

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 348 Session of
2017

INTRODUCED BY GREENLEAF, RAFFERTY, VULAKOVICH, YAW, BOSCOLA,
BROWNE AND SCHWANK, FEBRUARY 15, 2017

REFERRED TO JUDICIARY, FEBRUARY 15, 2017

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Drug Interdiction and Enforcement Compact;
3 providing for the form of the compact; and imposing
4 additional powers and duties on the Governor.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Interstate
9 Drug Interdiction and Enforcement Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor, on behalf of the Commonwealth, is hereby
12 authorized to execute a compact in substantially the following
13 form with any one or more of the states of the United States,
14 and the General Assembly hereby signifies in advance its
15 approval and ratification of such compact:

16 THE INTERSTATE DRUG INTERDICTION AND ENFORCEMENT COMPACT

17 ARTICLE I

18 PURPOSE

19 The compacting states to this Interstate Compact recognize

1 that each state is undertaking efforts to combat the illicit
2 drug trade which disrupts families, endangers communities and
3 threatens the well-being of our children. The compacting states
4 also recognize that the Congress of the United States, by
5 enacting the Crime Control Act (63 Stat. 107, 4 U.S.C. § 112),
6 has authorized and encouraged compacts for cooperative efforts
7 and mutual assistance in the prevention of crime.

8 It is the purpose of this compact, through means of joint and
9 cooperative action among the compacting states to:

10 (A) Provide for mutual assistance and support among the
11 compacting states in the utilization of state law enforcement,
12 and any local law enforcement authorized under Article III, in
13 drug interdiction, counter-drug and demand reduction activities.

14 (B) Permit state law enforcement of this state to enter into
15 mutual assistance and support agreements, on the basis of need,
16 with one or more state law enforcement departments or agencies
17 of one or more other states, whether such activities are within
18 or without this state, in order to facilitate and coordinate
19 efficient, cooperative enforcement efforts directed toward drug
20 interdiction and counter-drug and demand reduction activities.

21 (C) Permit state law enforcement of this state to act as a
22 receiving and a responding state, as defined within this
23 compact, and ensure the prompt and effective delivery of law
24 enforcement personnel, assets and services to state law
25 enforcement departments or agencies that are in need of
26 increased support and presence.

27 (D) Permit and encourage a high degree of flexibility in the
28 deployment of law enforcement personnel in the interest of
29 efficiency.

30 (E) Maximize the effectiveness of state law enforcement, and

any local law enforcement authorized under Article III, in those situations which call for its utilization under this compact.

(F) Provide protection for the rights of state law enforcement personnel, and any local law enforcement personnel authorized under Article III, when performing duties in other states in counter-drug activities.

(G) Ensure uniformity of state laws in the area of law enforcement involvement in interstate counter-drug activities by incorporating uniform laws within this compact.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(A) "Attorney General" means: the Attorney General of the compacting state.

(B) "Compacting state" means: any state which has enacted the enabling legislation for this compact.

(C) "Demand reduction" means: providing available state law enforcement personnel, and any local law enforcement personnel authorized under Article III, equipment, support and coordination to state law enforcement departments or agencies for the purposes of the prevention of drug abuse and the reduction in the demand for illegal drugs.

(D) "Drug interdiction and counter-drug activities" means: the use of law enforcement personnel, in any support activities that are intended to reduce the supply or use of illegal drugs in the United States. These activities include, but are not limited to:

(1) Providing information obtained during counter-drug activities to state law enforcement officials in the compact

1 that may be relevant to a violation of any federal or state law
2 within the jurisdiction of such officials;

3 (2) Making available any equipment (including associated
4 supplies or spare parts), or facilities of state law
5 enforcement, to state law enforcement officials in the compact
6 for law enforcement purposes, in accordance with other
7 applicable law or regulation;

8 (3) Providing available law enforcement personnel to train
9 state or local law enforcement in the compact in the operation
10 and maintenance of equipment, including equipment made available
11 above, in accordance with other applicable law;

12 (4) Providing available law enforcement personnel to operate
13 and maintain equipment provided to state or local law
14 enforcement officials in the compact pursuant to activities
15 defined and referred to in this compact;

16 (5) Operating and maintaining equipment and facilities of
17 state and local law enforcement agencies used for the purposes
18 of drug interdiction and counter-drug activities;

19 (6) Providing available law enforcement personnel to operate
20 equipment for the detection, monitoring and communication of the
21 movement of air, land and sea traffic, to facilitate
22 communications in connection with law enforcement programs, to
23 provide transportation for law enforcement personnel;

24 (7) Providing available law enforcement personnel, equipment
25 and support for administrative, interpretive, analytic or other
26 purposes; and

27 (8) Providing available law enforcement personnel and
28 equipment to aid state law enforcement departments or agencies
29 in the compact otherwise involved in the prosecution or
30 incarceration of individuals processed within the criminal

1 justice system who have been arrested for criminal acts
2 involving the use, distribution or transportation of controlled
3 substances as defined in Title II of the Controlled Substances
4 Act (Public Law 91-513, 84 Stat. 1236), or otherwise by law, in
5 accordance with other law.

6 (E) "Local law enforcement" means: a lawfully established
7 local public agency that is responsible for the prevention and
8 detection of crime and the enforcement of penal, traffic or
9 controlled substances laws.

10 (F) "Mutual assistance and support agreement" or "agreement"
11 means: an agreement between state law enforcement of this state
12 and one or more state law enforcement departments or agencies of
13 other states, consistent with the purposes of this compact.

14 (G) "Official" means: the appointed, elected, designated or
15 otherwise duly selected representative of a state law
16 enforcement department or agency authorized to conduct those
17 activities for which assistance is requested.

18 (H) "Requesting state" means: the state whose Governor
19 requested assistance in the area of counter-drug activities.

20 (I) "Responding state" means: the state furnishing
21 assistance, or requested to furnish assistance, in the area of
22 counter-drug activities.

23 (J) "State" means: a state of the United States, the
24 District of Columbia, the Commonwealth of Puerto Rico or a
25 territory or possession of the United States.

26 (K) "State law enforcement" means: the State Police, State
27 Highway Patrol, Highway Patrol, State Patrol or similar state
28 law enforcement department or agency that is responsible for the
29 prevention and detection of crime and the enforcement of penal,
30 traffic or controlled substances laws.

1 ARTICLE III

2 MUTUAL ASSISTANCE AND SUPPORT

3 (A) Upon the request of a Governor of a compacting state for
4 mutual assistance and support in the area of drug interdiction,
5 counter-drug and demand reduction activities, the Governor of a
6 responding state shall have authority under this compact to
7 enter into an agreement to send without the borders of his or
8 her state and place under the temporary operational control of
9 the appropriate official of the requesting state, for the
10 purposes of providing such requested assistance, all or any part
11 of state law enforcement personnel of his or her state as he or
12 she may deem necessary, and the exercise of his or her
13 discretion in this regard shall be conclusive.

14 (B) The state law enforcement agency of this state may also
15 enter into memorandums of understanding or agreements with local
16 law enforcement agencies of this state to provide mutual
17 assistance and support to requesting states.

18 (C) The Governor of a compacting state may, within his or
19 her discretion, withhold state law enforcement personnel of his
20 or her state from such use and recall any personnel or part
21 thereof previously deployed in a requesting state.

22 (D) State and local law enforcement of this state are hereby
23 authorized to engage in counter-drug activities and demand
24 reduction.

25 (E) The mutual assistance and support agreement must set
26 forth the powers, rights and obligations of the parties to the
27 agreement, where applicable, as follows:

28 (1) Its duration;

29 (2) The organization, composition and nature of any separate
30 legal entity created thereby;

1 (3) The purpose of the agreement;

2 (4) The manner of financing the agreement and establishing
3 and maintaining its budget;

4 (5) The method to be employed in accomplishing the partial
5 or complete termination of the agreement and for disposing of
6 property upon such partial or complete termination;

7 (6) Provision for administering the agreement, which may
8 include creation of a joint board responsible for such
9 administration;

10 (7) The manner of acquiring, holding and disposing of real
11 and personal property used in this agreement, if necessary;

12 (8) The minimum standards for law enforcement personnel
13 implementing the provisions of this agreement;

14 (9) The minimum insurance required of each party to the
15 agreement, if necessary;

16 (10) The chain of command or delegation of authority to be
17 followed by law enforcement personnel acting under the
18 provisions of the agreement;

19 (11) The duties and authority that the law enforcement
20 personnel of each compacting state may exercise; and

21 (12) Any other necessary and proper matters.

22 (F) Agreements prepared under the provisions of this compact
23 are exempt from any general law pertaining to intergovernmental
24 agreements.

25 (G) As a condition precedent to an agreement becoming
26 effective under this part, the agreement must be submitted to
27 and receive the approval of the Attorney General. The Attorney
28 General shall approve an agreement submitted to him under this
29 part unless he finds that it is not in proper form, does not
30 meet the requirements set forth in this part, or otherwise does

1 not conform to the laws of his or her state. If the Attorney
2 General disapproves an agreement, he shall provide a written
3 explanation to the Governor.

4 (H) If the Attorney General does not disapprove an agreement
5 within thirty (30) days after its submission to him, it is
6 considered approved.

7 (I) Whenever law enforcement personnel of any compacting
8 state are engaged in the performance of duties, in the area of
9 drug interdiction, counter-drug and demand reduction activities,
10 pursuant to orders, they shall not be held personally liable for
11 any acts or omissions which occur during the performance of
12 their duties.

13 ARTICLE IV

14 RESPONSIBILITIES

15 (A) Whenever law enforcement personnel of any responding
16 state are engaged in another state in carrying out the purposes
17 of this compact, the personnel thereof so engaged shall have the
18 same powers, duties, rights, privileges and immunities as
19 members of law enforcement departments or agencies of the
20 requesting state. The requesting state shall save and hold law
21 enforcement personnel of the responding states harmless from
22 civil liability except as otherwise provided herein, for acts or
23 omissions which occur in the performance of their duties while
24 engaged in carrying out the purposes of this compact, whether
25 responding personnel are serving the requesting state within the
26 borders of the responding state or are attached to the
27 requesting state for purposes of operational control.

28 (B) Subject to the provisions of (C), (D) and (E) of this
29 article, all liability that may arise under the laws of the
30 requesting state or the responding states, on account of or in

1 connection with a request for assistance or support, shall be
2 assumed and borne by the requesting state.

3 (C) Any responding state rendering aid or assistance
4 pursuant to this compact shall be reimbursed by the requesting
5 state for any loss or damage to, or expense incurred in the
6 operation of, any equipment answering a request for aid, and for
7 the cost of the materials, transportation and maintenance of law
8 enforcement personnel and equipment incurred in connection with
9 such request, provided that nothing herein contained shall
10 prevent any responding state from assuming such loss, damage,
11 expense or other cost.

12 (D) Unless there is a written agreement to the contrary,
13 each party shall provide, in the same amounts and manner as if
14 they were on duty within their state, for pay and allowances of
15 the personnel while engaged without the state pursuant to this
16 compact and while going to and returning from such duty pursuant
17 to this compact.

18 (E) Each compacting state providing for the payment of
19 compensation and death benefits to injured law enforcement
20 personnel and the representatives of deceased members of law
21 enforcement agencies in case such members sustain injuries or
22 are killed within their own state shall provide for the payment
23 of compensation and death benefits in the same manner and on the
24 same terms in the event such members sustain injury or are
25 killed while rendering assistance or support pursuant to this
26 compact. Such benefits and compensation shall be deemed items of
27 expense reimbursable pursuant to (C) of this article.

28 (F) Personnel of law enforcement agencies performing duties
29 pursuant to this compact shall be subject to and governed by the
30 provisions of their home state criminal justice law whether they

1 are performing duties within or without their home state.
2 However, nothing in this section shall abrogate the general
3 criminal jurisdiction of the state in which the offense
4 occurred.

5 ARTICLE V

6 DELEGATION

7 Nothing in this compact shall be construed to prevent the
8 Governor of a compact state from delegating any of his or her
9 responsibility or authority respecting state law enforcement,
10 provided that such delegation is otherwise in accordance with
11 law. For purposes of this compact, however, the Governor shall
12 not delegate the power to request assistance from another state.

13 ARTICLE VI

14 ENTRY INTO FORCE AND WITHDRAWAL

15 (A) This compact shall enter into force when enacted into
16 law by any two (2) states; thereafter, this compact shall become
17 effective as to any other state upon its enactment thereof.

18 (B) A compacting state may withdraw from the compact by
19 specifically repealing the statute which enacted the compact
20 into law.

21 (C) The effective date of withdrawal is the effective date
22 of the repeal. The Governor of the withdrawing state shall
23 notify in writing of such withdrawal to the governors of all
24 other compacting states.

25 ARTICLE VII

26 SEVERABILITY AND CONSTRUCTION

27 (A) The provisions of this compact shall be severable, and
28 if any phrase, clause, sentence or provision of this compact is
29 deemed unenforceable, the remaining provisions of this compact
30 shall be enforceable.

1 (B) The provisions of this compact shall be liberally
2 construed to effectuate its purposes.
3 Section 3. Effective date.
4 This act shall take effect immediately.