

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 862

Session of  
1983

INTRODUCED BY FREIND, ARTY, HERMAN, FLICK, J. L. WRIGHT, FARGO, CESSAR, HOFFEL, GODSHALL, R. C. WRIGHT, VROON, GANNON, McVERRY, GEIST, CLYMER, LASHINGER, NAHILL, CIMINI, MICOZZIE, BELARDI AND ROBBINS, APRIL 26, 1983

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 26, 1983

### AN ACT

1 Amending the act of October 30, 1981 (P.L.321, No.114), entitled  
2 "An act prohibiting political subdivisions or agencies of the  
3 Commonwealth from imposing certain quotas on the issuance of  
4 citations for certain offenses," providing that certain  
5 evaluations of officers shall not be prohibited; further  
6 providing for the enforcement of tickets or citations;  
7 providing for proceedings; making clarifications; creating an  
8 offense; and imposing a penalty.

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

11 Section 1. Section 2 of the act of October 30, 1981  
12 (P.L.321, No.114), entitled "An act prohibiting political  
13 subdivisions or agencies of the Commonwealth from imposing  
14 certain quotas on the issuance of citations for certain  
15 offenses," is amended to read:

16 Section 2. [Any tickets or citations issued in violation of  
17 this act shall be unenforceable, null and void.] Any official of  
18 a political subdivision or agency of the Commonwealth who  
19 orders, mandates, requires or in any other manner, directly or  
20 indirectly, suggests that any officer mentioned in section 1

1 issue a certain number of citations, tickets or any other type  
2 of citation on a daily, weekly, monthly, quarterly or yearly  
3 basis commits a summary offense and upon conviction shall be  
4 sentenced to pay a fine of not less than \$100 and not more than  
5 \$300 and the costs of prosecution for each offense.

6 Section 2. The act is amended by adding sections to read:

7 Section 2.1. Nothing in this act shall be construed to  
8 prohibit or deter the supervisor of any officer mentioned in  
9 section 1 from evaluating the officer's enforcement performance  
10 and citing any deficiency in such performance. No officer shall  
11 be denied promotion or adversely affected in any way with regard  
12 to promotion or any disciplinary action on the basis of the  
13 number of citations or tickets issued by said officer on a  
14 daily, weekly, quarterly or yearly basis, nor shall the number  
15 of citations or tickets issued by the officer on a daily,  
16 weekly, quarterly or yearly basis be considered in any manner  
17 with regard to the promotion or any disciplinary action of said  
18 officer.

19 Section 2.2. In any proceeding pursuant to this act, the  
20 provisions of section 2.1 shall be a valid and complete defense.

21 Section 2.3. Any proceeding pursuant to this act for  
22 recovery of moneys collected in violation thereof shall proceed  
23 as an individual claim filed with the chief financial officer of  
24 the political subdivision or his designee or the agency of the  
25 Commonwealth within 30 days of the effective date of this  
26 amendatory act.

27 Section 3. This amendatory act is intended to clarify the  
28 provisions of the original act amended by this act.

29 Section 4. This act shall take effect immediately.