

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1384

Session of  
1981

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INTRODUCED BY BOYES, PICCOLA, WACHOB, DOMBROWSKI, BOWSER,  
MILLER, CAPPABIANCA, DUFFY, MRKONIC, HORGOS, ITKIN, MARMION,  
MERRY, LEVIN, PUCCIARELLI, SWEET, SWIFT, GREENWOOD, RASCO,  
GLADECK, CORNELL, GEIST, PHILLIPS, REBER, WESTON, McVERRY,  
DAWIDA, VROON, BURD, PETRONE, FRAZIER, KENNEDY, GALLEN,  
KUKOVICH, BURNS, LEHR, CESSAR, JACKSON AND RIEGER, MAY 5,  
1981

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JANUARY 27, 1982

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AN ACT

1 Amending the act of October 10, 1974 (P.L.705, No.235), entitled  
2 "An act providing for the training and licensing of watch  
3 guards, protective patrolmen, detectives and criminal  
4 investigators, carrying and using lethal weapons in their  
5 employment; imposing powers and duties on the Commissioner of  
6 the Pennsylvania State Police; and providing penalties,"  
7 defining "full-time police officer", ~~and~~ providing for <—  
8 certain exemptions from testing and fees AND FURTHER <—  
9 PROVIDING FOR APPLICATIONS.

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

12 Section 1. Section 3, act of October 10, 1974 (P.L.705,  
13 No.235), known as the "Lethal Weapons Training Act," is amended  
14 by adding a definition to read:

15 Section 3. Definitions.--As used in this act:

16 \* \* \*

17 "Full-time police officer" means any employee of a city,  
18 borough, town, township or county police department assigned to

1 law enforcement duties who works a minimum of two hundred days  
2 per year. The term does not include persons employed to check  
3 parking meters or to perform only administrative duties, nor  
4 does it include auxiliary and fire police.

5 \* \* \*

6 Section 2. Paragraph (2) of section 5 and ~~subsection (e)~~ <—  
7 SUBSECTIONS (C) AND (D) of section 6 of the act are amended to <—  
8 read:

9 Section 5. Power and Duties of Commissioner.--The  
10 commissioner shall have the power and duty:

11 \* \* \*

12 (2) To implement and administer or approve physical and  
13 psychological testing and screening of the candidate for the  
14 purpose of barring from the program those not physically or  
15 mentally fit to handle lethal weapons. However, candidates who  
16 are full-time police officers and have successfully completed a  
17 physical and psychological examination as a prerequisite to  
18 employment or to continued employment by their local police  
19 departments or who have been continuously employed as full-time  
20 police officers since June 18, 1974 shall not be required to  
21 undergo any physical or psychological testing and screening  
22 procedures so implemented.

23 \* \* \*

24 Section 6. Certificate of Qualification.--\* \* \*

25 (c) The application shall be personally presented by the  
26 applicant at an office of the Pennsylvania State Police where  
27 his fingerprints shall be affixed thereto. The application shall  
28 be accompanied by two current photographs of the applicant of a  
29 size and nature to be prescribed by the commissioner and a  
30 thirty-five dollar (\$35) application fee, unless the applicant

1 is a full-time police officer, in which case no application fee  
2 shall be required. Thereafter the application shall be forwarded  
3 to the commissioner.

4 (D) THE FINGERPRINTS OF THE APPLICANT SHALL BE EXAMINED BY <—  
5 THE PENNSYLVANIA STATE POLICE AND THE FEDERAL BUREAU OF  
6 INVESTIGATION TO DETERMINE IF HE HAS BEEN CONVICTED OF OR HAS  
7 PLEADED GUILTY OR NOLO CONTENDERE TO A CRIME OF VIOLENCE. THE  
8 COMMISSIONER SHALL HAVE THE POWER TO WAIVE THE REQUIREMENT OF  
9 FEDERAL BUREAU OF INVESTIGATION EXAMINATION DURING ANY PERIOD  
10 WHEN EXAMINATIONS ARE SUSPENDED BY, OR OTHERWISE UNAVAILABLE  
11 THROUGH, THE FEDERAL AGENCY.

12 \* \* \*

13 Section 3. This act shall take effect ~~in 60 days.~~ <—  
14 IMMEDIATELY. <—