

MILITARY AND VETERANS CODE (51 PA.C.S.) - VIOLATION OF FORT
INDIANTOWN GAP REGULATIONS AND POWERS AND DUTIES OF POLICE OFFICERS
EMPLOYED AT STATE MILITARY INSTALLATIONS

Act of Oct. 27, 2010, P.L. 872, No. 89

Cl. 51

Session of 2010

No. 2010-89

SB 384

AN ACT

Amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the offense of violation of Fort Indiantown Gap regulations and providing for the powers and duties of police officers employed at State military installations.

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

Section 1. Section 708 of Title 51 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:
§ 708. Fort Indiantown Gap.

* * *

(e) **Offense.**--A person who violates a rule or regulation promulgated under this section and designated by the Adjutant General as being for the protection of persons or property at Fort Indiantown Gap commits a summary offense.

Section 2. Title 51 is amended by adding a section to read:
§ 711. **Installation of police officers for Fort Indiantown Gap and other designated Commonwealth military installations and facilities.**

(a) **Appointment.**--The Adjutant General may issue commissions to Commonwealth employees of the Department of Military and Veterans Affairs to act as installation police officers at Fort Indiantown Gap and other Commonwealth military installations and facilities designated by the Adjutant General.

(b) **Training.**--Any employee commissioned under this section shall, prior to exercising the powers and duties described in this section, have successfully completed a course of training approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training). Installation police will, during the course of their employment, undertake and complete such periodic training as is required under 53 Pa.C.S. Ch.21 Subch. D .

(c) **Powers and duties.**--Subject to such administrative limitations or restrictions as the Adjutant General may prescribe, installation police employed under this section shall have the power and duty to:

(1) enforce good order on the grounds and in the buildings of Fort Indiantown Gap or other designated military installation or facility;

(2) protect the grounds and buildings of Fort Indiantown Gap or other designated military installation or facility;

(3) exclude disorderly persons from the grounds and buildings of Fort Indiantown Gap or other designated military installation or facility;

(4) adopt whatever means necessary for the performance of their duties;

(5) exercise the same powers as are now or may hereafter be exercised under authority of law or ordinance by the police

officers of municipalities within this Commonwealth, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 . Subch. D (relating to municipal police jurisdiction);

(6) prevent crime, investigate criminal acts, apprehend, arrest and charge criminal offenders and issue summary citations for offenses committed on the grounds and in the buildings at Fort Indiantown Gap or other designated military installation or facility and prefer charges against offenders under the laws and procedures of this Commonwealth. For the purposes of applying the provisions of 42 Pa.C.S. Ch. 89 Subch. D , the grounds and within 500 yards of the boundary of Fort Indiantown Gap or other designated military installation or facility shall constitute the primary jurisdiction of the installation police;

(7) order off the grounds and out of the buildings of Fort Indiantown Gap or other designated military installation or facility all vagrants, loafers, trespassers and persons under the influence of liquor and, if necessary, remove them by force and, in case of resistance, arrest such offender in accordance with the laws and procedures of this Commonwealth; and

(8) arrest any person who damages, mutilates or destroys the trees, plants, shrubbery, turf, grass plots, benches, buildings and structures or commits any other offense on the grounds and in the buildings of Fort Indiantown Gap or other designated military installation or facility and prefer charges against such offender under the laws and procedures of this Commonwealth.

(d) Municipal agreements.--The Adjutant General and municipalities where Fort Indiantown Gap and other designated military installations or facilities are located are authorized to enter into agreements for the concurrent exercise of those powers and duties conferred pursuant to a cooperative police service agreement in accordance with 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction). When so acting, the installation police shall have the same powers and immunities granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D .

(e) Status.--When acting within the scope of the authority of this section, installation police are at all times employees of the Commonwealth and shall be entitled to all of the rights and benefits accruing therefrom. Installation police commissioned under this section are "peace officers" for the purposes of 18 Pa.C.S. Ch. 5 (relating to general principles of justification). This section does not change the status of installation police officers for the purposes of the act of July 23, 1970 (P.L.563, No.195) , known as the Public Employe Relations Act, or cause installation police officers to be considered policemen for the purposes of the act of June 24, 1968 (P.L.237, No.111) , referred to as the Policemen and Firemen Collective Bargaining Act.

Section 3. This act shall take effect in 60 days.

APPROVED--The 27th day of October, A.D. 2010.

EDWARD G. RENDELL