AN ACT

Providing for liability for public safety response costs.

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

Section 1. Short title.

This act shall be known and may be cited as the Commonwealth Response Cost Reimbursement Act.

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Citizens have the constitutional right to lawfully and peacefully assemble and petition as guaranteed by the First Amendment of the Constitution of the United States and Article I of the Constitution of Pennsylvania.

(2) The protests and related illegal activities associated with the Dakota Access Pipeline in North Dakota:

   (i) required 331,721 hours of response support;

   (ii) cost state and local taxpayers $38.2 million;

   (iii) led to the arrests of 761 individuals, 94% of
whom were from outside the State;

(iv) required the removal of 48 million pounds of
trash, including 44 abandoned vehicles;
(v) diverted $4,433,329 in expenses from the North
Dakota Highway Patrol's normal operations and resulted in
the agency logging more flight hours than typically would
have been logged over the course of four years;
(vi) compelled the North Dakota National Guard to
expend 35,412 hours of service and $8,752,233 in response
costs;
(vii) necessitated law enforcement escorts of school
buses; and
(viii) resulted in 23 livestock killed or missing
and 34 livestock injured.

(3) It is improper for Commonwealth taxpayers to bear
the financial burden for response costs related to unlawful
gatherings and illegal activities.

Section 3. Definitions.
The following words and phrases when used in this act shall
have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Demonstration." A public assembly, a meeting or gathering,
a rally or protest event, a political rally or event, a
demonstration, speech making, marching, the holding of vigils or
religious services, and all other like forms of conduct the
primary purpose of which is expressive activity or the
communication or expression of views or grievances, which has
the effect, intent or propensity to draw a crowd or onlookers.

Section 4. Costs imposed.
A person is responsible for public safety response costs
incurred by a State agency or political subdivision as a result
of the State agency's or political subdivision's response to a
demonstration if, in connection with the demonstration, the
person is convicted of a felony or misdemeanor offense.

Section 5. Relief.

In addition to any other right of action and any other remedy
provided by law, a State agency or political subdivision that
incurs costs in responding to a demonstration may bring an
action against a person described in section 4 to recover the
response costs and related legal, administrative and court
expenses. All costs owed may be determined by a court of
competent jurisdiction.

Section 6. Limitations.

A fine paid by a person for the same violation may not be
applied toward payment of the responsibility imposed under this
act.

Section 7. Public safety response costs.

A person convicted as described in section 4 shall, in
addition to any other sentence imposed or restitution ordered
under 42 Pa.C.S. § 9721(c) (relating to sentencing generally),
be ordered to pay the reasonable costs associated with the
public safety response costs, including fire and police response
and emergency medical services or emergency preparedness
response, incurred by a State agency or political subdivision as
a result of the State agency's or political subdivision's
response to the demonstration.

Section 8. Effective date.

This act shall take effect in 60 days.

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