

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 341

Session of
1985

INTRODUCED BY BURNS, CLYMER AND J. L. WRIGHT, FEBRUARY 13, 1985

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,
FEBRUARY 13, 1985

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, further providing for the powers,
3 privileges and immunities of military or security police of
4 the Pennsylvania National Guard.

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

7 Section 1. Title 51 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 2318. Military and security police.

10 (a) Powers and duties.--Military police officers and
11 security police officers of the Pennsylvania National Guard
12 shall be considered police officers when acting within the scope
13 of their military police or security police duties and, when so
14 acting, shall have the power to arrest for military-related
15 offenses. Military police and security police officers may make
16 arrests without warrant for military-related offenses when:

17 (1) The offense is a summary offense, misdemeanor or
18 felony committed in the presence of the military police or

1 security police officer making the arrest.

2 (2) The offense is a felony and the military police or
3 security police officer making the arrest has probable cause.

4 (b) Limitation.--Nothing in this section shall be construed
5 to give military police officers and security police officers of
6 the Pennsylvania National Guard the authority to make arrests
7 for violations of Title 30 (relating to fish) or 75 (relating to
8 vehicles) or the act of June 3, 1937 (P.L.1225, No.316), known
9 as The Game Law.

10 (c) Principles of justification.--When acting within the
11 scope of their military police or security police duties,
12 military police and security police officers shall be considered
13 peace officers for purposes of the principles of justification
14 set forth by 18 Pa.C.S. Ch. 5 (relating to general principles of
15 justification). In addition, military police and security police
16 shall be justified in the use of deadly force to prevent
17 sabotage, espionage, theft or destruction of military
18 information or equipment vital to the national security of the
19 United States.

20 (d) Definitions.--As used in this section the following
21 words and phrases shall have the meanings given to them in this
22 subsection:

23 "Military police." Members of the Pennsylvania Army National
24 Guard who have the Military Occupational Speciality (MOS) of
25 military police and who have completed military training
26 qualifying them to function as military police officers.

27 "Military-related offense." An offense for which any of the
28 following conditions are applicable:

29 (1) The offense is committed on lands or buildings being
30 used by the Pennsylvania military forces or on a Pennsylvania

1 National Guard military installation or armory.

2 (2) The offense involves any property, supplies or
3 equipment owned, leased or assigned to or used by the
4 Pennsylvania National Guard.

5 "Security police." Members of the Pennsylvania Air National
6 Guard who have the Air Force Specialty Code (AFSC) as security
7 or air police officers and who have completed military training
8 qualifying them to function as security police officers.

9 "Vital to the national security." Military property,
10 information and equipment in possession of the Pennsylvania
11 National Guard which are designated by the United States
12 Department of Defense as priority resources essential to support
13 the wartime mission of United States armed forces or single
14 integrated operations plan or having a top secret or more
15 restrictive security classification.

16 Section 2. Section 5201 of Title 51 is amended by adding a
17 subsection to read:

18 § 5201. Apprehension.

19 * * *

20 (d) Military and security police.--A military police or
21 security police officer of the Pennsylvania National Guard as
22 defined in section 2318 (relating to military and security
23 police), in a duty status as defined in section 5101 (relating
24 to definitions) and while performing assigned duties pursuant to
25 lawful orders, may apprehend any member of the Pennsylvania
26 National Guard for any offense specified in Part IV (relating to
27 military justice).

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