

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2593 Session of 2010

INTRODUCED BY YUDICHAK, VEREB, CALTAGIRONE, MURPHY, BENNINGHOFF, BEYER, CARROLL, CHRISTIANA, CONKLIN, DEASY, EVERETT, FAIRCHILD, FARRY, FLECK, GIBBONS, GROVE, HARPER, KILLION, KNOWLES, KORTZ, PALLONE, READSHAW, SCAVELLO, SIPTROTH, K. SMITH, SOLOBAY, J. TAYLOR, THOMAS, YOUNGBLOOD AND MURT, JUNE 22, 2010

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 22, 2010

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, in private police,
3 further providing for appointment by nonprofit educational
4 corporations.

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

7 Section 1. Title 22 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 502. Appointment by nonprofit educational corporations.

10 (a) Appointment authorized.--

11 (1) A nonprofit educational corporation maintaining any
12 buildings or grounds in furtherance of higher education may
13 apply to the court of common pleas of the county of the
14 registered office of the corporation for the appointment of
15 such persons as the corporation may designate to act as
16 police officer for the corporation. A nonprofit educational
17 corporation operating with locations in more than one county

1 in this Commonwealth must apply for appointment of police
2 officers within the jurisdiction where additional locations
3 exist.

4 (2) The court, upon review of an application submitted
5 under paragraph (1), may by order appoint such persons as it
6 may deem proper and necessary to be police officers.

7 (b) Oath of office.--

8 (1) Police officers appointed under subsection (a)
9 shall, before entering upon the duties of their office, take
10 and subscribe the oath required by Article VI of the
11 Constitution of Pennsylvania.

12 (2) Evidence of the oath, together with the decree and
13 order of the court, shall be recorded by the recorder of
14 deeds of each county in which it is intended that the police
15 officers are authorized to act.

16 (c) Powers.--A police officer appointed under subsection (a)
17 shall:

18 (1) Possess and exercise all the powers of a police
19 officer in this Commonwealth, in and upon, and adjacent to
20 the property of the nonprofit educational corporation, not to
21 exceed 500 yards unless otherwise defined.

22 (2) Possess and exercise all the powers of a police
23 officer in any county in which the police officer may be
24 directed by the nonprofit educational corporation to act, and
25 may arrest persons for a crime or offense occurring within
26 the police officer's jurisdiction, including 75 Pa.C.S
27 (relating to vehicles).

28 (3) When on duty, wear a metallic shield that includes
29 the name of the nonprofit educational corporation which
30 appointed the police officer. Police officers so appointed

1 for a college or university shall be referred to as "campus
2 police" or "campus police officers" and shall exercise their
3 powers and perform their duties only upon successful
4 completion of training outlined in 53 Pa.C.S. Ch. 21 Subch. D
5 (relating to municipal police education and training).

6 (d) Duty to receive persons arrested.--The officials and
7 administrators of county correctional institutions and other
8 places of detention in any county of this Commonwealth shall
9 receive all persons arrested by police officers appointed under
10 subsection (a) for purposes of detention until the persons are
11 dealt with according to law.

12 (e) Limited immunity.--Police officers in the performance of
13 their duties under this section shall possess the same
14 protections and immunities as afforded to all other police
15 officers under 53 Pa.C.S. Ch. 21 Subch. D.

16 (f) Criminal justice agency.--A campus police department of
17 a college or university shall be considered a "criminal justice
18 agency" under 18 Pa.C.S. § 9102 (relating to definitions) only
19 after all sworn members have completed training as defined by 53
20 Pa.C.S. Ch. 21 Subch. D or other recognized Commission on Peace
21 Officer Standards and Training certified academy.

22 (g) Certification.--

23 (1) A campus police department of a college or
24 university and recognized as a "criminal justice agency"
25 under 18 Pa.C.S. § 9102 shall be eligible to obtain
26 certification from the Municipal Police Officers' Education
27 and Training Commission.

28 (2) Officers currently employed by a department
29 established under this section who have received
30 certification from the Municipal Police Officers' Education

1 and Training Commission prior to employment by the department
2 or any officer who received qualified training to serve as a
3 law enforcement officer shall be deemed acceptable for all
4 current Municipal Police Officers' Education and Training
5 Commission certification upon completion of necessary
6 paperwork or written examination.

7 (h) Reimbursement for expenses.--All campus police
8 departments constituted and maintained by a nonprofit
9 educational corporation shall pay for the expenses of all
10 personnel attending training as provided by 53 Pa.C.S. § 2170
11 (relating to reimbursement of expenses), including basic academy
12 and mandatory in-service training.

13 (i) Mutual aid.--

14 (1) A campus police department located within a
15 municipality may enter into a mutual aid agreement in which
16 the campus police department, at the request of the mayor or
17 other executive authority and under the direction of the
18 local law enforcement authorities, may exercise those powers
19 and perform those duties conferred pursuant to this section
20 within the municipality for the limited purpose of aiding
21 local authorities in emergency situations.

22 (2) When acting under such agreement, a campus police
23 officer shall be acting within the scope of the authority of
24 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police
25 jurisdiction) and is, at all times, entitled to all the
26 rights and benefits accruing under that law.

27 (j) Compensation.--The compensation of a police officer
28 shall be paid by the nonprofit educational corporation for which
29 the police officer is appointed, as may be agreed upon between
30 the nonprofit educational corporation and the police officer.

1 (k) Termination of appointment.--

2 (1) When a nonprofit educational corporation no longer
3 requires the services of a police officer, it shall file a
4 notice to that effect, under its corporate seal, in the
5 office of each recorder of deeds where the court decree and
6 order of appointment of the police officer were recorded.

7 (2) The recorder of deeds shall note this information on
8 the margin of the record where the court decree and order
9 were recorded, and as of the date of the notation the powers
10 of the police officer shall terminate.

11 (3) The recorder of deeds shall notify the clerk of the
12 court by which the police officer was appointed of the
13 termination of the appointment in the county.

14 (l) Applicability.--

15 (1) In order to maintain certification and recognition
16 of authority under this section, all existing campus police
17 departments shall satisfy all requirements of this section by
18 July 1, 2014.

19 (2) All new requests for recognition under this section
20 must satisfy all requirements prior to making application to
21 the court of common pleas.

22 (m) Construction.--Nothing in this section shall be
23 construed as requiring private colleges and universities to
24 utilize campus security. However, existing campus police that
25 are not appointed under subsection (a) shall remain designated
26 as security, and the campus police department in which they are
27 employed shall be prohibited from retaining or obtaining any
28 confidential or law-enforcement-only criminal justice
29 information, database access from any source, internal or
30 external, and may not obtain membership on committees or boards

1 established with access to such information.

2 (n) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

5 "Certification." The assignment of a certification number to
6 a campus police officer after successful completion of a
7 mandatory basic training course or receipt of a waiver of basic
8 training from the Municipal Police Officers' Education and
9 Training Commission and successful completion of mandatory in-
10 service training.

11 "College." A college which has a campus police department,
12 as used in section 2416 of the act of April 9, 1929 (P.L.177,
13 No.175), known as The Administrative Code of 1929, certified by
14 the Office of Attorney General as a criminal justice agency
15 under the definition of "criminal justice agency" in 18 Pa.C.S.
16 § 9102 (relating to definitions).

17 "Commission." The Municipal Police Officers' Education and
18 Training Commission.

19 "Nonprofit educational corporation." An accredited, not-for-
20 profit, private college or university in this Commonwealth as
21 recognized by the Department of Education of the Commonwealth.

22 "Police department." Any of the following:

23 (1) A public agency of a political subdivision having
24 general police powers and charged with making arrests in
25 connection with the enforcement of the criminal or traffic
26 laws. This paragraph includes the sheriff's office in a
27 county of the second class.

28 (2) A campus police or university police department, as
29 the term is used in section 2416 of the act of April 9, 1929
30 (P.L.177, No.175), known as The Administrative Code of 1929,

1 certified by the Office of Attorney General as a criminal
2 justice agency under the definition of "criminal justice
3 agency" in 18 Pa.C.S. § 9102 (relating to definitions). This
4 paragraph does not include a campus police or university
5 police department of the State System of Higher Education and
6 its member institutions.

7 (3) A railroad or street railway police department
8 formed with officers commissioned under Chapter 33 (relating
9 to railroad and street railway police) or any prior statute
10 providing for such commissioning.

11 (4) The Capitol Police.

12 (5) The Harrisburg International Airport Police.

13 (6) An airport authority police department.

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