

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1017 Session of
2013

INTRODUCED BY STURLA, YOUNGBLOOD, CALTAGIRONE, MUNDY, O'NEILL,
STEPHENS, BROWNLEE, SCHLOSSBERG, KIRKLAND, V. BROWN, O'BRIEN,
ROZZI, COHEN, KORTZ, MOLCHANY AND BISHOP, MARCH 18, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 18, 2013

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.

22 2501. Scope of chapter.

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

13 This chapter relates to municipal patrol services.

14 § 2502. Definitions.

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

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

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

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

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

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

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

"Pennsylvania State Police part-time patrol services."

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

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

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

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

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

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

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

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

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

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

(c) Elimination.--A municipality that provides local full-time patrol services and subsequently eliminates the services shall be assessed at a fee for service of \$156 per resident per

1 year.

2 (d) Determination and payment.--

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

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

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

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

30 § 2504. Pennsylvania State Police part-time patrol services

1 fee.

2 (a) Requirement.--

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

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

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

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

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

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

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

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

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

30 (b) Amount.--A fee for service shall be paid by a

municipality under subsection (a) as follows:

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

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

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

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

(d) Determination and payment.--

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

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

(3) If the commissioner determines that the cost for providing Pennsylvania State Police patrol services is less

1 than the fees due by a municipality in the next calendar
2 year, the commissioner may adjust the fees for service
3 accordingly.

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

10 § 2505. Reduction or elimination.

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

19 § 2506. Allocation.

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

23 § 2507. Distressed municipalities.

24 Notwithstanding any other provision of this chapter, a
25 municipality that is determined to be distressed under the act
26 of July 10, 1987 (P.L.246, No.47), known as the Municipalities
27 Financial Recovery Act, shall not be required to pay the fee for
28 service under this chapter unless the municipality eliminates
29 local full-time or part-time patrol services after it has been
30 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 35 Pa.C.S. § 7102 (relating to definitions), a municipality

1 may request from the commissioner an extension of time for
2 payment.

3 § 2511. Prohibition.

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

9 § 2512. Applicability.

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

13 CHAPTER 41

14 MISCELLANEOUS PROVISIONS

15 Sec.

16 4101. Regional police force grants.

17 4102. Cadet Training Fund.

18 § 4101. Regional police force grants.

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

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

30 (c) Regulations.--The Center for Local Government Services

1 shall adopt rules and regulations necessary to implement and
2 administer this section.

3 § 4102. Cadet Training Fund.

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

10 Section 2. Appropriations are as follows:

11 (1) The sum of \$20,000,000, or as much thereof as may be
12 necessary, is appropriated to the Regional Police Assistance
13 Fund for the fiscal year July 1, 2013, to June 30, 2014, to
14 carry out the purposes of 44 Pa.C.S. § 4101.

15 (2) The sum of \$20,000,000, or as much thereof as may be
16 necessary, is appropriated to the Cadet Training Fund for the
17 fiscal year July 1, 2013, to June 30, 2014, to carry out the
18 purposes of 44 Pa.C.S. § 4102.

19 Section 3. This act shall take effect July 1, 2013, or
20 immediately, whichever is later.