pennsylvania State Police full-time patrol services provided
11 in the preceding calendar year. The fee for service shall be
12 paid on a quarterly basis in equal installments to the
13 Commonwealth. The population figures for each municipality
14 used by the commissioner shall be based upon the most recent
15 Federal decennial census but shall not include any individual
16 who is incarcerated or confined in an institution operated by
17 the Federal Bureau of Prisons, a State correctional facility,
18 a county correctional facility or a juvenile detention
19 center.

20 (3) If the commissioner determines that the cost for
21 providing Pennsylvania State Police patrol services is less
22 than the fees due by a municipality in the next calendar
23 year, the commissioner may adjust the fees for service
24 accordingly.

25 (4) If the commissioner determines that the cost for
26 providing Pennsylvania State Police patrol services is more
27 than the fees due by a municipality in a calendar year, the
28 commissioner may adjust the fees for service for the next
29 calendar year accordingly, but may not increase the fee more
30 than 2% for the next calendar year.

1 § 2504. Pennsylvania State Police part-time patrol services
2 fee.

3 (a) Requirement.--

4 (1) Except as set forth in paragraph (2), each
5 municipality that receives Pennsylvania State Police part-
6 time patrol services shall pay the fee for service under
7 subsection (b) for Pennsylvania State Police part-time patrol
8 services provided in the previous calendar year if the
9 municipality meets the following criteria:

10 (i) Provides its own local part-time patrol
11 services.

12 (ii) Participates in a regional police force for
13 local part-time patrol services.

14 (iii) Contracts with another municipality for local
15 part-time patrol services.

16 (2) (i) The following municipalities shall be exempt
17 from paying a fee for service under paragraph (1):

18 (A) Municipalities with a population of 1,000 or
19 less that provide or contract for patrol services for
20 at least 40 hours per week.

21 (B) Municipalities with a population of over
22 1,000 but less than 3,500 that provide or contract
23 for patrol services for at least 80 hours per week.

24 (C) Municipalities that provide or contract for
25 patrol services of an additional 40 hours per week
26 over 80 hours per week for each 2,500 in population
27 the municipality has over a population of 3,500.

28 (ii) A municipality that qualifies for an exemption
29 under subparagraph (i)(C) shall not be considered to
30 provide local full-time patrol services.

1 (b) Amount.--A fee for service shall be paid by a
2 municipality under subsection (a) as follows:

3 (1) For the first year of service, the fee for service
4 shall be \$17 per resident per year.

5 (2) For the second year of service, the fee for service
6 shall be \$34 per resident per year.

7 (3) For the third and subsequent years of service, the
8 fee for service shall be \$52 per resident per year.

9 (c) Elimination.--A municipality that provides local part-
10 time patrol services and subsequently eliminates the services
11 shall be assessed a fee for service of \$52 per resident per year
12 for Pennsylvania State Police part-time services.

13 (d) Determination and payment.--

14 (1) The commissioner shall determine whether a
15 municipality meets the necessary criteria to be considered as
16 having local part-time patrol services and shall maintain a
17 list of those municipalities, which shall be made available
18 to municipal officials.

19 (2) The commissioner shall submit an invoice by February
20 1 to each municipality determined under paragraph (1) for
21 Pennsylvania State Police part-time patrol services provided
22 in the preceding calendar year. The fee for service shall be
23 paid on a quarterly basis to the Commonwealth. The population
24 figures for each municipality used by the commissioner shall
25 be based upon the most recent Federal decennial census, but
26 shall not include any individual who is incarcerated or
27 confined in an institution operated by the Federal Bureau of
28 Prisons, a State correctional facility, a county correctional
29 facility or a juvenile detention center.

30 (3) If the commissioner determines that the cost for

1 providing Pennsylvania State Police patrol services is less
2 than the fees due by a municipality in the next calendar
3 year, the commissioner may adjust the fees for service
4 accordingly.

5 (4) If the commissioner determines that the cost for
6 providing Pennsylvania State Police patrol services is more
7 than the fees due by a municipality in a calendar year, the
8 commissioner may adjust the fees for service for the next
9 calendar year accordingly, but may not increase the fee more
10 than 2% for the next calendar year.

11 § 2505. Reduction or elimination.

12 If a municipality that is paying a fee for service under
13 section 2503 (relating to Pennsylvania State Police full-time
14 patrol services fee) or 2504 (relating to Pennsylvania State
15 Police part-time patrol services fee) institutes police patrol
16 services sufficient to cause a reduction or elimination in the
17 fee for service being paid, the municipality shall not be
18 required to pay the fee for service for the portion of the year
19 during which the local patrol service is provided.

20 § 2506. Allocation.

21 Funds collected annually under this chapter shall be
22 deposited into the General Fund for the cost of Pennsylvania
23 State Police operations.

24 § 2507. Distressed municipalities.

25 Notwithstanding any other provision of this chapter, a
26 municipality that is determined to be distressed under the act
27 of July 10, 1987 (P.L.246, No.47), known as the Municipalities
28 Financial Recovery Act, shall not be required to pay the fee for
29 service under this chapter unless the municipality eliminates
30 local full-time or part-time patrol services after it has been

determined to be distressed under the Municipalities Financial Recovery Act or within three years prior to its request for distressed status under the Municipalities Financial Recovery Act. A municipality that was once classified as distressed under the Municipalities Financial Recovery Act, but is not currently deemed distressed by the Department of Community and Economic Development, shall pay the fees for service under this chapter.
§ 2508. Annual reports by Pennsylvania State Police.

The commissioner shall prepare and disseminate an annual report to each municipality paying a fee for service under this chapter. The report shall include:

(1) Total hours patrolled.

(2) Dates and times patrolled.

(3) Number of incidents to which the Pennsylvania State Police responded.

§ 2509. Intermunicipal police response.

A municipality or regional police force providing local full-time or part-time patrol services may levy a per incident or hourly fee for service on another municipality which does not have patrol services if the municipality or regional police force is requested by the Pennsylvania State Police to respond to an incident within the municipality which does not have local patrol services.

§ 2510. Penalties.

The following shall apply:

(1) Any municipality failing to make a payment required under this chapter shall forfeit all payments to be received from the Commonwealth until the outstanding balance owed is paid in full.

(2) Upon declaration of a local emergency, as defined in

1 35 Pa.C.S. § 7102 (relating to definitions), a municipality
2 may request from the commissioner an extension of time for
3 payment.

4 § 2511. Prohibition.

5 The fee for service shall be calculated on a per capita basis
6 as a method to determine total municipal fees assessed, except
7 that no tax, fee or other assessment may be levied by a
8 municipality on a per capita basis for the purpose of funding
9 the fees under this chapter.

10 § 2512. Applicability.

11 This chapter shall apply to the Pennsylvania State Police
12 patrol services provided in the calendar year beginning after
13 the year in which this section takes effect.

14 CHAPTER 41

15 MISCELLANEOUS PROVISIONS

16 Sec.

17 4101. Regional police force grants.

18 4102. Cadet Training Fund.

19 § 4101. Regional police force grants.

20 (a) Grant program.--The Center for Local Government Services
21 in the Department of Community and Economic Development shall
22 establish a grant program to assist municipalities in
23 regionalizing their police operations.

24 (b) Fund.--The Regional Police Assistance Fund is
25 established in the State Treasury. All money deposited in the
26 fund and interest which accrues from those funds are
27 appropriated on a continuing basis to the Center for Local
28 Government Services in the Department of Community and Economic
29 Development to be used exclusively for the purposes of providing
30 grants to municipalities under subsection (a).

1 (c) Regulations.--The Center for Local Government Services
2 shall adopt rules and regulations necessary to implement and
3 administer this section.

4 § 4102. Cadet Training Fund.

5 The Cadet Training Fund is established in the State Treasury.
6 All money deposited in the fund and interest which accrues from
7 those funds are appropriated on a continuing basis to the
8 Pennsylvania State Police to be used exclusively for the purpose
9 of recruiting, hiring, training and equipping Pennsylvania State
10 Police cadets.

11 Section 2. Appropriations are as follows:

12 (1) The sum of \$20,000,000, or as much thereof as may be
13 necessary, is appropriated to the Regional Police Assistance
14 Fund for the fiscal year July 1, 2011, to June 30, 2012, to
15 carry out the purposes of 44 Pa.C.S. § 4101.

16 (2) The sum of \$20,000,000, or as much thereof as may be
17 necessary, is appropriated to the Cadet Training Fund for the
18 fiscal year July 1, 2011, to June 30, 2012, to carry out the
19 purposes of 44 Pa.C.S. § 4102.

20 Section 3. This act shall take effect July 1, 2011, or
21 immediately, whichever is later.