

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1945 Session of
1975

INTRODUCED BY MR. ECKENBERGER, NOVEMBER 24, 1975

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, NOVEMBER 8, 1976

AN ACT

1 Amending the act of October 10, 1974 (P.L.705, No.235), entitled
2 "An act providing for the training and licensing of watch
3 guards, protective patrolmen, detectives and criminal
4 investigators, carrying and using lethal weapons in their
5 employment; imposing powers and duties on the Commissioner of
6 the Pennsylvania State Police; and providing penalties,"
7 ~~extending the effective date. GRANTING AN EXEMPTION; CERTAIN~~ <—
8 ~~EXEMPTIONS; CHANGING A DEFINITION; DEFINITIONS, AND FURTHER~~ <—
9 ~~PROVIDING FOR THE POWERS AND DUTIES OF THE COMMISSIONER.~~

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

12 ~~Section 1. Section 3, act of October 10, 1974 (P.L.705,~~ <—
13 ~~No.235), known as the "Lethal Weapons Training Act," is amended~~
14 ~~to read:~~

15 ~~Section 3. Definitions. As used in this act:~~

16 ~~"Commissioner" means the Commissioner of the Pennsylvania~~
17 ~~State Police.~~

18 ~~"Lethal weapons" include but are not limited to firearms~~
19 ~~{mace} and other weapons calculated to produce death or serious~~
20 ~~bodily harm, [A concealed billy club is a lethal weapon.] but~~
21 ~~the term shall not include mace or billy clubs.~~

~~"Privately employed agents" include any person employed for the purpose of providing watch guard, protective patrol, detective or criminal investigative services either for another for a fee or for his employer. Privately employed agents do not include local, State or Federal Government employees.~~

~~For the education and training purposes of this act, privately employed agents shall be classified as follows with duties and education and prescribed training status:~~

Class	Duties	Education and Training
		<u>Required</u>
<u>1</u>	<u>Those who carry weapons in connection with duties</u>	<u>Full program prescribed</u>
<u>2</u>	<u>Security guards who do not carry weapons but deal with people</u>	<u>All training except lethal weapons training</u>
<u>3</u>	<u>Nightwatchmen; all privately employed agents who have had the training and education prescribed and can furnish proof thereof</u>	<u>Exempt; taking part or all of course voluntarily</u>

~~"Program" means the education and training program established and administered or approved by the commissioner in accordance with this act.~~

~~Section 2. Section 11 of the act, amended July 25, 1975 (No.52), is amended to read:~~

~~Section 11. Effective Date. Sections 1, 2, 3, subsections (a), (b) and (c) of section 4, sections 5, 6, 7, subsections (a), (b) and (c) of section 8, and sections 9 and 10 of this act shall take effect [December 31, 1975] July 1, 1976.~~

1 ~~Section 3. This act shall take effect immediately.~~

2 SECTION 1. ~~THE DEFINITION OF THE TERM~~ DEFINITIONS OF THE <—
3 TERMS "LETHAL WEAPONS" AND "PRIVATELY EMPLOYED AGENTS" OF
4 SECTION 3, ACT OF OCTOBER 10, 1974 (P.L.705, NO.235), KNOWN AS
5 THE "LETHAL WEAPONS TRAINING ACT," ~~IS~~ ARE AMENDED TO READ: <—

6 SECTION 3. DEFINITIONS.--AS USED IN THIS ACT:

7 * * *

8 "LETHAL WEAPONS" INCLUDE BUT ARE NOT LIMITED TO FIREARMS[,
9 MACE] AND OTHER WEAPONS CALCULATED TO PRODUCE DEATH OR SERIOUS
10 BODILY HARM. A CONCEALED BILLY CLUB IS A LETHAL WEAPON. THE
11 CHEMICAL MACE OR ANY SIMILAR SUBSTANCE SHALL NOT BE CONSIDERED
12 AS "LETHAL WEAPONS" FOR THE PURPOSES OF THIS ACT.

13 "PRIVATELY EMPLOYED AGENTS" INCLUDE ANY PERSON EMPLOYED FOR
14 THE PURPOSE OF PROVIDING WATCH GUARD, PROTECTIVE PATROL,
15 DETECTIVE OR CRIMINAL INVESTIGATIVE SERVICES EITHER FOR ANOTHER
16 FOR A FEE OR FOR HIS EMPLOYER. PRIVATELY EMPLOYED AGENTS DO NOT
17 INCLUDE LOCAL, STATE OR FEDERAL GOVERNMENT EMPLOYEES OR THOSE
18 POLICE OFFICERS COMMISSIONED BY THE GOVERNOR UNDER THE ACT OF
19 FEBRUARY 27, 1865 (P.L.225, NO.228).

20 * * *

21 SECTION 2. SUBSECTION (B) OF SECTION 4 OF THE ACT IS AMENDED
22 TO READ:

23 SECTION 4. EDUCATION AND TRAINING PROGRAM.--* * *

24 (B) ALL PRIVATELY EMPLOYED AGENTS, EXCEPT THOSE WHO HAVE
25 BEEN GRANTED A WAIVER FROM COMPLIANCE HEREWITH BY THE
26 COMMISSIONER WHO, AS AN INCIDENCE TO THEIR EMPLOYMENT, CARRY A
27 LETHAL WEAPON SHALL BE REQUIRED TO ATTEND THE PROGRAM
28 ESTABLISHED BY SUBSECTION (A) OF THIS SECTION IN ACCORDANCE WITH
29 THE REQUIREMENTS OR REGULATIONS ESTABLISHED BY THE COMMISSIONER
30 AND, UPON SATISFACTORY COMPLETION OF SUCH PROGRAM, SHALL BE

1 ENTITLED TO CERTIFICATION BY THE COMMISSIONER.

2 * * *

3 SECTION 3. SECTION 5 OF THE ACT IS AMENDED BY ADDING CLAUSES
4 TO READ:

5 SECTION 5. POWER AND DUTIES OF COMMISSIONER.--THE
6 COMMISSIONER SHALL HAVE THE POWER AND DUTY:

7 * * *

8 (11) TO GRANT WAIVERS FROM COMPLIANCE WITH THE PROVISIONS OF
9 THIS ACT APPLICABLE TO PRIVATELY EMPLOYED AGENTS WHO HAVE
10 COMPLETED A COURSE OF INSTRUCTION IN A TRAINING PROGRAM APPROVED
11 BY THE COMMISSIONER.

12 (12) TO CONDUCT BACKGROUND INVESTIGATIONS OF PERSONS
13 APPLYING FOR CERTIFICATES OF QUALIFICATION TO DETERMINE THEIR
14 FITNESS AS PRIVATELY EMPLOYED AGENTS.

15 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.