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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1328 Session of  
2011

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INTRODUCED BY CARROLL, BENNINGHOFF, COHEN, DEASY, DONATUCCI,  
EVERETT, FLECK, GEIST, GIBBONS, GILLEN, GINGRICH, GROVE,  
HORNAMAN, JOSEPHS, KAVULICH, KULA, MURT, READSHAW, SCAVELLO,  
SWANGER, J. TAYLOR AND YOUNGBLOOD, APRIL 8, 2011

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2011

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AN ACT

1 Amending Title 22 (Detectives and Private Police) of the  
2 Pennsylvania Consolidated Statutes, in private police,  
3 further providing for appointment by nonprofit educational  
4 corporations.

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

7 Section 1. Title 22 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 502. Appointment by nonprofit educational corporations.

10 (a) Appointment authorized.--

11 (1) A nonprofit educational corporation maintaining any  
12 buildings or grounds in furtherance of higher education may  
13 apply to the court of common pleas of the county of the  
14 registered office of the corporation for the appointment of  
15 such persons as the corporation may designate to act as  
16 police officer for the corporation. A nonprofit educational  
17 corporation operating with locations in more than one county  
18 in this Commonwealth must apply for appointment of police

1 officers within the jurisdiction where additional locations  
2 exist.

3 (2) The court, upon review of an application submitted  
4 under paragraph (1), may by order appoint such persons as it  
5 may deem proper and necessary to be police officers.

6 (b) Oath of office.--

7 (1) Police officers appointed under subsection (a)  
8 shall, before entering upon the duties of their office, take  
9 and subscribe the oath required by Article VI of the  
10 Constitution of Pennsylvania.

11 (2) Evidence of the oath, together with the decree and  
12 order of the court, shall be recorded by the recorder of  
13 deeds of each county in which it is intended that the police  
14 officers are authorized to act.

15 (c) Powers.--A police officer appointed under subsection (a)  
16 shall:

17 (1) Possess and exercise all the powers of a police  
18 officer in this Commonwealth, in and upon, and adjacent to  
19 the property of the nonprofit educational corporation, not to  
20 exceed 500 yards unless otherwise defined.

21 (2) Possess and exercise all the powers of a police  
22 officer in any county in which the police officer may be  
23 directed by the nonprofit educational corporation to act, and  
24 may arrest persons for a crime or offense occurring within  
25 the police officer's jurisdiction, including 75 Pa.C.S  
26 (relating to vehicles).

27 (3) When on duty, wear a metallic shield that includes  
28 the name of the nonprofit educational corporation which  
29 appointed the police officer. Police officers so appointed  
30 for a college or university shall be referred to as "campus

1 police" or "campus police officers" and shall exercise their  
2 powers and perform their duties only upon successful  
3 completion of training outlined in 53 Pa.C.S. Ch. 21 Subch. D  
4 (relating to municipal police education and training).

5 (d) Duty to receive persons arrested.--The officials and  
6 administrators of county correctional institutions and other  
7 places of detention in any county of this Commonwealth shall  
8 receive all persons arrested by police officers appointed under  
9 subsection (a) for purposes of detention until the persons are  
10 dealt with according to law.

11 (e) Limited immunity.--Police officers in the performance of  
12 their duties under this section shall possess the same  
13 protections and immunities as afforded to all other police  
14 officers under 53 Pa.C.S. Ch. 21 Subch. D.

15 (f) Criminal justice agency.--A campus police department of  
16 a college or university shall be considered a "criminal justice  
17 agency" under 18 Pa.C.S. § 9102 (relating to definitions) only  
18 after all sworn members have completed training as defined by 53  
19 Pa.C.S. Ch. 21 Subch. D or other recognized Commission on Peace  
20 Officer Standards and Training certified academy.

21 (g) Certification.--

22 (1) A campus police department of a college or  
23 university and recognized as a "criminal justice agency"  
24 under 18 Pa.C.S. § 9102 shall be eligible to obtain  
25 certification from the Municipal Police Officers' Education  
26 and Training Commission.

27 (2) Officers currently employed by a department  
28 established under this section who have received  
29 certification from the Municipal Police Officers' Education  
30 and Training Commission prior to employment by the department

1 or any officer who received qualified training to serve as a  
2 law enforcement officer shall be deemed acceptable for all  
3 current Municipal Police Officers' Education and Training  
4 Commission certification upon completion of necessary  
5 paperwork or written examination.

6 (h) Reimbursement for expenses.--All campus police  
7 departments constituted and maintained by a nonprofit  
8 educational corporation shall pay for the expenses of all  
9 personnel attending training as provided by 53 Pa.C.S. § 2170  
10 (relating to reimbursement of expenses), including basic academy  
11 and mandatory in-service training.

12 (i) Mutual aid.--

13 (1) A campus police department located within a  
14 municipality may enter into a mutual aid agreement in which  
15 the campus police department, at the request of the mayor or  
16 other executive authority and under the direction of the  
17 local law enforcement authorities, may exercise those powers  
18 and perform those duties conferred pursuant to this section  
19 within the municipality for the limited purpose of aiding  
20 local authorities in emergency situations.

21 (2) When acting under such agreement, a campus police  
22 officer shall be acting within the scope of the authority of  
23 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police  
24 jurisdiction) and is, at all times, entitled to all the  
25 rights and benefits accruing under that law.

26 (j) Compensation.--The compensation of a police officer  
27 shall be paid by the nonprofit educational corporation for which  
28 the police officer is appointed, as may be agreed upon between  
29 the nonprofit educational corporation and the police officer.

30 (k) Termination of appointment.--

1           (1) When a nonprofit educational corporation no longer  
2 requires the services of a police officer, it shall file a  
3 notice to that effect, under its corporate seal, in the  
4 office of each recorder of deeds where the court decree and  
5 order of appointment of the police officer were recorded.

6           (2) The recorder of deeds shall note this information on  
7 the margin of the record where the court decree and order  
8 were recorded, and as of the date of the notation the powers  
9 of the police officer shall terminate.

10          (3) The recorder of deeds shall notify the clerk of the  
11 court by which the police officer was appointed of the  
12 termination of the appointment in the county.

13          (1) Applicability.--

14           (1) In order to maintain certification and recognition  
15 of authority under this section, all existing campus police  
16 departments shall satisfy all requirements of this section by  
17 July 1, 2014.

18           (2) All new requests for recognition under this section  
19 must satisfy all requirements prior to making application to  
20 the court of common pleas.

21          (m) Construction.--Nothing in this section shall be  
22 construed as requiring private colleges and universities to  
23 utilize campus security. However, existing campus police that  
24 are not appointed under subsection (a) shall remain designated  
25 as security, and the campus police department in which they are  
26 employed shall be prohibited from retaining or obtaining any  
27 confidential or law-enforcement-only criminal justice  
28 information, database access from any source, internal or  
29 external, and may not obtain membership on committees or boards  
30 established with access to such information.

1 (n) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Certification." The assignment of a certification number to  
5 a campus police officer after successful completion of a  
6 mandatory basic training course or receipt of a waiver of basic  
7 training from the Municipal Police Officers' Education and  
8 Training Commission and successful completion of mandatory in-  
9 service training.

10 "College." A college which has a campus police department,  
11 as used in section 2416 of the act of April 9, 1929 (P.L.177,  
12 No.175), known as The Administrative Code of 1929, certified by  
13 the Office of Attorney General as a criminal justice agency  
14 under the definition of "criminal justice agency" in 18 Pa.C.S.  
15 § 9102 (relating to definitions).

16 "Commission." The Municipal Police Officers' Education and  
17 Training Commission.

18 "Nonprofit educational corporation." An accredited, not-for-  
19 profit, private college or university in this Commonwealth as  
20 recognized by the Department of Education of the Commonwealth.

21 "Police department." Any of the following:

22 (1) A public agency of a political subdivision having  
23 general police powers and charged with making arrests in  
24 connection with the enforcement of the criminal or traffic  
25 laws. This paragraph includes the sheriff's office in a  
26 county of the second class.

27 (2) A campus police or university police department, as  
28 the term is used in section 2416 of the act of April 9, 1929  
29 (P.L.177, No.175), known as The Administrative Code of 1929,  
30 certified by the Office of Attorney General as a criminal

1 justice agency under the definition of "criminal justice  
2 agency" in 18 Pa.C.S. § 9102 (relating to definitions). This  
3 paragraph does not include a campus police or university  
4 police department of the State System of Higher Education and  
5 its member institutions.

6 (3) A railroad or street railway police department  
7 formed with officers commissioned under Chapter 33 (relating  
8 to railroad and street railway police) or any prior statute  
9 providing for such commissioning.

10 (4) The Capitol Police.

11 (5) The Harrisburg International Airport Police.

12 (6) An airport authority police department.

13 Section 2. This act shall take effect in 60 days.