

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1193 Session of 2020

INTRODUCED BY BROWNE, GORDNER, YAW, KILLION, PITTMAN, REGAN, COSTA, FONTANA, HUTCHINSON, MENSCH, HUGHES, COLLETT, J. WARD, BREWSTER, KEARNEY, HAYWOOD, MUTH, TARTAGLIONE, VOGEL, STEFANO, YUDICHAK AND BARTOLOTTA, JUNE 8, 2020

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 2020

AN ACT

1 ~~Amending the act of February 9, 1984 (P.L.3, No.2), entitled "An~~ <--  
2 ~~act providing for the education and training of sheriffs and~~  
3 ~~deputy sheriffs; creating the Sheriff and Deputy Sheriff~~  
4 ~~Education and Training Board under the Pennsylvania~~  
5 ~~Commission on Crime and Delinquency; providing for the powers~~  
6 ~~and duties of the board and the Attorney General;~~  
7 ~~establishing the Sheriff and Deputy Sheriff Education and~~  
8 ~~Training Account; providing for a surcharge on sheriffs'~~  
9 ~~fees; and providing penalties," further providing for Sheriff~~  
10 ~~and Deputy Sheriff Education and Training Account.~~

11 AMENDING TITLE 44 (LAW AND JUSTICE) OF THE PENNSYLVANIA <--  
12 CONSOLIDATED STATUTES, IN OTHER OFFICERS, CODIFYING  
13 PROVISIONS RELATING TO SHERIFFS AND DEPUTY SHERIFFS; FURTHER  
14 PROVIDING FOR SHERIFF TRAINING REQUIREMENT AND FOR SHERIFF  
15 AND DEPUTY SHERIFF EDUCATION AND TRAINING ACCOUNT; AND MAKING  
16 EDITORIAL CHANGES AND A RELATED REPEAL.

17 The General Assembly of the Commonwealth of Pennsylvania  
18 hereby enacts as follows:

19 ~~Section 1. Section 8(b) and (b.1) of the act of February 9,~~ <--  
20 ~~1984 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff~~  
21 ~~Education and Training Act, are amended to read:~~

22 ~~Section 8. Sheriff and Deputy Sheriff Education and Training~~  
23 ~~Account.~~

1       \* \* \*

2       ~~(b) Surcharge. There is hereby assessed a surcharge on each~~  
3 ~~fee collected by the sheriff of every county upon acceptance for~~  
4 ~~each service required for any complaint, summons, writ or other~~  
5 ~~legal paper required to be served or posted by the sheriff.~~

6 Surcharges shall be assessed as follows:

7       ~~{(1) Beginning January 1, 1998, through December 31,~~  
8 ~~1998, the surcharge shall be \$6.~~

9       ~~(2) Beginning January 1, 1999, through December 31,~~  
10 ~~1999, the surcharge shall be \$8.~~

11       ~~(3) Beginning January 1, 2000, and thereafter, the~~  
12 ~~surcharge shall be \$10.}~~

13       ~~(1) Beginning January 1, 2021, through December 31,~~  
14 ~~2021, the surcharge shall be \$16.~~

15       ~~(2) Beginning January 1, 2022, through December 31,~~  
16 ~~2022, the surcharge shall be \$18.~~

17       ~~(3) Beginning January 1, 2023, and thereafter, the~~  
18 ~~surcharge shall be \$20.~~

19       ~~(b.1) Surcharge in counties of first and second class. In~~  
20 ~~counties of the first and second class, a surcharge shall be~~  
21 ~~collected by the prothonotary of that county for each defendant~~  
22 ~~named in a document filed to commence an action pursuant to~~  
23 ~~Pa.R.C.P. No.1007, except when service is made by a competent~~  
24 ~~adult in the actions listed in Pa.R.C.P. Nos.400(b) and~~  
25 ~~400.1(c). One dollar of the surcharge shall be retained by the~~  
26 ~~prothonotary to cover administrative costs incurred by~~  
27 ~~collecting the surcharge and to support any technology and~~  
28 ~~automation improvements or upgrades for the prothonotary, and~~  
29 ~~the balance shall be transmitted semiannually to the State~~  
30 ~~Treasurer for deposit into the account. Surcharges shall be~~

1 assessed as follows:

2 ~~[(1) Beginning January 1, 1998, through December 31,~~  
3 ~~1998, the surcharge shall be \$7.]~~

4 ~~[(2) Beginning January 1, 1999, through December 31,~~  
5 ~~1999, the surcharge shall be \$9.]~~

6 ~~[(3) Beginning January 1, 2000, and thereafter, the~~  
7 ~~surcharge shall be \$11.]~~

8 ~~[(1) Beginning January 1, 2021, through December 31,~~  
9 ~~2021, the surcharge shall be \$17.]~~

10 ~~[(2) Beginning January 1, 2022, through December 31,~~  
11 ~~2022, the surcharge shall be \$19.]~~

12 ~~[(3) Beginning January 1, 2023, and thereafter, the~~  
13 ~~surcharge shall be \$21.]~~

14 \* \* \*

15 Section 2. This act shall take effect January 1, 2021.

16 SECTION 1. PART IV HEADING OF TITLE 44 OF THE PENNSYLVANIA <--  
17 CONSOLIDATED STATUTES IS AMENDED TO READ:

18 PART IV

19 OTHER OFFICERS AND OFFICIALS

20 SECTION 2. TITLE 44 IS AMENDED BY ADDING A CHAPTER TO READ:

21 CHAPTER 74

22 SHERIFFS AND DEPUTY SHERIFFS

23 SUBCHAPTER

24 A. GENERAL PROVISIONS (RESERVED)

25 B. (RESERVED)

26 C. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

27 SUBCHAPTER A

28 GENERAL PROVISIONS

29 (RESERVED)

30 SUBCHAPTER B

1                                    (RESERVED)

2                                    SUBCHAPTER C

3                                    SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

4    SEC.

5    7421. SCOPE OF SUBCHAPTER.

6    7422. DEFINITIONS.

7    7423. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING BOARD.

8    7424. POWERS AND DUTIES OF BOARD.

9    7425. TRAINING PROGRAM.

10 7426. CONTINUING EDUCATION.

11 7427. SHERIFF TRAINING REQUIREMENT.

12 7428. DEPUTY SHERIFF TRAINING REQUIREMENT.

13 7429. REVOCATION OF CERTIFICATION.

14 7430. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

15                                    ACCOUNT.

16 7431. REIMBURSEMENT TO COUNTIES.

17 § 7421. SCOPE OF SUBCHAPTER.

18        THIS SUBCHAPTER PROVIDES FOR SHERIFF AND DEPUTY SHERIFF  
19 EDUCATION AND TRAINING.

20 § 7422. DEFINITIONS.

21        THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
22 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
23 CONTEXT CLEARLY INDICATES OTHERWISE:

24        "ACCOUNT." THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND  
25 TRAINING ACCOUNT.

26        "BOARD." THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND  
27 TRAINING BOARD.

28        "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND  
29 DELINQUENCY.

30 § 7423. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

1           BOARD.

2       (A) CONTINUATION.--THE SHERIFF AND DEPUTY SHERIFF EDUCATION  
3 AND TRAINING BOARD IS CONTINUED AS A BOARD WITHIN THE  
4 COMMISSION.

5       (B) COMPOSITION.--THE BOARD SHALL BE COMPOSED OF THE  
6 FOLLOWING MEMBERS:

7           (1) THE ATTORNEY GENERAL.

8           (2) TWO JUDGES OF THE COURTS OF COMMON PLEAS FROM  
9 DIFFERENT COUNTIES.

10          (3) TWO SHERIFFS FROM DIFFERENT COUNTIES WITH A MINIMUM  
11 OF SIX YEARS' EXPERIENCE AS A SHERIFF OR CHIEF DEPUTY.

12          (4) THREE INDIVIDUALS FROM DIFFERENT COUNTIES WITH A  
13 MINIMUM OF EIGHT YEARS' EXPERIENCE EACH AS A DEPUTY SHERIFF.  
14 ONE OF THE THREE SHALL BE CURRENTLY EMPLOYED IN THE CAPACITY  
15 OF DEPUTY SHERIFF WITH THE RANK OF SERGEANT OR DEPUTY  
16 SHERIFF.

17          (5) ONE EDUCATOR QUALIFIED IN THE FIELD OF CURRICULUM  
18 DESIGN.

19          (6) ONE COUNTY COMMISSIONER.

20       (C) APPOINTMENTS AND TERMS.--ALL MEMBERS OF THE BOARD, OTHER  
21 THAN THE ATTORNEY GENERAL, WHO SHALL BE A PERMANENT MEMBER,  
22 SHALL BE APPOINTED BY THE GOVERNOR FOR A PERIOD OF THREE YEARS.  
23 ANY MEMBER OF THE BOARD SHALL CEASE TO BE A MEMBER OF THE BOARD  
24 IMMEDIATELY UPON TERMINATION OF SERVICE IN THE POSITION BY WHICH  
25 THAT PERSON WAS ELIGIBLE FOR MEMBERSHIP OR APPOINTED AS A MEMBER  
26 OF THE BOARD.

27       (D) VACANCIES.--A MEMBER APPOINTED TO FILL A VACANCY CREATED  
28 BY ANY REASON OTHER THAN EXPIRATION OF A TERM SHALL BE APPOINTED  
29 FOR THE UNEXPIRED TERM OF THE MEMBER WHO THE APPOINTEE SUCCEEDS  
30 IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

1 (E) EXPENSES.--THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT  
2 COMPENSATION BUT SHALL BE REIMBURSED THE NECESSARY AND ACTUAL  
3 EXPENSES INCURRED IN ATTENDING THE MEETINGS OF THE BOARD AND IN  
4 THE PERFORMANCE OF THEIR DUTIES UNDER THIS SUBCHAPTER.

5 (F) REMOVAL.--MEMBERS OF THE BOARD, OTHER THAN THE ATTORNEY  
6 GENERAL, MAY BE REMOVED BY THE GOVERNOR FOR GOOD CAUSE UPON  
7 WRITTEN NOTICE FROM THE GOVERNOR SPECIFICALLY STATING THE CAUSE  
8 FOR REMOVAL.

9 (G) CHAIR.--THE MEMBERS OF THE BOARD SHALL ELECT A CHAIR  
10 FROM AMONG THE MEMBERS TO SERVE FOR A PERIOD OF ONE YEAR. A  
11 CHAIR MAY BE ELECTED TO SERVE SUCCESSIVE TERMS.

12 (H) MEETINGS AND QUORUM.--THE BOARD SHALL MEET AT LEAST FOUR  
13 TIMES EACH YEAR. SPECIAL MEETINGS MAY BE CALLED BY THE CHAIR OF  
14 THE BOARD OR UPON WRITTEN REQUEST OF THREE MEMBERS. A QUORUM  
15 SHALL CONSIST OF FIVE MEMBERS.

16 § 7424. POWERS AND DUTIES OF BOARD.

17 THE BOARD, WITH THE REVIEW AND APPROVAL OF THE COMMISSION,  
18 SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO:

19 (1) ESTABLISH, IMPLEMENT AND ADMINISTER THE SHERIFF AND  
20 DEPUTY SHERIFF EDUCATION AND TRAINING PROGRAM ACCORDING TO  
21 THE MINIMUM REQUIREMENTS SPECIFIED IN THIS SUBCHAPTER.

22 (2) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR  
23 THE MINIMUM COURSES OF STUDY AND TRAINING FOR SHERIFFS AND  
24 DEPUTY SHERIFFS.

25 (2.1) REQUIRE MINIMUM STANDARDS FOR TRAINING SHERIFFS  
26 AND DEPUTY SHERIFFS ON DOMESTIC VIOLENCE. THE TRAINING SHALL  
27 INCLUDE STANDARDS FOR ASSESSING THE LETHALITY RISK OF  
28 DOMESTIC VIOLENCE INCIDENTS.

29 (3) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR  
30 COURSES OF STUDY AND IN-SERVICE TRAINING FOR SHERIFFS HOLDING

1 OFFICE AND DEPUTY SHERIFFS APPOINTED PRIOR TO AUGUST 9, 1984.

2 (4) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR  
3 A CONTINUING EDUCATION PROGRAM FOR ALL SHERIFFS AND DEPUTY  
4 SHERIFFS CONCERNING ALL OF THE FOLLOWING SUBJECTS THE BOARD  
5 MAY DEEM NECESSARY AND APPROPRIATE FOR THE CONTINUED  
6 EDUCATION AND TRAINING OF SHERIFFS AND DEPUTY SHERIFFS.

7 (5) APPROVE OR REVOKE THE APPROVAL OF ANY SCHOOL WHICH  
8 MAY BE UTILIZED TO COMPLY WITH THE EDUCATIONAL AND TRAINING  
9 REQUIREMENTS OF THIS SUBCHAPTER.

10 (6) ESTABLISH THE MINIMUM QUALIFICATIONS FOR INSTRUCTORS  
11 AND CERTIFY INSTRUCTORS.

12 (7) CONSULT AND COOPERATE WITH UNIVERSITIES, COLLEGES,  
13 LAW SCHOOLS, COMMUNITY COLLEGES AND INSTITUTES FOR THE  
14 DEVELOPMENT OF SPECIALIZED COURSES FOR SHERIFFS AND DEPUTY  
15 SHERIFFS.

16 (8) PROMOTE THE MOST EFFICIENT AND ECONOMICAL PROGRAM  
17 FOR SHERIFF AND DEPUTY SHERIFF TRAINING BY UTILIZING EXISTING  
18 FACILITIES, PROGRAMS AND QUALIFIED STATE AND LOCAL PERSONNEL.

19 (9) CERTIFY SHERIFFS AND DEPUTY SHERIFFS WHO HAVE  
20 SATISFACTORILY COMPLETED THE BASIC EDUCATION AND TRAINING  
21 REQUIREMENTS OF THIS SUBCHAPTER AND ISSUE APPROPRIATE  
22 CERTIFICATES TO THEM.

23 (10) REVOKE THE CERTIFICATION OF SHERIFFS AND DEPUTY  
24 SHERIFFS IN ACCORDANCE WITH SECTION 7429 (RELATING TO  
25 REVOCATION OF CERTIFICATION).

26 (11) REINSTATE PREVIOUSLY REVOKED CERTIFICATIONS OF  
27 SHERIFFS AND DEPUTY SHERIFFS WHERE THE BOARD FINDS THAT THE  
28 CIRCUMSTANCES WHICH LED TO THE REVOCATION OF CERTIFICATION  
29 ARE NO LONGER AN IMPEDIMENT TO CERTIFICATION.

30 (12) MAKE RULES AND REGULATIONS AND PERFORM OTHER DUTIES

1 AS MAY BE REASONABLY NECESSARY OR APPROPRIATE TO ADMINISTER  
2 THIS SUBCHAPTER.

3 (13) MAKE AN ANNUAL REPORT TO THE GOVERNOR AND TO THE  
4 GENERAL ASSEMBLY CONCERNING:

5 (I) THE ADMINISTRATION OF THE SHERIFF AND DEPUTY  
6 SHERIFF EDUCATION AND TRAINING PROGRAM.

7 (II) THE ACTIVITIES OF THE BOARD.

8 (III) THE COSTS OF THE PROGRAM.

9 § 7425. TRAINING PROGRAM.

10 THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING PROGRAM  
11 SHALL INCLUDE APPROPRIATE TRAINING FOR NOT LESS THAN 160 HOURS  
12 WHICH CONTENT AND HOURS OF INSTRUCTION SHALL BE DETERMINED BY  
13 THE BOARD, SUBJECT TO THE REVIEW AND APPROVAL OF THE COMMISSION.

14 § 7426. CONTINUING EDUCATION.

15 THE BOARD, WITH THE REVIEW AND APPROVAL OF THE COMMISSION,  
16 SHALL ESTABLISH A CONTINUING EDUCATION PROGRAM FOR ALL SHERIFFS  
17 AND DEPUTY SHERIFFS, WHICH SHALL INCLUDE NOT LESS THAN 20 HOURS  
18 OF CONTINUING EDUCATION EVERY TWO YEARS, CONCERNING SUBJECTS THE  
19 BOARD MAY DEEM NECESSARY AND APPROPRIATE FOR THE CONTINUED  
20 EDUCATION AND TRAINING OF SHERIFFS AND DEPUTY SHERIFFS.

21 § 7427. SHERIFF TRAINING REQUIREMENT.

22 (A) CERTIFICATION REQUIRED.--

23 (1) A SHERIFF ELECTED AFTER SEPTEMBER 7, 2014, WHO DOES  
24 NOT HOLD CERTIFICATION AS EITHER A DEPUTY SHERIFF OR SHERIFF  
25 ON THE FIRST MONDAY IN JANUARY NEXT FOLLOWING THE ELECTION,  
26 DURING THE SHERIFF'S TERM OF OFFICE:

27 (I) SHALL OBTAIN THE EDUCATION AND TRAINING AS  
28 PROVIDED IN SECTION 7425 (RELATING TO TRAINING PROGRAM),  
29 SUBJECT TO ANY REDUCTION IN HOURS AS PROVIDED IN  
30 SUBSECTION (C).

1           (II) SHALL MEET THE REQUIREMENTS FOR CONTINUING  
2           EDUCATION AFTER CERTIFICATION.

3           (III) SHALL OBTAIN REINSTATEMENT OF A PREVIOUSLY  
4           REVOKED CERTIFICATION, IF APPLICABLE.

5           (2) IN THE CASE OF A COUNTY WHICH HAS ADOPTED A HOME  
6           RULE CHARTER WHICH PROVIDES FOR THE APPOINTMENT OF THE  
7           SHERIFF, A SHERIFF APPOINTED AFTER SEPTEMBER 7, 2014, SHALL  
8           OBTAIN CERTIFICATION UNDER THIS SECTION WITHIN 18 MONTHS OF  
9           APPOINTMENT.

10          (B) CONTINUING EDUCATION.--EVERY SHERIFF SHALL, WHILE IN  
11          OFFICE, MEET THE REQUIREMENTS FOR CONTINUING EDUCATION  
12          ESTABLISHED BY THE BOARD, WITH THE REVIEW AND APPROVAL OF THE  
13          COMMISSION.

14          (C) PRIOR EDUCATION, TRAINING OR EXPERIENCE.--THE BOARD,  
15          WITH THE REVIEW AND APPROVAL OF THE COMMISSION, SHALL HAVE THE  
16          AUTHORITY AND THE DISCRETION TO REDUCE THE HOURS OF EDUCATION  
17          AND TRAINING REQUIRED IN SECTION 7425 FOR SHERIFFS REQUIRED TO  
18          RECEIVE EDUCATION AND TRAINING WHO, BECAUSE OF PRIOR EDUCATION,  
19          TRAINING OR EXPERIENCE, HAVE ACQUIRED KNOWLEDGE OR SKILL  
20          EQUIVALENT TO THAT PROVIDED BY THE PROGRAM.

21          (D) SHERIFFS IN OFFICE.--ANY SHERIFF HOLDING OFFICE ON  
22          SEPTEMBER 7, 2014, SHALL BE DEEMED TO HAVE SATISFIED THE  
23          REQUIREMENTS FOR TRAINING UNDER SECTION 7425 AND SHALL RECEIVE  
24          CERTIFICATION FROM THE BOARD. FROM THE DATE OF THE CERTIFICATION  
25          UNDER THIS SUBSECTION, SHERIFFS SHALL BE SUBJECT TO CONTINUING  
26          EDUCATION AS PROVIDED IN SUBSECTION (B).

27          (E) INELIGIBILITY.--ANY SHERIFF FAILING TO RECEIVE AND  
28          MAINTAIN CERTIFICATION AS PROVIDED IN THIS SECTION SHALL BE  
29          INELIGIBLE TO BE ON THE BALLOT FOR THE OFFICE OF SHERIFF FOR ANY  
30          TERM SUBSEQUENT TO THAT UNDER SUBSECTION (A).

1 (F) VACANCIES.--

2 (1) ANY PERSON APPOINTED TO FILL A VACANCY IN THE OFFICE  
3 OF SHERIFF SHALL BE CERTIFIED OR, IN THE ALTERNATIVE, OBTAIN  
4 AND MAINTAIN CERTIFICATION DURING THE TERM FOR WHICH THE  
5 PERSON IS APPOINTED UNDER SUBSECTION (A). ANY PERSON  
6 APPOINTED TO FILL A VACANCY IN THE OFFICE OF SHERIFF WHO DOES  
7 NOT FULFILL THE REQUIREMENTS OF SUBSECTION (A) SHALL BE  
8 INELIGIBLE FOR SUBSEQUENT ELECTION AS PROVIDED UNDER  
9 SUBSECTION (E).

10 (2) NO PERSON APPOINTED TO FILL A VACANCY IN THE OFFICE  
11 OF SHERIFF WHERE THE BALANCE OF THE UNEXPIRED TERM IS LESS  
12 THAN ONE YEAR SHALL BE SUBJECT TO THE REQUIREMENTS OF  
13 PARAGRAPH (1). HOWEVER, A PERSON WHO IS ELECTED TO A TERM AS  
14 SHERIFF IMMEDIATELY FOLLOWING THE PERSON'S PREVIOUSLY  
15 APPOINTED TERM OF LESS THAN ONE YEAR IS SUBJECT TO THE  
16 REQUIREMENTS UNDER SUBSECTION (A).

17 (G) (RESERVED).

18 § 7428. DEPUTY SHERIFF TRAINING REQUIREMENT.

19 (A) GENERAL RULE.--A SHERIFF OF THIS COMMONWEALTH SHALL  
20 ASSURE THAT EACH FULL-TIME OR PART-TIME DEPUTY EMPLOYED BY THE  
21 SHERIFF WHO HAS LESS THAN FIVE YEARS OF EXPERIENCE ON AUGUST 9,  
22 1984, RECEIVES THE TRAINING PROVIDED FOR IN SECTIONS 7425  
23 (RELATING TO TRAINING PROGRAM) AND 7426 (RELATING TO CONTINUING  
24 EDUCATION).

25 (A.1) DIPLOMA.--NO PERSON SHALL BE EMPLOYED OR APPOINTED AS  
26 A DEPUTY SHERIFF UNLESS THE PERSON IS A HIGH SCHOOL GRADUATE OR  
27 HAS RECEIVED A SECONDARY SCHOOL DIPLOMA ON THE BASIS OF GENERAL  
28 EDUCATION DEVELOPMENT (GED).

29 (B) PRIOR EDUCATION, TRAINING OR EXPERIENCE.--THE BOARD,  
30 WITH THE REVIEW AND APPROVAL OF THE COMMISSION, MAY REDUCE THE

1 HOURS OF EDUCATION AND TRAINING REQUIRED IN SECTION 7425 FOR  
2 DEPUTY SHERIFFS REQUIRED TO RECEIVE EDUCATION AND TRAINING WHO,  
3 BECAUSE OF PRIOR EDUCATION, TRAINING OR EXPERIENCE, HAVE  
4 ACQUIRED KNOWLEDGE OR SKILL EQUIVALENT TO THAT PROVIDED BY THE  
5 PROGRAM.

6 (C) CERTIFICATION REQUIREMENT FOR CONTINUED COMPENSATION.--

7 (1) ANY PERSON HIRED AS A FULL-TIME OR PART-TIME DEPUTY  
8 SHERIFF WHO HAS LESS THAN FIVE YEARS OF EXPERIENCE ON AUGUST  
9 9, 1984, SHALL, AS OF AUGUST 9, 1986, BE INELIGIBLE TO  
10 RECEIVE ANY SALARY, COMPENSATION OR OTHER CONSIDERATION OR  
11 THING OF VALUE FOR THE PERFORMANCE OF DUTIES AS A DEPUTY  
12 SHERIFF UNLESS THE DEPUTY SHERIFF HAS MET ALL OF THE  
13 REQUIREMENTS ESTABLISHED UNDER THIS CHAPTER AND HAS BEEN DULY  
14 CERTIFIED AS HAVING MET THOSE REQUIREMENTS BY THE BOARD, WITH  
15 THE REVIEW AND APPROVAL OF THE COMMISSION, UNLESS THE DEPUTY  
16 SHERIFF IS GRANTED ADDITIONAL TIME TO COMPLETE TRAINING BY  
17 THE BOARD, WITH THE REVIEW AND APPROVAL OF THE COMMISSION.

18 (2) ANY NEW DEPUTY HIRED BY THE SHERIFF SHALL HAVE ONE  
19 YEAR IN WHICH TO COMPLETE TRAINING.

20 (D) CONTINUING EDUCATION.--ANY FULL-TIME OR PART-TIME DEPUTY  
21 SHERIFF WHO FAILS TO MEET AND FAILS TO BE CERTIFIED AS HAVING  
22 MET THE REQUIREMENTS FOR CONTINUING EDUCATION ESTABLISHED BY THE  
23 BOARD, WITH THE REVIEW AND APPROVAL OF THE COMMISSION, SHALL BE  
24 INELIGIBLE TO RECEIVE ANY SALARY, COMPENSATION OR OTHER  
25 CONSIDERATION OR THING OF VALUE FOR THE PERFORMANCE OF DUTIES AS  
26 A DEPUTY SHERIFF.

27 (E) PENALTY.--ANY OFFICIAL OF ANY COUNTY WHO ORDERS,  
28 AUTHORIZES OR PAYS A SALARY OR COMPENSATION OR OTHER  
29 CONSIDERATION OR THING OF VALUE TO ANY PERSON IN VIOLATION OF  
30 THIS SECTION COMMITS A SUMMARY OFFENSE AND SHALL, UPON

1 CONVICTION, BE SENTENCED TO PAY A MAXIMUM FINE OF \$500 OR TO  
2 IMPRISONMENT FOR A TERM NOT TO EXCEED 30 DAYS.

3 § 7429. REVOCATION OF CERTIFICATION.

4 (A) REVOCATION OF DEPUTY SHERIFF CERTIFICATION.--THE BOARD  
5 SHALL REVOKE THE CERTIFICATION OF ANY DEPUTY SHERIFF FOR ONE OR  
6 MORE OF THE FOLLOWING:

7 (1) CONVICTION FOR A FELONY OR MISDEMEANOR OF THE FIRST  
8 OR SECOND DEGREE.

9 (2) WHERE THE BOARD DETERMINES THE PERSON WAS DISMISSED  
10 FOR CAUSE FROM EMPLOYMENT AS A DEPUTY SHERIFF.

11 (3) WHERE THE BOARD DETERMINES THE PERSON IS PHYSICALLY  
12 OR PSYCHOLOGICALLY UNFIT TO PERFORM THE DUTIES OF THE OFFICE.

13 (4) WHERE THE BOARD DETERMINES THE PERSON HAS COMMITTED  
14 MISCONDUCT WHICH MAKES THE PERSON UNFIT TO PERFORM THE DUTIES  
15 OF THE OFFICE, INCLUDING:

16 (I) SUBMISSION TO THE BOARD OF A DOCUMENT THAT THE  
17 DEPUTY KNOWS CONTAINS FALSE INFORMATION, INCLUDING  
18 FRAUDULENT APPLICATION.

19 (II) CHEATING ON BOARD EXAMINATIONS OR SKILL TESTS.

20 (B) REVOCATION OF SHERIFF CERTIFICATION.--THE BOARD SHALL  
21 REVOKE THE CERTIFICATION OF A SHERIFF ONLY AFTER THE SHERIFF IS  
22 REMOVED FROM OFFICE. NOTHING IN THIS CHAPTER SHALL BE  
23 INTERPRETED AS PROVIDING GROUNDS FOR REMOVAL OF A SHERIFF FROM  
24 OFFICE, EXCEPT AS PROVIDED UNDER ARTICLE VI OF THE CONSTITUTION  
25 OF PENNSYLVANIA.

26 (C) NOTIFICATION BY SHERIFF.--IN THE CASE OF A DEPUTY  
27 SHERIFF, IT SHALL BE THE RESPONSIBILITY OF THE SHERIFF TO NOTIFY  
28 THE BOARD WITHIN 15 DAYS OF THE OCCURRENCE OF AN EVENT DESCRIBED  
29 UNDER SUBSECTION (A).

30 (D) NOTIFICATION BY COUNTY COMMISSIONERS.--IN THE CASE OF A

1 SHERIFF, IT SHALL BE THE RESPONSIBILITY OF THE COUNTY  
2 COMMISSIONERS TO NOTIFY THE BOARD WITHIN 15 DAYS OF A SHERIFF'S  
3 REMOVAL FROM OFFICE.

4 (E) REGULATIONS.--THE BOARD SHALL ESTABLISH, WITH THE  
5 APPROVAL OF THE COMMISSION, REGULATIONS PROVIDING FOR THE  
6 FOLLOWING:

7 (1) NOTICE OF A REVOCATION AND THE RIGHT OF SHERIFFS AND  
8 DEPUTY SHERIFFS TO REQUEST A HEARING.

9 (2) STANDARDS AND GUIDELINES FOR APPLICATION FOR  
10 RECERTIFICATION FOLLOWING REVOCATION.

11 § 7430. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING  
12 ACCOUNT.

13 (A) CONTINUATION.--THE SHERIFF AND DEPUTY SHERIFF EDUCATION  
14 AND TRAINING ACCOUNT IS CONTINUED AS A RESTRICTED RECEIPTS  
15 ACCOUNT WITHIN THE GENERAL FUND. MONEY IN THE ACCOUNT IS  
16 APPROPRIATED ON A CONTINUING BASIS TO THE COMMISSION FOR THE  
17 PURPOSE OF FINANCING TRAINING PROGRAM EXPENSES, THE COSTS OF  
18 ADMINISTERING THE PROGRAM, REIMBURSEMENTS TO COUNTIES AND ALL  
19 OTHER COSTS ASSOCIATED WITH THE ACTIVITIES OF THE BOARD AND THE  
20 IMPLEMENTATION OF THIS CHAPTER.

21 (B) SURCHARGE.--A SURCHARGE SHALL BE ASSESSED ON EACH FEE  
22 COLLECTED BY THE SHERIFF OF EVERY COUNTY UPON ACCEPTANCE FOR  
23 EACH SERVICE REQUIRED FOR ANY COMPLAINT, SUMMONS, WRIT OR OTHER  
24 LEGAL PAPER REQUIRED TO BE SERVED OR POSTED BY THE SHERIFF.  
25 SURCHARGES SHALL BE ASSESSED AS FOLLOWS:

26 (1) BEGINNING JANUARY 1, 2021, THROUGH DECEMBER 31,  
27 2021, THE SURCHARGE SHALL BE \$16.

28 (2) BEGINNING JANUARY 1, 2022, THROUGH DECEMBER 31,  
29 2022, THE SURCHARGE SHALL BE \$18.

30 (3) BEGINNING JANUARY 1, 2023, AND THEREAFTER, THE

1 SURCHARGE SHALL BE \$20.

2 (B.1) SURCHARGE IN COUNTIES OF FIRST AND SECOND CLASS.--

3 (1) IN COUNTIES OF THE FIRST AND SECOND CLASS, A  
4 SURCHARGE SHALL BE COLLECTED BY THE PROTHONOTARY OF THAT  
5 COUNTY FOR EACH DEFENDANT NAMED IN A DOCUMENT FILED TO  
6 COMMENCE AN ACTION UNDER PA.R.C.P. NO.1007, EXCEPT WHEN  
7 SERVICE IS MADE BY A COMPETENT ADULT IN THE ACTIONS LISTED IN  
8 PA.R.C.P. NO.400 (B).

9 (2) ONE DOLLAR OF THE SURCHARGE SHALL BE RETAINED BY THE  
10 PROTHONOTARY TO COVER ADMINISTRATIVE COSTS INCURRED BY  
11 COLLECTING THE SURCHARGE AND TO SUPPORT ANY TECHNOLOGY AND  
12 AUTOMATION IMPROVEMENTS OR UPGRADES FOR THE PROTHONOTARY, AND  
13 THE BALANCE SHALL BE TRANSMITTED SEMIANNUALLY TO THE STATE  
14 TREASURER FOR DEPOSIT INTO THE ACCOUNT. SURCHARGES SHALL BE  
15 ASSESSED AS FOLLOWS:

16 (I) BEGINNING JANUARY 1, 2021, THROUGH DECEMBER 31,  
17 2021, THE SURCHARGE SHALL BE \$17.

18 (II) BEGINNING JANUARY 1, 2022, THROUGH DECEMBER 31,  
19 2022, THE SURCHARGE SHALL BE \$19.

20 (III) BEGINNING JANUARY 1, 2023, AND THEREAFTER, THE  
21 SURCHARGE SHALL BE \$21.

22 (C) DISPOSITION OF MONEY COLLECTED.--THE MONEY COLLECTED  
23 UNDER SUBSECTION (B) SHALL BE FORWARDED SEMIANNUALLY BY THE  
24 SHERIFF OF AN INDIVIDUAL COUNTY TO THE STATE TREASURER FOR  
25 DEPOSIT INTO THE ACCOUNT AND USED EXCLUSIVELY TO COVER THE COSTS  
26 AND EXPENSES OF THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND  
27 TRAINING PROGRAM.

28 (D) DISBURSEMENTS.--DISBURSEMENTS FROM THE ACCOUNT SHALL BE  
29 MADE BY THE COMMISSION.

30 (E) AUDIT.--THE AUDITOR GENERAL SHALL CONDUCT AN AUDIT OF

1 THE ACCOUNT AS THE AUDITOR GENERAL MAY DEEM NECESSARY OR  
2 ADVISABLE FROM TIME TO TIME BUT NO LESS OFTEN THAN ONCE EVERY  
3 THREE YEARS.

4 § 7431. REIMBURSEMENT TO COUNTIES.

5 EACH COUNTY SHALL PAY THE ORDINARY AND NECESSARY LIVING AND  
6 TRAVEL EXPENSES AND THE REGULAR SALARY OF THE COUNTY'S SHERIFF  
7 AND DEPUTY SHERIFFS WHILE ATTENDING APPROVED SCHOOLS. THE  
8 COMMISSION SHALL PROVIDE FOR REIMBURSEMENT TO EACH COUNTY OF  
9 100% OF THE REGULAR SALARIES OF THE COUNTY'S SHERIFF AND DEPUTY  
10 SHERIFFS AND 100% OF THE ORDINARY AND NECESSARY LIVING AND  
11 TRAVEL EXPENSES INCURRED BY THE COUNTY'S SHERIFF AND DEPUTY  
12 SHERIFFS WHILE ATTENDING CERTIFIED SHERIFF AND DEPUTY SHERIFF  
13 BASIC TRAINING OR CONTINUING EDUCATION SCHOOLS IF THE COUNTY  
14 ADHERES TO THE TRAINING STANDARDS REQUIRED UNDER THIS SUBCHAPTER  
15 AND ESTABLISHED BY THE BOARD WITH THE REVIEW AND APPROVAL OF THE  
16 COMMISSION. THE COMMISSION SHALL PROVIDE FOR 100% OF THE TUITION  
17 INCURRED BY THE SHERIFF AND DEPUTY SHERIFFS WHILE ATTENDING  
18 CERTIFIED SHERIFF AND DEPUTY SHERIFF BASIC TRAINING OR  
19 CONTINUING EDUCATION SCHOOLS.

20 SECTION 3. THE ADDITION OF 44 PA.C.S. CH. 74 SUBCH. C IS A  
21 CONTINUATION OF THE ACT OF FEBRUARY 9, 1984 (P.L.3, NO.2), KNOWN  
22 AS THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT.

23 THE FOLLOWING APPLY:

24 (1) EXCEPT AS OTHERWISE PROVIDED IN 44 PA.C.S. CH. 74  
25 SUBCH. C, ALL ACTIVITIES INITIATED UNDER THE SHERIFF AND  
26 DEPUTY SHERIFF EDUCATION AND TRAINING ACT SHALL CONTINUE AND  
27 REMAIN IN FULL FORCE AND EFFECT AND MAY BE COMPLETED UNDER 44  
28 PA.C.S. CH. 74 SUBCH. C. RESOLUTIONS, ORDERS, REGULATIONS,  
29 RULES AND DECISIONS WHICH WERE MADE UNDER THE SHERIFF AND  
30 DEPUTY SHERIFF EDUCATION AND TRAINING ACT AND WHICH ARE IN

1 EFFECT ON THE EFFECTIVE DATE OF THIS SECTION SHALL REMAIN IN  
2 FULL FORCE AND EFFECT UNTIL REVOKED, VACATED OR MODIFIED  
3 UNDER 44 PA.C.S. CH. 74 SUBCH. C. CONTRACTS, OBLIGATIONS AND  
4 AGREEMENTS ENTERED INTO UNDER THE SHERIFF AND DEPUTY SHERIFF  
5 EDUCATION AND TRAINING ACT ARE NOT AFFECTED NOR IMPAIRED BY  
6 THE REPEAL OF THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND  
7 TRAINING ACT.

8 (2) EXCEPT AS SPECIFIED IN PARAGRAPHS (3) AND (4), ANY  
9 DIFFERENCE IN LANGUAGE BETWEEN 44 PA.C.S. CH. 74 SUBCH. C AND  
10 THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT IS  
11 INTENDED ONLY TO CONFORM TO THE STYLE OF THE PENNSYLVANIA  
12 CONSOLIDATED STATUTES AND IS NOT INTENDED TO CHANGE OR AFFECT  
13 THE LEGISLATIVE INTENT, JUDICIAL CONSTRUCTION OR  
14 ADMINISTRATIVE INTERPRETATION AND IMPLEMENTATION OF THE  
15 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT.

16 (3) THE FOLLOWING PROVISIONS OF THE SHERIFF AND DEPUTY  
17 SHERIFF EDUCATION AND TRAINING ACT ARE OBSOLETE AND EXCLUDED  
18 FROM THE ADDITION OF 44 PA.C.S. CH. 74 SUBCH. C:

19 (I) THE EXCEPTION FOR APPOINTMENTS UPON THE  
20 EFFECTIVE DATE OF THE ACT UNDER THE FIRST SENTENCE OF  
21 SECTION 3(C), THE LAST SENTENCE OF SECTION 3(G) AND THE  
22 FIRST SENTENCE OF SECTION 3(H) OF THE ACT.

23 (II) (RESERVED).

24 (III) SECTION 8(B)(1) AND (2) AND (B.1)(1) AND (2)  
25 OF THE ACT.

26 (4) PARAGRAPH (2) DOES NOT APPLY TO THE ADDITION OF THE  
27 FOLLOWING:

28 (I) 44 PA.C.S. § 7427(G).

29 (II) 44 PA.C.S. § 7430(A), (B) AND (B.1).

30 (5) A REFERENCE IN ANY OTHER ACT OR REGULATION TO THE

1 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT SHALL  
2 BE DEEMED TO BE A REFERENCE TO 44 PA.C.S. CH. 74 SUBCH. C.  
3 SECTION 4. REPEALS ARE AS FOLLOWS:

4 (1) THE GENERAL ASSEMBLY FINDS THAT THE REPEALS UNDER  
5 PARAGRAPH (2) ARE NECESSARY TO EFFECTUATE THIS ACT.

6 (2) THE ACT OF FEBRUARY 9, 1984 (P.L.3, NO.2), KNOWN AS  
7 THE SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT, IS  
8 REPEALED.

9 SECTION 5. THIS ACT SHALL TAKE EFFECT JANUARY 1, 2021.