

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 517 Session of 2009

INTRODUCED BY GREENLEAF, FONTANA, O'PAKE AND FERLO,
MARCH 2, 2009

REFERRED TO JUDICIARY, MARCH 2, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in commencement of
3 proceedings, requiring municipal police department policies
4 relating to searches.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8903. Strip and body cavity searches.

10 (a) Policy required.--A municipal law enforcement agency
11 shall adopt and implement a written policy that governs
12 procedures for strip searches and body cavity searches. The
13 policy shall:

14 (1) Be consistent with the law on strip searches and
15 body cavity searches.

16 (2) Specify when under the law a strip or body cavity
17 search is allowed and under what constraints.

18 (3) Include:

19 (i) The authority necessary for conducting a strip

1 or body cavity search, with or without a search warrant.

2 (ii) Privacy provisions, including a strip or body
3 cavity search by a person of the same gender.

4 (iii) Reporting requirements when a strip or body
5 cavity search is conducted.

6 (b) Witness required.--Except for exigent circumstances, the
7 person conducting a strip or body cavity search shall ensure
8 that another person is present as a witness to the search.

9 (c) Condition of body cavity search.--A body cavity search
10 shall be conducted by qualified medical personnel in a hygienic
11 setting.

12 Section 2. This act shall take effect in 60 days.