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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 403

Session of  
1983

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 14, 1983

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AN ACT

1 Providing for the education and training of deputy sheriffs;  
2 creating the Deputy Sheriffs' Education and Training  
3 ~~Commission~~ REVIEW BOARD UNDER THE PENNSYLVANIA COMMISSION ON <—  
4 CRIME AND DELINQUENCY; providing for the powers and duties of  
5 the ~~commission~~ BOARD and the Attorney General; establishing <—  
6 the Deputy Sheriffs' Education and Training ~~Fund~~ ACCOUNT; <—  
7 providing for a surcharge on sheriffs' fees; and providing  
8 penalties.

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

11 Section 1. Short title.

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

14 Section 2. Definitions.

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

18 "~~Commission.~~" ~~The Deputy Sheriffs' Education and Training~~ <—

1 ~~Commission.~~

2 ~~"Fund." The Deputy Sheriffs' Education and Training Fund.~~

3 ~~Section 3. Commission.~~

4 ~~(a) Establishment. There is hereby established the Deputy~~  
5 ~~Sheriffs' Education and Training Commission.~~

6 "ACCOUNT." THE DEPUTY SHERIFFS' EDUCATION AND TRAINING <—  
7 ACCOUNT.

8 "BOARD." THE DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD.

9 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND  
10 DELINQUENCY.

11 SECTION 3. THE DEPUTY SHERIFFS' EDUCATION AND TRAINING BOARD.

12 (A) ESTABLISHMENT.--THERE IS HEREBY ESTABLISHED WITHIN THE  
13 COMMISSION AN ADVISORY BOARD TO BE KNOWN AS THE DEPUTY SHERIFFS'  
14 EDUCATION AND TRAINING BOARD.

15 (b) Composition.--The ~~commission~~ BOARD shall be composed of <—  
16 nine members as follows:

17 (1) The Attorney General.

18 (2) Two judges of the courts of common pleas from  
19 different counties.

20 (3) Two sheriffs from different counties WITH A MINIMUM <—  
21 OF SIX YEARS EXPERIENCE AS A SHERIFF.

22 (4) Three individuals from different counties with a  
23 minimum of ~~12~~ 8 years experience each as a deputy sheriff, to <—  
24 be appointed by the Governor. ~~from a list of candidates~~ <—  
25 ~~submitted by the Deputy Sheriffs' Association of~~  
26 ~~Pennsylvania.~~

27 (5) One educator qualified in the field of curriculum  
28 design.

29 (c) Appointments and terms.--All members of the ~~commission~~ <—  
30 BOARD, other than the Attorney General, who shall be a permanent <—

1 member, shall be appointed by the Governor for a period of three  
2 years except that upon the effective date of this act the  
3 Governor shall appoint one judge for a period of two years, one  
4 sheriff for a period of two years and one deputy sheriff for a  
5 period of one year. ANY MEMBER OF THE BOARD SHALL CEASE TO BE A <—  
6 MEMBER OF SAID BOARD, IMMEDIATELY UPON TERMINATION OF SERVICE IN  
7 THE POSITION BY WHICH THAT PERSON WAS ELIGIBLE FOR MEMBERSHIP OR  
8 APPOINTED AS A MEMBER OF THE BOARD.

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

13 ~~(c) Expenses. The members of the commission shall be <—~~  
14 ~~compensated at the rate of \$100 a day up to a maximum of \$1,200~~  
15 ~~in any one year and, in addition thereto, shall be reimbursed~~  
16 ~~for the necessary and actual expenses incurred in attending the~~  
17 ~~meetings of the commission and in the performance of their~~  
18 ~~duties under this act.~~

19 (E) EXPENSES.--THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT <—  
20 COMPENSATION BUT SHALL BE REIMBURSED THE NECESSARY AND ACTUAL  
21 EXPENSES INCURRED IN ATTENDING THE MEETINGS OF THE BOARD AND IN  
22 THE PERFORMANCE OF THEIR DUTIES UNDER THIS ACT.

23 (f) Removal.--Members of the ~~commission~~ BOARD, other than <—  
24 the Attorney General, may be removed by the Governor for good  
25 cause upon written notice from the Governor specifically setting  
26 forth the cause for removal.

27 (g) Chairman.--The members of the ~~commission~~ BOARD shall <—  
28 elect a chairman from among the members to serve for a period of  
29 one year. A chairman may be elected to serve successive terms.  
30 The Governor shall designate the first chairman for

1 organizational purposes only.

2 (h) Meetings and quorum.--The chairman shall summon the  
3 members of the ~~commission~~ BOARD to the first meeting within ~~125~~ ←  
4 120 days of the effective date of this act. The ~~commission~~ BOARD ←  
5 shall meet at least four times each year. Special meetings may  
6 be called by the chairman of the ~~commission~~ BOARD or upon ←  
7 written request of three members. A quorum shall consist of five  
8 members.

9 Section 4. Powers and duties of the ~~commission~~ BOARD. ←

10 The BOARD WITH THE REVIEW AND APPROVAL OF THE commission ←  
11 shall:

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

15 (2) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR ←  
16 THE MINIMUM COURSES OF STUDY AND TRAINING FOR DEPUTY  
17 SHERIFFS.

18 (3) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR  
19 COURSES OF STUDY AND IN-SERVICE TRAINING FOR DEPUTY SHERIFFS  
20 APPOINTED PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

21 (4) ESTABLISH, IMPLEMENT AND ADMINISTER REQUIREMENTS FOR  
22 A CONTINUING EDUCATION PROGRAM FOR ALL DEPUTY SHERIFFS  
23 CONCERNING SUBJECTS THE BOARD MAY DEEM NECESSARY AND  
24 APPROPRIATE FOR THE CONTINUED EDUCATION AND TRAINING OF  
25 DEPUTY SHERIFFS.

26 ~~(2)~~ (5) Approve or revoke the approval of any school ←  
27 which may be utilized to comply with the educational and  
28 training requirements of this act.

29 ~~(3)~~ (6) Establish the minimum qualifications for ←  
30 instructors and certify instructors.

1           ~~(4)~~ (7) Consult and cooperate with universities,           <—  
2 colleges, law schools, community colleges and institutes for  
3 the development of specialized courses for deputy sheriffs.

4           ~~(5)~~ (8) Promote the most efficient and economical           <—  
5 program for deputy sheriff training by utilizing existing  
6 facilities, programs and qualified State and local personnel.

7           ~~(6)~~ (9) Certify deputy sheriffs who have satisfactorily           <—  
8 completed the basic education and training requirements of  
9 this act and issue appropriate certificates to them.

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

14          ~~(8) Enter into contracts and employ an executive           <—  
15 director and other personnel as may be necessary or  
16 appropriate for the administration of the program.~~

17          ~~(9)~~ (11) Make an annual report to the Governor and to  
18 the General Assembly concerning:

19               (i) The administration of the Deputy Sheriffs'  
20 Education and Training Program.

21               (ii) The activities of the ~~commission~~ BOARD.           <—

22               (iii) The costs of the program.

23 Section 5. ~~Program content~~ TRAINING PROGRAM.           <—

24          The Deputy Sheriffs' Education and Training Program shall  
25 include appropriate ~~concentration in the following areas for a~~           <—  
26 ~~total of not less than 160 hours:~~ TRAINING FOR A TOTAL OF 160           <—  
27 HOURS WHICH CONTENT SHALL BE DETERMINED BY REGULATION.

28          ~~(1) History of the office of sheriff and survey of the           <—  
29 court systems and State and local governments of this  
30 Commonwealth.~~

- 1           ~~(2) Weapons training.~~
- 2           ~~(3) Civil process and civil procedure.~~
- 3           ~~(4) Transportation and security of prisoners and~~  
4           ~~courtroom security.~~
- 5           ~~(5) Law enforcement duties, criminal investigation and~~  
6           ~~criminal law and procedure.~~
- 7           ~~(6) Other subjects the commission may deem necessary and~~  
8           ~~appropriate for the education and training of deputy~~  
9           ~~sheriffs.~~

10 Section 6. Continuing education.

11           The BOARD WITH THE REVIEW AND APPROVAL OF THE commission           <—  
12 shall establish a continuing education program for all deputy  
13 sheriffs, which shall include not less than 16 nor more than 20  
14 hours of continuing education every two years, concerning  
15 subjects the ~~commission~~ BOARD may deem necessary and appropriate           <—  
16 for the continued education and training of deputy sheriffs.

17 Section 7. Training requirement.

18           (a) Application of act.--Every sheriff of this Commonwealth  
19 shall assure that each full-time or part-time deputy employed by  
20 him who has less than five years of experience on the effective  
21 date of this act receives the training provided for in sections  
22 5 and 6.

23           (b) Prior education, training or experience.--The BOARD WITH           <—  
24 THE REVIEW AND APPROVAL OF THE commission shall have the  
25 authority and the discretion to reduce the hours of education  
26 and training required in section 5 for those deputy sheriffs  
27 required to receive education and training who, because of prior  
28 education, training or experience, have acquired knowledge or  
29 skill equivalent to that provided by the program.

30           (c) Certification requirement for continued compensation.--

1 Any person hired as a full-time or part-time deputy sheriff who  
2 has less than five years of experience on the effective date of  
3 this act shall, at the end of two years from the effective date  
4 of this act, be ineligible to receive any salary, compensation  
5 or other consideration or thing of value for the performance of  
6 his duties as a deputy sheriff unless he has met all of the  
7 requirements established ~~by the commission~~ PURSUANT TO THIS ACT <—  
8 and has been duly certified as having met those requirements by  
9 the BOARD WITH THE REVIEW AND APPROVAL OF THE commission, unless <—  
10 the deputy sheriff is granted additional time to complete his  
11 training by the ~~commission~~. BOARD WITH THE REVIEW AND APPROVAL <—  
12 OF THE COMMISSION. ANY NEW DEPUTY HIRED BY THE SHERIFF AFTER  
13 JULY 1, 1985 SHALL HAVE ONE YEAR IN WHICH TO COMPLETE HIS OR HER  
14 TRAINING.

15 (d) Continuing education.--Any full-time or part-time deputy  
16 sheriff who fails to meet and fails to be certified as having  
17 met the requirements for continuing education established by the  
18 BOARD WITH THE REVIEW AND APPROVAL OF THE commission shall be <—  
19 ineligible to receive any salary, compensation or other  
20 consideration or thing of value for the performance of his  
21 duties as a deputy sheriff.

22 (e) Penalty.--Any official of any county who orders,  
23 authorizes or pays a salary or compensation or other  
24 consideration or thing of value to any person in violation of  
25 this section commits a summary offense and shall, upon  
26 conviction, be sentenced to pay a ~~fine of \$5,000~~ MAXIMUM FINE OF <—  
27 \$500 or to imprisonment for a term not to exceed 30 days.

28 Section 8. Deputy Sheriffs' Education and Training Fund <—  
29 ACCOUNT. <—

30 (a) Establishment.--There is hereby established a ~~separate~~ <—

1 ~~account in~~ SPECIAL RESTRICTED RECEIPTS ACCOUNT WITHIN THE <—  
2 GENERAL FUND OF the State Treasury, which shall be known as the  
3 Deputy Sheriffs' Education and Training ~~Fund~~ ACCOUNT, for the <—  
4 purpose of financing training program expenses, the costs of  
5 administering the program, reimbursements to counties and all  
6 other costs associated with the activities of the ~~commission~~ <—  
7 BOARD and the implementation of this act. <—

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

13 (c) Disposition of moneys collected.--The moneys collected  
14 under subsection (b) shall be forwarded semiannually BY THE <—  
15 SHERIFF OF AN INDIVIDUAL COUNTY to the State Treasurer for  
16 deposit into the ~~fund~~ ACCOUNT. All moneys received by the <—  
17 treasurer in excess of the amount necessary to cover the costs  
18 and expenses of the training program shall be transferred FROM <—  
19 THE SPECIAL RESTRICTED RECEIPTS ACCOUNT to the General Fund of  
20 the Commonwealth on an annual basis with such reserve maintained  
21 as will be adequate to assure the continued operation of the  
22 Deputy Sheriffs' Education and Training Program.

23 (d) Disbursements.--Disbursements from the ~~fund~~ ACCOUNT <—  
24 shall be made by the commission.

25 (e) Audit.--The Auditor General shall conduct an audit of  
26 the ~~fund~~ ACCOUNT as he may deem necessary or advisable from time <—  
27 to time but no less often than once every three years.

28 Section 9. Reimbursement to counties.

29 The commission shall provide for reimbursement to each county  
30 of 100% of the allowable tuition and the ordinary and necessary

1 living and travel expenses incurred by their deputy sheriffs  
2 while attending certified deputy sheriffs' basic training or  
3 continuing education schools if the county adheres to the  
4 training standards set forth in this act and established by the  
5 BOARD WITH THE REVIEW AND APPROVAL OF THE commission. The  
6 regular salary of deputy sheriffs while attending approved  
7 schools shall be paid by the employing county. Fifty percent of  
8 the regular salaries of deputy sheriffs while attending approved  
9 schools shall be reimbursed to the employing county.

<—

10 ~~Section 10. Appropriation.~~

<—

11 ~~The sum of \$100,000, or as much thereof as may be necessary,~~  
12 ~~is hereby appropriated for the fiscal year in effect on the~~  
13 ~~effective date of this act to cover the costs incurred under~~  
14 ~~this act pending the establishment of the fund provided for in~~  
15 ~~section 8.~~

16 Section ~~11~~ 10. Effective date.

<—

17 ~~This act shall take effect July 1, 1984.~~

<—

18 (A) SECTION 8 OF THIS ACT SHALL TAKE EFFECT IN 60 DAYS.

<—

19 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SIX  
20 MONTHS OR JULY 1, 1984, WHICHEVER LATER OCCURS.