

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 94

Session of  
1975INTRODUCED BY MESSRS. GREEN, CUMBERLAND AND PRATT,  
JANUARY 27, 1975AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 3, 1975

## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," PROHIBITING HOMOSEXUALS <—  
21 FROM PERFORMING DUTIES RELATING TO CORRECTIONS, MENTAL  
22 ILLNESS, MENTAL RETARDATION, JUVENILES OR THE STATE POLICE;  
23 authorizing certain Campus Police to assist certain municipal  
24 authorities in emergency situations; AND RESTRICTING THE <—  
25 POWERS OF DEPARTMENTS, BOARDS AND COMMISSIONS RELATING TO  
26 SCHOOL PUPILS.

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

29 SECTION 1. THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN <—

AS "THE ADMINISTRATIVE CODE OF 1929," IS AMENDED BY ADDING  
SECTIONS TO READ:

SECTION 214.1. LIMITATIONS ON DUTIES OF HOMOSEXUALS.--  
NOTWITHSTANDING ANY OTHER PROVISION IN LAW TO THE CONTRARY, NO  
DEPARTMENT, BOARD, COMMISSION OR OTHER AGENCY SHALL PERMIT ANY  
EMPLOYEE WHO IS AN ADMITTED HOMOSEXUAL OR HAS BEEN CONVICTED IN A  
COURT OF LAW OF HOMOSEXUAL ACTIVITY OR HAS BEEN ADJUDICATED A  
HOMOSEXUAL AT A PRIVATE HEARING BEFORE HIS OR HER HIRING  
AUTHORITY TO PERFORM DUTIES IN CONNECTION WITH ANY PENAL,  
REFORMATORY OR CORRECTIONAL INSTITUTION, HOSPITAL FOR THE  
MENTALLY ILL OR ANY OTHER INSTITUTION FOR THE MENTALLY RETARDED  
OR FOR JUVENILE DELINQUENTS AND DEPENDENTS OR AS A MEMBER OF THE  
PENNSYLVANIA STATE POLICE.

ANY PERSON ADJUDICATED A HOMOSEXUAL BY ADMINISTRATIVE ACTION  
SHALL BE ENTITLED TO ALL NORMAL RIGHTS OF APPEAL PROVIDED FOR  
PURSUANT TO THE ACT OF JUNE 4, 1945 (P.L.1388, NO.442), KNOWN AS  
THE "ADMINISTRATIVE AGENCY LAW."

ALL APPLICANTS FOR THE RESTRICTED POSITIONS SET OUT ABOVE  
SHALL SWEAR AND AFFIRM THAT TO THE BEST OF THEIR KNOWLEDGE, THEY  
HAVE DISCLOSED ALL INSTANCES WHERE THEY ARE OR HAVE BEEN IN  
VIOLATION OF THE ACT OF DECEMBER 6, 1972 (P.L.1482, NO.334),  
KNOWN AS THE "CRIMES CODE."

SECTION 529. ASSIGNMENT OF SCHOOL PUPILS.--NO DEPARTMENT,  
BOARD OR COMMISSION SHALL HAVE THE POWER TO ORDER THE ASSIGNMENT  
OF ANY PUPIL IN KINDERGARTEN, ELEMENTARY OR SECONDARY SCHOOL TO  
ANY SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME  
WITHOUT THE CONSENT OF THE PUPIL'S PARENT OR GUARDIAN EXCEPT  
THAT NOTHING IN THIS SECTION SHALL REPEAL ANY ENTRANCE  
REQUIREMENT OF A SCHOOL WHICH HAS ENTRANCE REQUIREMENTS. ANY  
ORDER ISSUED BY A DEPARTMENT, BOARD OR COMMISSION HERETOFORE

1 WHICH HAS NOT YET BEEN IMPLEMENTED, ORDERING ASSIGNMENT OF ANY  
2 PUPIL IN KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL TO ANY  
3 SCHOOL OTHER THAN THE SCHOOL NEAREST THE PUPIL'S HOME SHALL BE  
4 NULL, VOID AND UNENFORCEABLE. ALL DEPARTMENTS, BOARDS AND  
5 COMMISSIONS SHALL CEASE, DESIST AND WITHDRAW ANY AND ALL ACTIONS  
6 PENDING WHICH ARE CONTRARY TO THIS SECTION. NO DEPARTMENT, BOARD  
7 OR COMMISSION SHALL ENTER INTO OR CONTINUE ANY LEGAL PROCEEDING  
8 DEALING WITH THE ASSIGNMENT OF PUPILS TO ANY ELEMENTARY,  
9 KINDERGARTEN, OR SECONDARY SCHOOL OTHER THAN THE SCHOOL NEAREST  
10 THE PUPIL'S HOME.

11 Section ~~1-~~ 2. The last paragraph of subsection (h) of <—  
12 section 2416, ~~act of April 9, 1929 (P.L.177, No.175), known as~~ <—  
13 ~~"The Administrative Code of 1929,"~~ OF THE ACT amended July 7, <—  
14 1968 (P.L.297, No.149), is amended to read:

15 Section 2416. Capitol Police, Commonwealth Property Police  
16 and Campus Police.--The Capitol Police, Commonwealth Property  
17 Police and the Security or Campus Police of all State colleges  
18 and universities and State aided or related colleges and  
19 universities shall have the power, and their duty shall be:

20 \* \* \*

21 Security and Campus Police shall exercise their powers and  
22 perform their duties only on the premises of the State colleges  
23 and universities and State aided or related colleges and  
24 universities by or for which they are employed and only after  
25 they have completed a course of training including crisis  
26 intervention training and riot control as approved by the police  
27 commissioner or chief of the municipality in which said premises  
28 are located except, that Campus Police employed by State owned  
29 colleges and universities located in any municipalities, other  
30 than cities of the first class or second class, are authorized,

1 in emergency situations occurring within the municipality, upon  
2 the request of the mayor or other executive authority and under  
3 the direction of the local law enforcement authorities, to  
4 exercise those powers and perform those duties conferred  
5 pursuant to this section within the municipality for the limited  
6 purpose of aiding local authorities in emergency situations.  
7 When so acting, the Campus Police shall be acting within the  
8 scope of the authority of this act and are, at all times, State  
9 employees of this Commonwealth and entitled to all the rights and  
10 benefits accruing therefrom.

11       Section ~~2~~. 3. This act shall take effect immediately.

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