

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 380 Session of 2007

INTRODUCED BY COSTA, KITCHEN, FONTANA AND LOGAN, MARCH 13, 2007

REFERRED TO LOCAL GOVERNMENT, MARCH 13, 2007

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," further providing for
5 chief deputy, for deputies and clerks, for public list of
6 applicants for deputy sheriff, for penalties and for
7 sheriff's employees and counties of the second class; and
8 repealing provisions relating to appointment and promotion of
9 deputy sheriffs in second class counties.

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

12 Section 1. Sections 1203 and 1205 of the act of July 28,
13 1953 (P.L.723, No.230), known as the Second Class County Code,
14 are amended to read:

15 Section 1203. Chief Deputy.--The sheriff of the county shall
16 appoint in accordance with section 1216, by commission duly
17 recorded in the office for recording deeds, a chief deputy,
18 whose appointment shall be revocable by the sheriff at pleasure
19 on recording in said office a signed revocation thereof. The
20 chief deputy, during his continuance in office, shall have full
21 power and authority to perform any duty incumbent upon such

1 sheriff with like effect in law as if such official act had been
2 done by the sheriff in person, regardless of the ability or
3 temporary disability of such sheriff to act while such sheriff
4 continues in office. Nothing in this section shall operate to
5 relieve such sheriff or his sureties from liability upon their
6 official bond.

7 Section 1205. Deputies and Clerks.--The sheriff of the
8 county may appoint in accordance with section 1216 such deputies
9 and clerks as may be necessary to properly transact the business
10 of his office. He may revoke the appointment of deputies in the
11 same manner as his chief deputy.

12 Section 2. Section 1209 of the act is repealed:

13 [Section 1209. Public List of Applicants for Deputy
14 Sheriff.--The sheriff shall, from time to time, prepare a list
15 of the names of all persons who have applied for appointment as
16 deputy sheriff and who meet the qualifications hereinbefore
17 prescribed. Such list shall be posted in a public place for a
18 period of not less than ten days, and thereafter shall be filed
19 in the office of the prothonotary. No deputies shall be
20 appointed by the sheriff whose names do not appear on said
21 list.]

22 Section 3. Section 1211 of the act is amended to read:

23 Section 1211. Penalties.--Any sheriff, deputy sheriff or any
24 other county police officer whatsoever, or any other official of
25 the county, or any person, association or corporation violating
26 any of the provisions of sections 1206[, 1209] or 1210 of this
27 act, shall be guilty of a misdemeanor, and, upon conviction,
28 shall be sentenced to pay a fine of not less than one hundred
29 dollars (\$100) nor more than five hundred dollars (\$500), or to
30 undergo imprisonment for not less than ninety (90) days nor more

1 than two years, or both.

2 Section 4. Section 1216 of the act, added January 27, 1998
3 (P.L.1, No.1), is amended to read:

4 Section 1216. Sheriff's Employees, Counties of Second
5 Class.--(a) Appointment and promotion of deputies and other
6 employees in the office of sheriff of a county of the second
7 class shall be made in the manner provided by the act of May 31,
8 1974 (P.L.296, No.94), entitled "An act providing for the
9 appointment, promotion, reduction in rank, suspension, furlough,
10 discharge and reinstatement of deputy sheriffs in counties of
11 the second class; extending civil service coverage to such
12 deputies; and providing penalties," except as otherwise provided
13 in this section.

14 (b) Whenever a vacancy is likely to occur or is to be filled
15 in a permanent position in the office of sheriff, the sheriff
16 shall submit to the civil service commission a statement
17 indicating the position to be filled. The civil service
18 commission shall thereupon certify to the sheriff the names of
19 the three eligibles willing to accept appointment who are
20 highest, according to the results of the written examination, on
21 the appropriate promotion list or employment list, whichever is
22 in existence. If there are less than three eligibles on
23 appropriate eligible lists who are willing to accept
24 appointment, the civil service commission shall certify all the
25 names on these lists. If upon inquiry by the civil service
26 commission any person on any promotion or employment list is
27 found to be not available for promotion or appointment, the
28 person's name shall not for the time being be considered among
29 the names from which a promotion or appointment is to be made.

30 (c) Appointees shall be selected for each existing vacancy

1 from the eligible list in the order of names of the three
2 persons thereon who have received the highest average on the
3 written examination. Examinations shall be administered for
4 positions of the rank of [captain] lieutenant and below, and
5 appointments shall be made in the order of names of the three
6 persons who have received the highest average.

7 (d) Civil service examinations to test applicants shall
8 relate to such matters and include such inquiries as will fairly
9 test the merits and fitness of the persons examined to discharge
10 the duties of employment.

11 (e) Probationary appointments to positions in the force may,
12 notwithstanding section 6 of the act of May 31, 1974 (P.L.296,
13 No.94), be terminated, for cause, prior to completion of the
14 nine-month probationary period.

15 (f) Notwithstanding the provisions of section 1(c) of the
16 act of May 31, 1974 (P.L.296, No.94), all positions of the rank
17 of [captain] lieutenant and below shall be classified as
18 competitive and the ranks of captain and commander shall be
19 classified as oral non-competitive testing. Persons holding
20 positions of [captain] commander or below on the effective date
21 of this section shall continue to occupy those positions. New
22 openings for a vacancy in the position of [captain] lieutenant
23 and below shall be classified as competitive and positions of
24 commander and captain as non-competitive on and after the
25 effective date of this section.

26 (g) In no case shall an applicant for promotion in the
27 sheriff's office be considered until the applicant shall have
28 first served three years in the sheriff's department. No member
29 of the sheriff's office shall be eligible to take any
30 promotional examination until after serving three (3) years in

1 the sheriff's office. Each member of the sheriff's department
2 shall have his examination mark or grade increased by an
3 additional one-half point for each year he served in the
4 sheriff's department, but such additional points shall not
5 exceed ten points.

6 (h) All applicants for examination shall undergo a physical
7 examination which shall be conducted under the supervision of a
8 doctor of medicine. No person shall be eligible for appointment
9 until a doctor certifies to the commission that the applicant is
10 free from any bodily or mental defects, deformity or disease
11 that might incapacitate him or her from the discharge of the
12 duties of the position desired in the sheriff's department.

13 Section 5. Repeals are as follows:

14 (1) The General Assembly declares that the repeal under
15 paragraph (2) is necessary to effectuate the amendment of
16 section 1216 of the act.

17 (2) The act of May 31, 1974 (P.L.296, No.94), entitled
18 "An act providing for the appointment, promotion, reduction
19 in rank, suspension, furlough, discharge and reinstatement of
20 deputy sheriffs in counties of the second class; extending
21 civil service coverage to such deputies; and providing
22 penalties," is repealed.

23 Section 6. This act shall take effect in 60 days.