

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1189 Session of 2007

INTRODUCED BY PERZEL, ADOLPH, BLACKWELL, BOYD, BUXTON, CAPPELLI, DALEY, DENLINGER, DePASQUALE, DONATUCCI, J. EVANS, EVERETT, FREEMAN, GEIST, GILLESPIE, GINGRICH, GODSHALL, HENNESSEY, HESS, JAMES, W. KELLER, KENNEY, KILLION, KIRKLAND, KOTIK, MARSHALL, MICOZZIE, MOUL, MOYER, MYERS, O'NEILL, PHILLIPS, PYLE, QUIGLEY, RAPP, RAYMOND, READSHAW, REICHLEY, SCAVELLO, SOLOBAY, SONNEY, J. TAYLOR, VEREB, WATSON, YOUNGBLOOD, YUDICHAK, R. TAYLOR, COSTA, HELM, VULAKOVICH AND MANTZ, MAY 4, 2007

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 16, 2007

AN ACT

1 Establishing and providing for the administration of the
2 Commonwealth Officer Program and the Commonwealth Officer
3 Fund; providing for duties of the Office of Attorney General;
4 lapsing certain funds; and making an appropriation.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Commonwealth
9 Officer Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "ADVISORY COMMITTEE." A COMMITTEE FORMED TO ASSIST THE
15 ATTORNEY GENERAL IN REVIEWING AND APPROVING GRANTS UNDER THE

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1 PROGRAM AND CONSISTING OF THE DISTRICT ATTORNEY AND PRESIDENT
2 JUDGE OF THE COUNTY WHEREIN THE MUNICIPALITY APPLYING TO THE
3 PROGRAM LIES, A REPRESENTATIVE OF THE PENNSYLVANIA STATE POLICE
4 AND A LOCAL LAW ENFORCEMENT REPRESENTATIVE FROM A COUNTY CHIEFS
5 OF POLICE ORGANIZATION OR A COUNTY FRATERNAL ORDER OF POLICE
6 LODGE IN THE COUNTY WHEREIN THE MUNICIPALITY APPLYING TO THE
7 PROGRAM LIES.

8 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND
9 DELINQUENCY.

10 "Fund." The Commonwealth Officer Fund established under
11 section 4.

12 "MUNICIPALITY." A COUNTY OF THE FIRST CLASS, COUNTY OF THE
13 SECOND CLASS, CITY, BOROUGH, TOWN OR TOWNSHIP. ←

14 "Police department." A public agency of a municipality
15 having general police powers and charged with making arrests in
16 connection with the enforcement of criminal or traffic laws. The
17 term includes a regional police department organized under 53
18 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
19 cooperation).

20 "Police officer." A full-time active sworn officer employed
21 by a municipality and assigned to criminal law enforcement or
22 traffic duties in a specific uniformed police district within a
23 municipality. The term does not include:

24 (1) Auxiliary and fire police.

25 (2) Persons assigned to transportation centers.

26 (3) Persons employed to check parking meters or to
27 perform only administrative duties.

28 (4) Persons on special detail or on restricted or
29 limited duty.

30 "Program." The Commonwealth Officer Program established

1 under section 3.

2 "Salary." Includes base pay and health benefits. The term
3 does not include overtime, longevity or pension compensation.

4 Section 3. Program.

5 The Commonwealth Officer Program is hereby established in the
6 Office of Attorney General. The goal of the program is to
7 provide State support to communities throughout this
8 Commonwealth to hire 10,000 new police officers by the year
9 2011. The Office of Attorney General shall do the following:

10 (1) Administer the program.

11 ~~(2) Review, approve and award grants to applicants under~~ <—
12 ~~the program.~~

13 (2) REVIEW AND APPROVE GRANT APPLICATIONS WITH THE <—
14 ASSISTANCE OF THE ADVISORY COMMITTEE.

15 (3) AWARD GRANTS TO APPLICANTS UNDER THE PROGRAM.

16 Section 4. Fund.

17 There is hereby established in the State Treasury a special
18 fund to be known as the Commonwealth Officer Fund. Deposits in
19 the fund shall include moneys appropriated pursuant to section 9
20 and other moneys appropriated to the fund. All moneys deposited
21 in the fund and interest which accrues from those funds are
22 appropriated on a continuing basis for the purposes of this act.

23 Section 5. Dedication of funding.

24 (a) Priority.--The Office of Attorney General shall allocate
25 the moneys available in the fund in the following order of
26 priority:

27 ~~(1) Rural municipalities employing fewer than ten police~~ <—
28 ~~officers.~~

29 ~~(2) Municipalities in counties with the highest~~
30 ~~percentage of total crimes reported Statewide as recorded in~~

1 ~~the Pennsylvania Uniform Crime Reporting System.~~

2 ~~(3) Municipalities in counties having the largest~~
3 ~~population.~~

4 (1) MUNICIPALITIES EMPLOYING FEWER THAN 20 POLICE <—
5 OFFICERS.

6 (2) MUNICIPALITIES EMPLOYING MORE THAN 20 BUT FEWER THAN
7 100 POLICE OFFICERS.

8 (3) MUNICIPALITIES WITH THE HIGHEST PER CAPITA RATE OF
9 TOTAL CRIMES REPORTED STATEWIDE AS RECORDED IN THE
10 PENNSYLVANIA UNIFORM CRIME REPORTING SYSTEM.

11 (4) MUNICIPALITIES WITH THE HIGHEST PERCENTAGE OF TOTAL
12 CRIMES REPORTED STATEWIDE AS RECORDED IN THE PENNSYLVANIA
13 UNIFORM CRIME REPORTING SYSTEM.

14 (5) MUNICIPALITIES WITH THE LARGEST POPULATION.

15 (b) Formula.--The Office of Attorney General shall develop a
16 formula for award of program grants which uses a ~~county's~~ <—
17 MUNICIPALITY'S existing number of police officers, ~~crime rate~~ <—
18 PER CAPITA CRIME RATE, TOTAL CRIME RATE and population to <—
19 achieve the funding priority under subsection (a).

20 Section 6. Applications.

21 (a) Submission.--A ~~county~~ MUNICIPALITY may submit an <—
22 application to the Office of Attorney General for a program
23 grant. An application shall:

24 (1) Include a commitment from the ~~county~~ MUNICIPALITY to <—
25 invest matching funds in the program.

26 ~~(2) Include a commitment from a municipality selected by~~ <—
27 ~~the county to receive a program grant to invest matching~~
28 ~~funds in the program.~~

29 ~~(b) Minimum matching funds required. A county receiving a~~

30 (2) INCLUDE A COMMITMENT FROM THE MUNICIPALITY TO APPLY <—

1 TO THE COMMISSION FOR FUNDING OF POLICE OFFICERS IN ORDER TO
2 REDUCE THE AMOUNT OF THE MUNICIPALITY'S MATCHING FUNDS
3 REQUIREMENT FOR THE PROGRAM.

4 (B) MINIMUM MATCHING FUNDS REQUIRED.--

5 (1) A MUNICIPALITY RECEIVING A program grant shall
6 commit matching funds in an amount ~~equivalent to no less than~~ <—
7 ~~30% of the total grant to the county. A municipality selected~~
8 ~~by the county to receive grant funds shall commit matching~~
9 ~~funds in an amount equivalent to no less than 20% of the~~
10 ~~municipality's grant.~~ EQUIVALENT TO NO LESS THAN 50% OF THE <—
11 TOTAL GRANT TO THE MUNICIPALITY FROM THE PROGRAM.

12 (2) A MUNICIPALITY WHICH RECEIVES FUNDING FROM THE
13 COMMISSION SHALL COMMIT MATCHING FUNDS IN AN AMOUNT
14 EQUIVALENT TO NO LESS THAN ONE HALF OF THE COMMISSION'S
15 GRANT.

16 (3) A MUNICIPALITY MAY SOLICIT ANY AMOUNT OF FUNDING
17 FROM BUSINESSES OR OTHER COMMUNITY ORGANIZATIONS TO SATISFY
18 THE MATCHING FUNDS REQUIREMENT.

19 Section 7. Use of funds.

20 ~~A municipality selected by the county to receive grant funds~~ <—

21 (A) STAFF.--THE ATTORNEY GENERAL MAY USE FUNDS AS NECESSARY <—
22 TO HIRE STAFF AND ACQUIRE OFFICE EQUIPMENT AND SUPPLIES TO CARRY
23 OUT THE ADMINISTRATIVE DUTIES OF THE PROGRAM.

24 (B) USE OF FUNDS.--A MUNICIPALITY WHICH RECEIVES GRANT FUNDS
25 shall use the funds to do any of the following:

26 (1) Hire new police officers. Any new position
27 established must be funded for a minimum of ~~20~~ 10 years. <—
28 During the first four years following implementation of the
29 program, funds must be used to hire new police officers.
30 Following the fourth year of implementation, funds shall be

1 used to pay officers' salaries at the MINIMUM rate of \$25,000 ←
2 per year per officer.

3 (2) Use up to 50% of the State funds received for
4 recruiting, training, equipment or other costs associated
5 with maintaining a full-time complement of police officers.

6 Section 8. Lapse.

7 Funds from the following appropriations shall lapse to the
8 General Fund:

9 (1) \$10,000,000 from the appropriation for the
10 Commonwealth Technology Services under section 202 of the act
11 of July 2, 2006 (P.L.1640, No.2A), known as the General
12 Appropriation Act of 2006.

13 (2) \$11,500,000 from the appropriation for the Senate
14 Caucus Operations Account (R) under section 251 of the
15 General Appropriation Act of 2006.

16 (3) \$11,500,000 from the appropriation for the Senate
17 Caucus Operation Account (D) under section 251 of the General
18 Appropriation Act of 2006.

19 (4) \$11,500,000 from the appropriation for the House of
20 Representatives Legislative Management Account (R) under
21 section 252 of the General Appropriation Act of 2006.

22 (5) \$11,500,000 from the House of Representatives
23 Legislative Management Account (D) under section 252 of the
24 General Appropriation Act of 2006.

25 Section 9. Appropriation.

26 The sum of \$56,000,000, or as much thereof as may be
27 necessary, is hereby appropriated to the Commonwealth Officer
28 Fund for the fiscal year July 1, 2007, to June 30, 2008, to
29 carry out the provisions of this act.

30 Section 20. Effective date.

1 This act shall take effect immediately.