
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 942

Session of
1981

INTRODUCED BY LOEPER, HESS AND FISHER, JUNE 24, 1981

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 28, 1982

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR <—
3 SUMMARY OFFENSES INVOLVING VEHICLES, further providing for
4 THE DISTRICT JUSTICE CONTINUING EDUCATION PROGRAM AND FOR <—
5 limited Statewide police powers for municipal police
6 officers, ~~and~~ retaining certain immunities and benefits AND <—
7 FURTHER PROVIDING FOR SENTENCING FOR CERTAIN OFFENDERS.

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

10 ~~Section 1. Section 8901 of Title 42, act of November 25,~~ <—
11 ~~1970 (P.L.707, No.230), known as the Pennsylvania Consolidated~~
12 ~~Statutes, is repealed.~~

13 SECTION 1. SECTION 3118 AND SUBSECTIONS (B) AND (C) OF <—
14 SECTION 5553 OF TITLE 42, ACT OF NOVEMBER 25, 1970 (P.L.707,
15 NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES, ARE
16 AMENDED TO READ:

17 § 3118. CONTINUING EDUCATION REQUIREMENT.

18 EVERY DISTRICT JUSTICE SHALL COMPLETE A CONTINUING EDUCATION

1 PROGRAM EACH YEAR EQUIVALENT TO NOT LESS THAN 32 HOURS PER YEAR
2 IN SUCH COURSES OR PROGRAMS AS ARE APPROVED BY THE BOARD. IF A
3 DISTRICT JUSTICE FAILS TO MEET THESE CONTINUING EDUCATION
4 REQUIREMENTS, SUCH JUSTICE SHALL BE SUBJECT TO SUSPENSION BY THE
5 SUPREME COURT UNTIL SUCH TIME AS EVIDENCE OF COMPLIANCE WITH
6 SUCH REQUIREMENTS IS SUBMITTED BY THE BOARD, BUT IN NO EVENT
7 LONGER THAN SIX MONTHS AT WHICH TIME THE FAILURE TO MEET THE
8 CONTINUING EDUCATION REQUIREMENTS SHALL BE GROUNDS FOR THE
9 SUPREME COURT, AFTER A HEARING, TO DECLARE A VACANCY IN THAT
10 DISTRICT. EACH DISTRICT JUSTICE ATTENDING A CONTINUING EDUCATION
11 PROGRAM REQUIRED BY THIS SECTION SHALL BE ENTITLED TO A PER DIEM
12 ALLOWANCE AT THE RATE OF \$60 AND MILEAGE OF 22¢ PER MILE.
13 FUNDING SHALL COME FROM THE ANNUAL APPROPRIATION MADE TO THE
14 SUPREME COURT ADMINISTRATOR. DISTRICT JUSTICES. <—

15 § 5553. SUMMARY OFFENSES INVOLVING VEHICLES.

16 * * *

17 (B) MINOR OFFENSES.--EXCEPT AS PROVIDED IN SUBSECTION (C),
18 PROCEEDINGS FOR SUMMARY OFFENSES UNDER THE FOLLOWING PROVISIONS
19 OF TITLE 75 MUST BE COMMENCED WITHIN [15] 30 DAYS AFTER THE
20 COMMISSION OF THE ALLEGED OFFENSE OR WITHIN [15] 30 DAYS AFTER
21 THE DISCOVERY OF THE COMMISSION OF THE OFFENSE OR THE IDENTITY
22 OF THE OFFENDER, WHICHEVER IS LATER, AND NOT THEREAFTER:

23 CHAPTER 31 (RELATING TO GENERAL PROVISIONS).

24 CHAPTER 33 (RELATING TO RULES OF THE ROAD IN GENERAL).

25 CHAPTER 35 (RELATING TO SPECIAL VEHICLES AND
26 PEDESTRIANS).

27 SUBCHAPTERS A (RELATING TO OFFENSES IN GENERAL) AND C
28 (RELATING TO ACCIDENTS AND ACCIDENT REPORTS) OF CHAPTER 37.

29 (C) EXCEPTION.--WHERE PROCEEDINGS ARE TIMELY COMMENCED
30 AGAINST A PERSON REASONABLY BELIEVED TO HAVE COMMITTED THE

1 OFFENSE CHARGED AND IT SUBSEQUENTLY APPEARS THAT A PERSON OTHER
2 THAN THE PERSON CHARGED IS THE OFFENDER, PROCEEDINGS MAY BE
3 COMMENCED AGAINST THE OTHER PERSON WITHIN 30 [OR 15] DAYS
4 [,WHICHEVER IS APPLICABLE,] AFTER THE IDENTITY OF THE PERSON IS
5 DISCOVERED AND NOT THEREAFTER.

6 * * *

7 SECTION 2. SECTION 8901 OF TITLE 42 IS REPEALED.

8 Section ~~2~~ 3. Title 42 is amended by adding a subchapter to <—
9 read:

10 SUBCHAPTER D

11 MUNICIPAL POLICE JURISDICTION

12 Sec.

13 8951. Definitions.

14 8952. Primary municipal police jurisdiction.

15 8953. Statewide municipal police jurisdiction.

16 8954. Noncompliance with mandatory certification requirements.

17 § 8951. Definitions.

18 The following words and phrases when used in this subchapter
19 shall have, unless the context clearly indicates otherwise, the
20 meanings given to them in this section:

21 "Chief law enforcement officer." The head of a duly
22 constituted municipal law enforcement agency which regularly
23 provides primary police services to a political subdivision or,
24 in the absence of any such municipal law enforcement agency, the
25 commanding officer of the Pennsylvania State Police installation
26 which regularly provides primary police services to the
27 political subdivision.

28 "Municipal police officer." Any natural person who is
29 properly employed by a municipality, including a home rule
30 municipality, as a regular full-time or part-time police

1 officer.

2 "Primary jurisdiction." The geographical area within the
3 territorial limits of a municipality or any lawful combination
4 of municipalities which employs a municipal police officer.

5 "Training law." The act of June 18, 1974 (P.L.359, No.120),
6 referred to as the Municipal Police Education and Training Law.
7 § 8952. Primary municipal police jurisdiction.

8 Any duly employed municipal police officer shall have the
9 power and authority to enforce the laws of this Commonwealth or
10 otherwise perform the functions of that office anywhere within
11 his primary jurisdiction as to:

12 (1) Any offense which the officer views or otherwise has
13 probable cause to believe was committed within said
14 jurisdiction.

15 (2) Any other event that occurs within his primary
16 jurisdiction and which reasonably requires action on the part
17 of the police in order to preserve, protect or defend persons
18 or property or to otherwise maintain the peace and dignity of
19 this Commonwealth.

20 § 8953. Statewide municipal police jurisdiction.

21 (a) General rule.--Any duly employed municipal police
22 officer who is within this Commonwealth, but beyond the
23 territorial limits of his primary jurisdiction, shall have the
24 power and authority to enforce the laws of this Commonwealth or
25 otherwise perform the functions of that office as if enforcing
26 those laws or performing those functions within the territorial
27 limits of his primary jurisdiction in the following cases:

28 (1) Where the officer WITH THE APPROVAL OF THE HOST <—
29 MUNICIPALITY is acting pursuant to the requirements of an
30 arrest warrant or search warrant where such ~~search~~ warrant is <—

1 limited to persons or property located within the
2 ~~jurisdiction~~ JUDICIAL DISTRICT of the common pleas court <—
3 within which the ~~municipality~~ PRIMARY JURISDICTION OF THE <—
4 OFFICER is situated.

5 (2) Where the officer is in HOT pursuit of any person <—
6 for any offense which was committed, or which he has probable
7 cause to believe was committed, within his primary
8 jurisdiction and for which offense the officer continues in
9 FRESH pursuit of the person after the commission of the <—
10 offense.

11 (3) Where the officer has been requested to aid or
12 assist any local, State or Federal law enforcement officer or
13 otherwise has probable cause to believe that the other
14 officer is in need of aid or assistance.

15 (4) Where the officer has obtained the prior consent of
16 the chief law enforcement officer, or a person authorized by
17 him to give consent, of the organized law enforcement agency
18 which provides primary police services to a political
19 subdivision which is beyond that officer's primary
20 jurisdiction, to enter the other jurisdiction for the purpose
21 of conducting official duties which arise from official
22 matters within his primary jurisdiction.

23 (5) Where the officer is on official business and views
24 an offense, or has probable cause to believe that an offense
25 has been committed, and makes a reasonable effort to identify
26 himself as a police officer and which offense is a felony,
27 misdemeanor, breach of the peace or other act which presents
28 an immediate clear and present danger to persons or property.

29 ~~(6) Where the officer views an offense, or has probable~~ <—
30 ~~cause to believe an offense has been committed, which offense~~

1 ~~is a felony or otherwise constitutes an immediate, clear and~~
2 ~~present danger to persons or property.~~

3 (6) WHERE THE OFFICER VIEWS AN OFFENSE WHICH IS A
4 FELONY, OR HAS PROBABLE CAUSE TO BELIEVE THAT AN OFFENSE
5 WHICH IS A FELONY HAS BEEN COMMITTED, AND MAKES A REASONABLE
6 EFFORT TO IDENTIFY HIMSELF AS A POLICE OFFICER.

7 (b) Limitation.--Nothing contained in subsection (a) shall
8 be deemed to extend or otherwise enlarge a municipal police
9 officer's power and authority to arrest any person for a summary
10 or misdemeanor offense which such officer does not view, unless
11 specifically authorized by law.

12 (c) Relinquishing authority.--Whenever a municipal police
13 officer exercises any power or authority over any person or
14 event pursuant to the provisions of subsection (a)(3), (4), (5)
15 or (6) the officer shall relinquish authority and control over
16 any such person or event upon the request of the chief law
17 enforcement officer, or a person authorized by him to make the
18 request, of the organized law enforcement agency which regularly
19 provides primary police services in the municipality.

20 (d) Immunities and benefits preserved.--Any municipal police
21 officer who exercises any power or authority granted under this
22 section, and the employing municipality of the police officer,
23 shall have the same immunities from liability as would be
24 applicable if the actions were performed within the territorial
25 boundaries of the officer's primary jurisdiction and the police
26 officer shall be entitled to the same benefits of employment as
27 the officer would possess if acting solely within his primary
28 jurisdiction. Nothing herein shall be construed to restrict the
29 authority of any municipality to limit the exercise of any power
30 or authority conferred on its police by this section.

1 (E) EXISTING AND FUTURE MUNICIPAL POLICE SERVICE AGREEMENTS <—

2 PRESERVED.--NOTHING IN THIS SECTION SHALL BE CONSTRUED TO
3 RESTRICT THE AUTHORITY OF ANY MUNICIPALITY TO MAINTAIN CURRENT
4 OR TO ENTER INTO NEW COOPERATIVE POLICE SERVICE AGREEMENTS WITH
5 ANOTHER MUNICIPALITY OR MUNICIPALITIES FOR PURPOSES INCLUDING,
6 BUT NOT LIMITED TO, DESCRIBING CONDITIONS OF MUTUAL AID,
7 ASSIGNING LIABILITY AND OR DETERMINING APPROPRIATE COSTS OF SUCH
8 COOPERATIVE EFFORTS.

9 § 8954. Noncompliance with mandatory certification requirements.

10 Any person employed as a municipal police officer who is
11 subject to the mandatory certification requirements of the
12 training law and fails to obtain the required certification from
13 the Commissioner of the Pennsylvania State Police within the
14 time limits provided by law shall cease to be empowered or
15 authorized to function as a municipal police officer for any
16 purpose whatsoever.

17 SECTION 4. SUBSECTIONS (B) AND (C) OF SECTION 9714 AND <—
18 SUBSECTION (B) OF SECTION 9715 OF TITLE 42, ADDED MARCH 8, 1982
19 (P.L.169, NO.54), ARE AMENDED TO READ:

20 § 9714. SENTENCES FOR SECOND AND SUBSEQUENT OFFENSES.

21 * * *

22 (B) PRIOR CONVICTIONS FOR CRIMES OF VIOLENCE.--FOR THE
23 PURPOSES OF SUBSECTION (A), AN OFFENDER SHALL BE DEEMED TO HAVE
24 PRIOR CONVICTIONS FOR CRIMES OF VIOLENCE IF BOTH OF THE
25 FOLLOWING CONDITIONS HOLD:

26 (1) THE OFFENDER WAS PREVIOUSLY CONVICTED IN THIS
27 COMMONWEALTH OR ANY OTHER STATE OR THE DISTRICT OF COLUMBIA
28 OR IN ANY FEDERAL COURT OF MURDER, VOLUNTARY MANSLAUGHTER,
29 RAPE, INVOLUNTARY DEVIATE SEXUAL INTERCOURSE, ROBBERY AS
30 DEFINED IN 18 PA.C.S. § 3701(A)(1)(I), (II) OR (III), ARSON

1 AS DEFINED IN 18 PA.C.S. § 3301(A), KIDNAPPING OR AGGRAVATED
2 ASSAULT IN WHICH THE OFFENDER INTENTIONALLY, KNOWINGLY OR
3 RECKLESSLY CAUSES SERIOUS BODILY INJURY TO ANOTHER UNDER
4 CIRCUMSTANCES MANIFESTING EXTREME INDIFFERENCE TO THE VALUE
5 OF HUMAN LIFE, AN EQUIVALENT CRIME UNDER THE LAWS OF THE
6 COMMONWEALTH IN EFFECT PRIOR TO THE EFFECTIVE DATE OF TITLE
7 18 (RELATING TO CRIMES AND OFFENSES) OR AN EQUIVALENT CRIME
8 IN [OTHER JURISDICTIONS] ANOTHER JURISDICTION. THE PREVIOUS
9 CONVICTION NEED NOT BE FOR THE SAME CRIME AS THE INSTANT
10 OFFENSE FOR THIS SECTION TO BE APPLICABLE.

11 (2) THE PREVIOUS CONVICTION OCCURRED WITHIN SEVEN YEARS
12 OF THE DATE OF THE COMMISSION OF THE INSTANT OFFENSE, EXCEPT
13 THAT ANY TIME DURING WHICH THE OFFENDER WAS INCARCERATED IN
14 ANY PENITENTIARY, PRISON OR OTHER PLACE OF DETENTION SHALL
15 NOT BE CONSIDERED IN COMPUTING THE RELEVANT SEVEN-YEAR
16 PERIOD. CONVICTIONS FOR OTHER OFFENSES ARISING FROM THE SAME
17 CRIMINAL EPISODE AS THE INSTANT OFFENSE SHALL NOT BE
18 CONSIDERED PREVIOUS CONVICTIONS FOR THE PURPOSE OF THIS
19 SECTION. A PREVIOUS CONVICTION SHALL INCLUDE ANY CONVICTION,
20 WHETHER OR NOT LITIGATION IS PENDING CONCERNING THAT
21 CONVICTION.

22 (C) PROOF AT SENTENCING.--PROVISIONS OF THIS SECTION SHALL
23 NOT BE AN ELEMENT OF THE CRIME AND NOTICE THEREOF TO THE
24 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
25 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
26 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE
27 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
28 DETERMINED AT SENTENCING. THE SENTENCING COURT, PRIOR TO
29 IMPOSING SENTENCE ON AN OFFENDER UNDER SUBSECTION (A), SHALL
30 HAVE A COMPLETE RECORD OF THE PREVIOUS CONVICTIONS OF THE

1 OFFENDER, COPIES OF WHICH SHALL BE FURNISHED TO THE OFFENDER. IF
2 THE OFFENDER OR THE ATTORNEY FOR THE COMMONWEALTH CONTESTS THE
3 ACCURACY OF THE RECORD, THE COURT SHALL SCHEDULE A HEARING AND
4 DIRECT THE OFFENDER AND THE ATTORNEY FOR THE COMMONWEALTH TO
5 SUBMIT EVIDENCE REGARDING THE PREVIOUS CONVICTIONS OF THE
6 OFFENDER. THE COURT SHALL THEN DETERMINE, BY A PREPONDERANCE OF
7 THE EVIDENCE, THE PREVIOUS CONVICTIONS OF THE OFFENDER AND, IF
8 THIS SECTION IS APPLICABLE, SHALL IMPOSE SENTENCE IN ACCORDANCE
9 WITH THIS SECTION. SHOULD A PREVIOUS CONVICTION BE VACATED AND
10 AN ACQUITTAL OR FINAL DISCHARGE ENTERED SUBSEQUENT TO IMPOSITION
11 OF SENTENCE UNDER THIS SECTION, THE OFFENDER SHALL HAVE THE
12 RIGHT TO PETITION THE SENTENCING COURT FOR RECONSIDERATION OF
13 SENTENCE IF THIS SECTION WOULD NOT HAVE BEEN APPLICABLE EXCEPT
14 FOR THE CONVICTION WHICH WAS VACATED.

15 * * *

16 § 9715. LIFE IMPRISONMENT FOR HOMICIDE.

17 * * *

18 (B) PROOF AT SENTENCING.--PROVISIONS OF THIS SECTION SHALL
19 NOT BE AN ELEMENT OF THE CRIME AND NOTICE THEREOF TO THE
20 DEFENDANT SHALL NOT BE REQUIRED PRIOR TO CONVICTION, BUT
21 REASONABLE NOTICE OF THE COMMONWEALTH'S INTENTION TO PROCEED
22 UNDER THIS SECTION SHALL BE PROVIDED AFTER CONVICTION AND BEFORE
23 SENTENCING. THE APPLICABILITY OF THIS SECTION SHALL BE
24 DETERMINED AT SENTENCING. THE SENTENCING COURT, PRIOR TO
25 IMPOSING SENTENCE ON AN OFFENDER UNDER SUBSECTION (A), SHALL
26 HAVE A COMPLETE RECORD OF THE PREVIOUS CONVICTIONS OF THE
27 OFFENDER, COPIES OF WHICH SHALL BE FURNISHED TO THE OFFENDER. IF
28 THE OFFENDER OR THE ATTORNEY FOR THE COMMONWEALTH CONTESTS THE
29 ACCURACY OF THE RECORD, THE COURT SHALL SCHEDULE A HEARING AND
30 DIRECT THE OFFENDER AND THE ATTORNEY FOR THE COMMONWEALTH TO

1 SUBMIT EVIDENCE REGARDING THE PREVIOUS CONVICTIONS OF THE
2 OFFENDER. THE COURT SHALL THEN DETERMINE, BY A PREPONDERANCE OF
3 THE EVIDENCE, THE PREVIOUS CONVICTIONS OF THE OFFENDER AND, IF
4 THIS SECTION IS APPLICABLE, SHALL IMPOSE SENTENCE IN ACCORDANCE
5 WITH THIS SECTION. SHOULD A PREVIOUS CONVICTION BE VACATED AND
6 AN ACQUITTAL OR FINAL DISCHARGE ENTERED SUBSEQUENT TO IMPOSITION
7 OF SENTENCE UNDER THIS SECTION, THE OFFENDER SHALL HAVE THE
8 RIGHT TO PETITION THE SENTENCING COURT FOR RECONSIDERATION OF
9 SENTENCE IF THIS SECTION WOULD NOT HAVE BEEN APPLICABLE EXCEPT
10 FOR THE CONVICTION WHICH WAS VACATED.

11 * * *

12 Section 3 5. All acts or parts of acts are repealed insofar <—
13 as they are inconsistent with this act.

14 ~~Section 4. This act shall take effect in 60 days.~~ <—

15 SECTION 6. EXCEPT FOR SECTION 4 WHICH SHALL TAKE EFFECT <—
16 IMMEDIATELY OR ON THE DATE OF THE ACT OF MARCH 8, 1982 (P.L.169,
17 NO.54), ENTITLED "AN ACT AMENDING TITLE 42 (JUDICIARY AND
18 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,
19 FURTHER PROVIDING FOR THE IMPOSITION OF CERTAIN MANDATORY
20 SENTENCES," TAKES EFFECT, WHICHEVER IS LATER, THIS ACT SHALL
21 TAKE EFFECT IN 60 DAYS.