

MUNICIPALITIES (53 PA.C.S.) - POWERS AND DUTIES OF COMMISSION
Act of Oct. 11, 2023, P.L. 49, No. 10 Cl. 53
Session of 2023
No. 2023-10

SB 836

AN ACT

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in employees, further providing for definitions and for powers and duties of commission.

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

Section 1. The definition of "certification" in section 2162 of Title 53 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 2162. Definitions.

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

"Approval." The assignment of an approval number to an instructor or school director who meets the requirements established by the commission.

"Certification." The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of not more than two years.

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"Instructor." An individual approved by the commission to teach in a basic police training course or an in-service police training course.

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"School director." An individual who is approved by the commission and responsible for the daily operations of a training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility in this Commonwealth.

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Section 2. Section 2164(3) and (3.1) of Title 53 are amended and the section is amended by adding a paragraph to read:

§ 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

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(3) To establish the minimum qualifications for instructors **and school directors**, to approve or revoke the approval of any instructor **or school director** and to develop the requirements for continued [certification] **approval**.

(3.1) To suspend or revoke the certification of a police officer or the approval of an instructor **or school director** for a violation of 37 Pa. Code Ch. 203 (relating to administration of the program). The following shall apply:

(i) In the case of a suspension, a hearing examiner appointed by the commission shall recommend to the commission whether the certification of a police officer

or the approval of an instructor **or school director** shall be suspended. If the certification or approval is suspended, the hearing examiner shall recommend a period of suspension which may be approved by the commission. At the end of the period of suspension, the police officer [or], instructor **or school director** may reapply for certification or approval.

(ii) A police officer [or], instructor **or school director** whose certification or approval is revoked before, on or after the effective date of this paragraph may apply to the commission for reinstatement no sooner than one year following the date of revocation.

(iii) The commission shall develop standards and guidelines to determine whether certification or approval shall be reinstated. Separate standards shall be developed for suspension and revocations.

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(7.1) To require any individual applying to the commission to attend basic police training at a school, or an individual applying to the commission for certification as a police officer or any individual applying to the commission for approval as an instructor or school director to submit fingerprints and other identifying information to the Pennsylvania State Police. The Pennsylvania State Police shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of a national criminal record check and the Pennsylvania State Police shall check the fingerprints against the Pennsylvania State Police central repository for the purposes of obtaining a criminal history record check. The following shall apply:

(i) Any criminal history information obtained under this section by the commission may be considered only to the extent to which it relates to the person's suitability to attend basic police training or to be certified as a police officer or approved to be an instructor or school director.

(ii) The provisions of 18 Pa.C.S. § 9121(b) (relating to general regulations) shall not apply to a request for a criminal history record check submitted under this section.

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

APPROVED--The 11th day of October, A.D. 2023.

JOSH SHAPIRO