AMENDMENTS TO SENATE BILL NO. 1193

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 1756

Amend Bill, page 1, lines 1 through 10, by striking out all of said lines and inserting

Amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in other officers, codifying provisions relating to sheriffs and deputy sheriffs; further providing for sheriff training requirement and for Sheriff and Deputy Sheriff Education and Training Account; and making editorial changes and a related repeal.

Amend Bill, page 1, lines 13 through 21; page 2, lines 1 through 30; page 3, lines 1 through 11; by striking out all of said lines on said pages and inserting

Section 1. Part IV heading of Title 44 of the Pennsylvania Consolidate Statutes is amended to read:

PART IV

OTHER OFFICERS AND OFFICIALS

Section 2. Title 44 is amended by adding a chapter to read:

CHAPTER 74

SHERIFFS AND DEPUTY SHERIFFS

Subchapter

A. General Provisions (Reserved)

B. (Reserved)

C. Sheriff and Deputy Sheriff Education and Training

SUBCHAPTER A

GENERAL PROVISIONS

(Reserved)

SUBCHAPTER B

(Reserved)

SUBCHAPTER C

SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

Sec.

7421. Scope of subchapter.

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§ 7421. Scope of subchapter.
This subchapter provides for sheriff and deputy sheriff education and training.
§ 7422. Definitions.
The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:
"Account." The Sheriff and Deputy Sheriff Education and Training Account.
"Board." The Sheriff and Deputy Sheriff Education and Training Board.
"Commission." The Pennsylvania Commission on Crime and Delinquency.
§ 7423. Sheriff and Deputy Sheriff Education and Training Board.
(a) Continuation.--The Sheriff and Deputy Sheriff Education and Training Board is continued as a board within the commission.
(b) Composition.--The board shall be composed of the following members:
(1) The Attorney General.
(2) Two judges of the courts of common pleas from different counties.
(3) Two sheriffs from different counties with a minimum of six years' experience as a sheriff or chief deputy.
(4) Three individuals from different counties with a minimum of eight years' experience each as a deputy sheriff. One of the three shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.
(5) One educator qualified in the field of curriculum design.
(6) One county commissioner.
(c) Appointments and terms.--All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years. Any member of the board shall cease to be a member of the board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.
(d) Vacancies.--A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired term of the member who the appointee succeeds in the same manner as the original appointment.

(e) Expenses.--The members of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of their duties under this subchapter.

(f) Removal.--Members of the board, other than the Attorney General, may be removed by the Governor for good cause upon written notice from the Governor specifically stating the cause for removal.

(g) Chair.--The members of the board shall elect a chair from among the members to serve for a period of one year. A chair may be elected to serve successive terms.

(h) Meetings and quorum.--The board shall meet at least four times each year. Special meetings may be called by the chair of the board or upon written request of three members. A quorum shall consist of five members.

§ 7424. Powers and duties of board.

The board, with the review and approval of the commission, shall have the power and its duty shall be to:

(1) Establish, implement and administer the Sheriff and Deputy Sheriff Education and Training Program according to the minimum requirements specified in this subchapter.

(2) Establish, implement and administer requirements for the minimum courses of study and training for sheriffs and deputy sheriffs.

(3) Establish, implement and administer requirements for courses of study and in-service training for sheriffs holding office and deputy sheriffs appointed prior to August 9, 1984.

(4) Establish, implement and administer requirements for a continuing education program for all sheriffs and deputy sheriffs concerning all of the following subjects the board may deem necessary and appropriate for the continued education and training of sheriffs and deputy sheriffs.

(5) Approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements of this subchapter.

(6) Establish the minimum qualifications for instructors and certify instructors.

(7) Consult and cooperate with universities, colleges, law schools, community colleges and institutes for the development of specialized courses for sheriffs and deputy sheriffs.

(8) Promote the most efficient and economical program for sheriff and deputy sheriff training by utilizing existing facilities, programs and qualified State and local personnel.

(9) Certify sheriffs and deputy sheriffs who have satisfactorily completed the basic education and training requirements of this subchapter and issue appropriate certificates to them.

(10) Revoke the certification of sheriffs and deputy sheriffs in accordance with section 7429 (relating to revocation of certification).

(11) Reinstate previously revoked certifications of sheriffs and deputy sheriffs where the board finds that the circumstances which led to the revocation of certification are no longer an impediment to certification.

(12) Make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer this subchapter.

(13) Make an annual report to the Governor and to the General Assembly concerning:

(i) The administration of the Sheriff and Deputy Sheriff Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

§ 7425. Training program.

The Sheriff and Deputy Sheriff Education and Training Program shall include appropriate training for not less than 160 hours which content and hours of instruction shall be determined by the board, subject to the review and approval of the commission.

§ 7426. Continuing education.

The board, with the review and approval of the commission, shall establish a continuing education program for all sheriffs and deputy sheriffs, which shall include not less than 20 hours of continuing education every two years, concerning subjects the board may deem necessary and appropriate for the continued education and training of sheriffs and deputy sheriffs.

§ 7427. Sheriff training requirement.

(a) Certification required.--

(1) A sheriff elected after September 7, 2014, who does not hold certification as either a deputy sheriff or sheriff on the first Monday in January next following the election, during the sheriff's term of office:

(i) Shall obtain the education and training as provided in section 7425 (relating to training program), subject to any reduction in hours as provided in subsection (c).

(ii) Shall meet the requirements for continuing education after certification.

(iii) Shall obtain reinstatement of a previously revoked certification, if applicable.

(2) In the case of a county which has adopted a home rule charter which provides for the appointment of the sheriff, a sheriff appointed after September 7, 2014, shall obtain certification under this section within 18 months of appointment.

(b) Continuing education.--Every sheriff shall, while in office, meet the requirements for continuing education established by the board, with the review and approval of the commission.

(c) Prior education, training or experience.--The board, with the review and approval of the commission, shall have the authority and the discretion to reduce the hours of education

and training required in section 7425 for sheriffs required to receive education and training who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(d) Sheriffs in office.--Any sheriff holding office on September 7, 2014, shall be deemed to have satisfied the requirements for training under section 7425 and shall receive certification from the board. From the date of the certification under this subsection, sheriffs shall be subject to continuing education as provided in subsection (b).

(e) Ineligibility.--Any sheriff failing to receive and maintain certification as provided in this section shall be ineligible to be on the ballot for the office of sheriff for any term subsequent to that under subsection (a).

(f) Vacancies.--

(1) Any person appointed to fill a vacancy in the office of sheriff shall be certified or, in the alternative, obtain and maintain certification during the term for which the person is appointed under subsection (a). Any person appointed to fill a vacancy in the office of sheriff who does not fulfill the requirements of subsection (a) shall be ineligible for subsequent election as provided under subsection (e).

(2) No person appointed to fill a vacancy in the office of sheriff where the balance of the unexpired term is less than one year shall be subject to the requirements of paragraph (1). However, a person who is elected to a term as sheriff immediately following the person's previously appointed term of less than one year is subject to the requirements under subsection (a).

(g) (Reserved).

§ 7428. Deputy sheriff training requirement.

(a) General rule.--A sheriff of this Commonwealth shall assure that each full-time or part-time deputy employed by the sheriff who has less than five years of experience on August 9, 1984, receives the training provided for in sections 7425 (relating to training programs) and 7426 (relating to continuing education).

(a.1) Diploma.--No person shall be employed or appointed as a deputy sheriff unless the person is a high school graduate or has received a secondary school diploma on the basis of general education development (GED).

(b) Prior education, training or experience.--The board, with the review and approval of the commission, may reduce the hours of education and training required in section 7425 for deputy sheriffs required to receive education and training who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(c) Certification requirement for continued compensation.--

(1) Any person hired as a full-time or part-time deputy

sheriff who has less than five years of experience on August 9, 1984, shall, as of August 9, 1986, be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of duties as a deputy sheriff unless the deputy sheriff has met all of the requirements established under this chapter and has been duly certified as having met those requirements by the board, with the review and approval of the commission, unless the deputy sheriff is granted additional time to complete training by the board, with the review and approval of the commission.

(2) Any new deputy hired by the sheriff shall have one year in which to complete training.

(d) Continuing education.--Any full-time or part-time deputy sheriff who fails to meet and fails to be certified as having met the requirements for continuing education established by the board, with the review and approval of the commission, shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of duties as a deputy sheriff.

(e) Penalty.--Any official of any county who orders, authorizes or pays a salary or compensation or other consideration or thing of value to any person in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a maximum fine of $500 or to imprisonment for a term not to exceed 30 days.

§ 7429. Revocation of certification.

(a) Revocation of deputy sheriff certification.--The board shall revoke the certification of any deputy sheriff for one or more of the following:

(1) Conviction for a felony or misdemeanor of the first or second degree.

(2) Where the board determines the person was dismissed for cause from employment as a deputy sheriff.

(3) Where the board determines the person is physically or psychologically unfit to perform the duties of the office.

(4) Where the board determines the person has committed misconduct which makes the person unfit to perform the duties of the office, including:

(i) Submission to the board of a document that the deputy knows contains false information, including fraudulent application.

(ii) Cheating on board examinations or skill tests.

(b) Revocation of sheriff certification.--The board shall revoke the certification of a sheriff only after the sheriff is removed from office. Nothing in this chapter shall be interpreted as providing grounds for removal of a sheriff from office, except as provided under Article VI of the Constitution of Pennsylvania.

(c) Notification by sheriff.--In the case of a deputy sheriff, it shall be the responsibility of the sheriff to notify the board within 15 days of the occurrence of an event described

under subsection (a).

(d) Notification by county commissioners.--In the case of a sheriff, it shall be the responsibility of the county commissioners to notify the board within 15 days of a sheriff's removal from office.

(e) Regulations.--The board shall establish, with the approval of the commission, regulations providing for the following:

(1) Notice of a revocation and the right of sheriffs and deputy sheriffs to request a hearing.

(2) Standards and guidelines for application for recertification following revocation.

§ 7430. Sheriff and Deputy Sheriff Education and Training Account.

(a) Continuation.--The Sheriff and Deputy Sheriff Education and Training Account is continued as a restricted receipts account within the General Fund. Money in the account is appropriated on a continuing basis to the commission for the purpose of financing training program expenses, the costs of administering the program, reimbursements to counties and all other costs associated with the activities of the board and the implementation of this chapter.

(b) Surcharge.--A surcharge shall be assessed on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ or other legal paper required to be served or posted by the sheriff. Surcharges shall be assessed as follows:

(1) Beginning January 1, 2021, through December 31, 2021, the surcharge shall be $16.

(2) Beginning January 1, 2022, through December 31, 2022, the surcharge shall be $18.

(3) Beginning January 1, 2023, and thereafter, the surcharge shall be $20.

(b.1) Surcharge in counties of first and second class.--

(1) In counties of the first and second class, a surcharge shall be collected by the prothonotary of that county for each defendant named in a document filed to commence an action under Pa.R.C.P. No.1007, except when service is made by a competent adult in the actions listed in Pa.R.C.P. No. 400(b).

(2) One dollar of the surcharge shall be retained by the prothonotary to cover administrative costs incurred by collecting the surcharge and to support any technology and automation improvements or upgrades for the prothonotary, and the balance shall be transmitted semiannually to the State Treasurer for deposit into the account. Surcharges shall be assessed as follows:

(1) Beginning January 1, 2021, through December 31, 2021, the surcharge shall be $17.

(2) Beginning January 1, 2022, through December 31, 2022, the surcharge shall be $19.

(3) Beginning January 1, 2023, and thereafter, the surcharge shall be $21.

(c) Disposition of money collected.--The money collected under subsection (b) shall be forwarded semiannually by the sheriff of an individual county to the State Treasurer for deposit into the account and used exclusively to cover the costs and expenses of the Sheriff and Deputy Sheriff Education and Training Program.

(d) Disbursements.--Disbursements from the account shall be made by the commission.

(e) Audit.--The Auditor General shall conduct an audit of the account as the Auditor General may deem necessary or advisable from time to time but no less often than once every three years.

§ 7431. Reimbursement to counties.

Each county shall pay the ordinary and necessary living and travel expenses and the regular salary of the county's sheriff and deputy sheriffs while attending approved schools. The commission shall provide for reimbursement to each county of 100% of the regular salaries of the county's sheriff and deputy sheriffs and 100% of the ordinary and necessary living and travel expenses incurred by the county's sheriff and deputy sheriffs while attending certified sheriff and deputy sheriff basic training or continuing education schools if the county adheres to the training standards required under this subchapter and established by the board with the review and approval of the commission. The commission shall provide for 100% of the tuition incurred by the sheriff and deputy sheriffs while attending certified sheriff and deputy sheriff basic training or continuing education schools.

Section 3. The addition of 44 Pa.C.S. Ch. 74 Subch. C is a continuation of the act of February 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff Education and Training Act. The following apply:

(1) Except as otherwise provided in 44 Pa.C.S. Ch. 74 Subch. C, all activities initiated under the Sheriff and Deputy Sheriff Education and Training Act shall continue and remain in full force and effect and may be completed under 44 Pa.C.S. Ch. 74 Subch. C. Resolutions, orders, regulations, rules and decisions which were made under the Sheriff and Deputy Sheriff Education and Training Act and which are in effect on the effective date of this section shall remain in full force and effect until revoked, vacated or modified under 44 Pa.C.S. Ch. 74 Subch. C. Contracts, obligations and agreements entered into under the Sheriff and Deputy Sheriff Education and Training Act are not affected nor impaired by the repeal of the Sheriff and Deputy Sheriff Education and Training Act.

(2) Except as specified in paragraphs (3) and (4), any difference in language between 44 Pa.C.S. Ch. 74 Subch. C and the Sheriff and Deputy Sheriff Education and Training Act is

intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administrative interpretation and implementation of the Sheriff and Deputy Sheriff Education and Training Act.

(3) The following provisions of the Sheriff and Deputy Sheriff Education and Training Act are obsolete and excluded from the addition of 44 Pa.C.S. Ch. 74 Subch. C:

(i) The exception for appointments upon the effective date of the act under the first sentence of section 3(c), the last sentence of section 3(g) and the first sentence of section 3(h) of the act.

(ii) (Reserved).

(iii) Section 8(b)(1) and (2) and (b.1)(1) and (2) of the act.

(4) Paragraph (2) does not apply to the addition of the following:

(i) 44 Pa.C.S. § 7427(g).

(ii) 44 Pa.C.S. § 7430(a), (b) and (b.1).

(5) A reference in any other act or regulation to the Sheriff and Deputy Sheriff Education and Training Act shall be deemed to be a reference to 44 Pa.C.S. Ch. 74 Subch. C.

Section 4. Repeals are as follows:

(1) The General Assembly finds that the repeals under paragraph (2) are necessary to effectuate this act.

(2) The act of February 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff Education and Training Act, is repealed.

Section 5. This act shall take effect January 1, 2021.