

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 403

Session of
1983

INTRODUCED BY GREENLEAF, O'PAKE, MOORE, O'CONNELL, REIBMAN,
CORMAN, BRIGHTBILL, FISHER, SHAFFER, WENGER, PECORA, HOPPER
AND KELLEY, FEBRUARY 24, 1983

SENATOR SNYDER, JUDICIARY, AS AMENDED, APRIL 18, 1983

AN ACT

1 Providing for the education and training of deputy sheriffs;
2 creating the Deputy Sheriffs' Education and Training
3 Commission; providing for the powers and duties of the
4 commission and the Attorney General; establishing the Deputy
5 Sheriffs' Education and Training Fund; providing for a
6 surcharge on sheriffs' fees; and providing penalties.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Deputy
11 Sheriffs' Education and Training Act.

12 Section 2. Definitions.

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

16 "Commission." The Deputy Sheriffs' Education and Training
17 Commission.

18 "Fund." The Deputy Sheriffs' Education and Training Fund.

1 Section 3. Commission.

2 (a) Establishment.--There is hereby established the Deputy
3 Sheriffs' Education and Training Commission.

4 (b) Composition.--The commission shall be composed of nine
5 members as follows:

6 (1) The Attorney General.

7 (2) Two judges of the courts of common pleas from
8 different counties.

9 (3) Two sheriffs from different counties. ~~with a minimum~~ <—
10 ~~of six years experience each.~~

11 (4) Three individuals from different counties with a
12 minimum of 12 years experience each as a deputy sheriff, to
13 be appointed by the Governor from a list of candidates
14 submitted by the Deputy Sheriffs' Association of
15 Pennsylvania.

16 (5) One educator qualified in the field of curriculum
17 design.

18 (c) Appointments and terms.--All members of the commission,
19 other than the Attorney General, who shall be a permanent
20 member, shall be appointed by the Governor for a period of three
21 years except that upon the effective date of this act the
22 Governor shall appoint one judge for a period of two years, one
23 sheriff for a period of two years and one deputy sheriff for a
24 period of one year.

25 (d) Vacancies.--A member appointed to fill a vacancy created
26 by any reason other than expiration of a term shall be appointed
27 for the unexpired term of the member whom he is to succeed in
28 the same manner as the original appointment.

29 (e) Expenses.--The members of the commission shall be
30 compensated at the rate of \$100 a day up to a maximum of \$1,200

1 in any one year and, in addition thereto, shall be reimbursed
2 for the necessary and actual expenses incurred in attending the
3 meetings of the commission and in the performance of their
4 duties under this act.

5 (f) Removal.--Members of the commission, other than the
6 Attorney General, may be removed by the Governor for good cause
7 upon written notice from the Governor specifically setting forth
8 the cause for removal.

9 (g) Chairman.--The members of the commission shall elect a
10 chairman from among the members to serve for a period of one
11 year. A chairman may be elected to serve successive terms. The
12 Governor shall designate the first chairman for organizational
13 purposes only.

14 (h) Meetings and quorum.--The chairman shall summon the
15 members of the commission to the first meeting within 125 days
16 of the effective date of this act. The commission shall meet at
17 least four times each year. Special meetings may be called by
18 the chairman of the commission or upon written request of three
19 members. A quorum shall consist of five members.

20 Section 4. Powers and duties of the commission.

21 The commission shall:

22 (1) Establish, implement and administer the Deputy
23 Sheriffs' Education and Training Program according to the
24 minimum requirements set forth in this act.

25 (2) Approve or revoke the approval of any school which
26 may be utilized to comply with the educational and training
27 requirements of this act.

28 (3) Establish the minimum qualifications for instructors
29 and certify instructors.

30 (4) Consult and cooperate with universities, colleges,

1 law schools, community colleges and institutes for the
2 development of specialized courses for deputy sheriffs.

3 (5) Promote the most efficient and economical program
4 for deputy sheriff training by utilizing existing facilities,
5 programs and qualified State and local personnel.

6 (6) Certify deputy sheriffs who have satisfactorily
7 completed the basic education and training requirements of
8 this act and issue appropriate certificates to them.

9 (7) Make rules and regulations and perform other duties
10 as may be reasonably necessary or appropriate to administer
11 the education and training program for deputy sheriffs.

12 (8) Enter into contracts and employ an executive
13 director and other personnel as may be necessary or
14 appropriate for the administration of the program.

15 (9) Make an annual report to the Governor and to the
16 General Assembly concerning:

17 (i) The administration of the Deputy Sheriffs'
18 Education and Training Program.

19 (ii) The activities of the commission.

20 (iii) The costs of the program.

21 Section 5. Program content.

22 The Deputy Sheriffs' Education and Training Program shall
23 include appropriate concentration in the following areas for a
24 total of not less than 160 hours:

25 (1) History of the office of sheriff and survey of the
26 court systems and State and local governments of this
27 Commonwealth.

28 (2) Weapons training.

29 (3) Civil process and civil procedure.

30 (4) Transportation and security of prisoners and

1 courtroom security.

2 (5) Law enforcement duties, criminal investigation and
3 criminal law and procedure.

4 (6) Other subjects the commission may deem necessary and
5 appropriate for the education and training of deputy
6 sheriffs.

7 Section 6. Continuing education.

8 The commission shall establish a continuing education program
9 for all deputy sheriffs, which shall include not less than 16
10 nor more than 20 hours of continuing education every two years,
11 concerning subjects the commission may deem necessary and
12 appropriate for the continued education and training of deputy
13 sheriffs.

14 Section 7. Training requirement.

15 (a) Application of act.--Every sheriff of this Commonwealth
16 shall assure that each full-time or part-time deputy employed by
17 him who has less than five years of experience on the effective
18 date of this act receives the training provided for in sections
19 5 and 6.

20 (b) Prior education, training or experience.--The commission
21 shall have the authority and the discretion to reduce the hours
22 of education and training required in section 5 for those deputy
23 sheriffs required to receive education and training who, because
24 of prior education, training or experience, have acquired
25 knowledge or skill equivalent to that provided by the program.

26 (c) Certification requirement for continued compensation.--
27 Any person hired as a full-time or part-time deputy sheriff who
28 has less than five years of experience on the effective date of
29 this act shall, at the end of two years from the effective date
30 of this act, be ineligible to receive any salary, compensation

1 or other consideration or thing of value for the performance of
2 his duties as a deputy sheriff unless he has met all of the
3 requirements established by the commission and has been duly
4 certified as having met those requirements by the commission,
5 unless the deputy sheriff is granted additional time to complete
6 his training by the commission.

7 (d) Continuing education.--Any full-time or part-time deputy
8 sheriff who fails to meet and fails to be certified as having
9 met the requirements for continuing education established by the
10 commission shall be ineligible to receive any salary,
11 compensation or other consideration or thing of value for the
12 performance of his duties as a deputy sheriff.

13 (e) Penalty.--Any official of any county who orders,
14 authorizes or pays a salary or compensation or other
15 consideration or thing of value to any person in violation of
16 this section commits a summary offense and shall, upon
17 conviction, be sentenced to pay a fine of \$5,000 or to
18 imprisonment for a term not to exceed 30 days.

19 Section 8. Deputy Sheriffs' Education and Training Fund.

20 (a) Establishment.--There is hereby established a separate
21 account in the State Treasury, which shall be known as the
22 Deputy Sheriffs' Education and Training Fund, for the purpose of
23 financing training program expenses, the costs of administering
24 the program, reimbursements to counties and all other costs
25 associated with the activities of the commission and the
26 implementation of this act.

27 (b) Surcharge.--There is hereby assessed a surcharge of \$2
28 on each fee collected by the sheriff of every county upon
29 acceptance for each service required for any complaint, summons,
30 writ or other legal paper required to be served or posted by the

1 sheriff.

2 (c) Disposition of moneys collected.--The moneys collected
3 under subsection (b) shall be forwarded semiannually to the
4 State Treasurer for deposit into the fund. All moneys received
5 by the treasurer in excess of the amount necessary to cover the
6 costs and expenses of the training program shall be transferred
7 to the General Fund of the Commonwealth on an annual basis with
8 such reserve maintained as will be adequate to assure the
9 continued operation of the Deputy Sheriffs' Education and
10 Training Program.

11 (d) Disbursements.--Disbursements from the fund shall be
12 made by the commission.

13 (e) Audit.--The Auditor General shall conduct an audit of
14 the fund as he may deem necessary or advisable from time to time
15 but no less often than once every three years.

16 Section 9. Reimbursement to counties.

17 The commission shall provide for reimbursement to each county
18 of 100% of the allowable tuition and the ordinary and necessary
19 living and travel expenses incurred by their deputy sheriffs
20 while attending certified deputy sheriffs' basic training or
21 continuing education schools if the county adheres to the
22 training standards set forth in this act and established by the
23 commission. The regular salary of deputy sheriffs while
24 attending approved schools shall be paid by the employing
25 county. Fifty percent of the regular salaries of deputy sheriffs
26 while attending approved schools shall be reimbursed to the
27 employing county.

28 Section 10. Appropriation.

29 The sum of \$100,000, or as much thereof as may be necessary,
30 is hereby appropriated for the fiscal year in effect on the

1 effective date of this act to cover the costs incurred under
2 this act pending the establishment of the fund provided for in
3 section 8.

4 Section 11. Effective date.

5 This act shall take effect in six months.