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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 462 Session of  
2023

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INTRODUCED BY KINSEY, DAWKINS, SCOTT, HILL-EVANS, MADDEN,  
FIEDLER, RABB, SCHLOSSBERG, KHAN, FREEMAN, KAZEEM, SANCHEZ,  
KINKEAD, PARKER, STURLA, OTTEN, D. WILLIAMS, BELLMON, PROBST  
AND WARREN, MARCH 16, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2023

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AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, providing for actions by law  
3 enforcement.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a part to read:

8 PART V

9 ACTIONS BY LAW ENFORCEMENT

10 Chapter

11 91. Use of Force

12 CHAPTER 91

13 USE OF FORCE

14 Sec.

15 9101. Prohibition.

16 § 9101. Prohibition.

17 (a) General rule.--Notwithstanding 18 Pa.C.S. § 508

1 (relating to use of force in law enforcement) and except as  
2 provided under subsection (b), in making an arrest a  
3 Pennsylvania State Police officer or municipal police officer:

4 (1) May not:

5 (i) apply the use of a chokehold;

6 (ii) apply any pressure to the diaphragm, airways or  
7 any compression that inhibits breath or the flow of blood  
8 to the brain of the person; or

9 (iii) hold the person in prone restraint or facedown  
10 while restrained for a period of time exceeding three  
11 minutes or as practical as to avoid positional asphyxia.

12 (2) May not keep the person in prone restraint or a  
13 facedown position once the person is restrained.

14 (b) Application.--The prohibitions under subsection (a)  
15 shall not apply when the use of deadly force is permitted under  
16 law.

17 (c) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this  
19 subsection unless the context clearly indicates otherwise:

20 "Prone restraint." All items or measures used to restrain a  
21 person in a facedown position.

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