

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 485 Session of
1991

INTRODUCED BY BATTISTO, BIRMELIN, BELARDI, SERAFINI AND STABACK,
MARCH 11, 1991

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 11, 1991

AN ACT

1 Amending Title 22 (Detectives and Private Police) of the
2 Pennsylvania Consolidated Statutes, authorizing the
3 appointment of special policemen for planned communities;
4 providing for their powers and duties; authorizing the
5 Commissioner of the Pennsylvania State Police to make certain
6 training available; and providing for procedures and
7 penalties.

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

10 Section 1. Title 22 of the Pennsylvania Consolidated
11 Statutes is amended by adding a chapter to read:

12 CHAPTER 35

13 SPECIAL POLICE FOR PLANNED COMMUNITIES

14 Sec.

15 3501. Definitions.

16 3502. Appointment authorized.

17 3503. Contents of application.

18 3504. Training requirements.

19 3505. Authority of Commissioner of Pennsylvania State
20 Police.

1 3506. Oath of office.

2 3507. Powers and duties.

3 3508. Compensation and liability.

4 3509. Termination of appointment.

5 § 3501. Definitions.

6 The following words and phrases when used in this chapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Commission." The Municipal Police Officers' Education and
10 Training Commission.

11 "Commissioner." The Commissioner of the Pennsylvania State
12 Police.

13 "Planned community." A geographically contiguous private
14 development of 100 or more lots, whether or not one or all of
15 the lots have been sold or are occupied by private owners. The
16 term does not include a geographic area which constitutes an
17 entire municipality.

18 "Policeman." A person appointed under this chapter as a
19 special policeman for a planned community.

20 § 3502. Appointment authorized.

21 The developer of a planned community, or any association of
22 lot owners of a planned community, may apply to the court of
23 common pleas of the county in which the planned community is
24 located for the appointment of such persons as the developer or
25 association may designate to act as special policemen for the
26 planned community. The court, upon reviewing the application and
27 after consideration of the need for and appropriateness of
28 special policemen in the planned community, may decree and order
29 such persons, or as many of them as the court may deem proper,
30 to be provisional special policemen for the planned community,

1 subject to satisfactory completion of the requirements of
2 section 3504 (relating to training requirements). Thereafter,
3 upon the submission of proof satisfactory to the court that such
4 persons have complied with the training requirements of section
5 3504, the court may decree and order the persons to be certified
6 special policemen for the planned community. During the period
7 that any such person is a provisional special policeman, he
8 shall not possess the additional power and authority conferred
9 by this chapter. A provisional special policeman who fails to
10 obtain a certificate from the commissioner that he has
11 satisfactorily completed the basic education and training
12 requirements within 18 months of his appointment shall not be
13 eligible for appointment as a certified special policeman.

14 § 3503. Contents of application.

15 (a) Initial application.--The initial application to the
16 court for the appointment of special policemen for a planned
17 community shall clearly define the boundaries of the planned
18 community and state the reasons why the special policemen are
19 needed or desired. It shall state the number of special
20 policemen requested and the information specified in subsection
21 (b) for each person who, if his appointment is authorized, will
22 be employed in that capacity.

23 (b) Personal information.--The application shall incorporate
24 all of the following information with respect to each person to
25 be employed as a special policeman:

26 (1) The person's full name, age, residence and present
27 and previous occupations.

28 (2) Evidence that the fingerprints of the person have
29 been examined within the last three months by the
30 Pennsylvania State Police or the Federal Bureau of

Investigation and that the person has not been convicted of or has not pleaded guilty or nolo contendere to a crime of violence.

(3) Proof that the person is 18 years of age or older.

(4) Any other personal information the court may require.

(c) Additional applications.--After the initial application for the appointment of special policemen for a planned community has been approved by the court, at any subsequent time that the planned community wishes to employ another person in that capacity, up to the number of persons authorized by the court, the information relating to such person prescribed by subsection (b) shall be submitted.

§ 3504. Training requirements.

A person decreed by the court to be a provisional special policeman shall be required to successfully complete the same course of instruction required for municipal police officers by the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, with the exception of such physical training requirements as the commission may deem appropriate to alter or waive.

§ 3505. Authority of Commissioner of Pennsylvania State Police.

In addition to the powers set forth in the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, the commissioner shall have the authority to admit persons who have been decreed by the court to be provisional special policemen to the Municipal Police Officers' Education and Training Program and to issue appropriate certificates to provisional special policemen who have satisfactorily completed the basic educational and training

1 requirements as established by the commission. Tuition fees and
2 other costs of training, as determined by the commission, shall
3 be borne by the sponsoring employer or by the provisional
4 special policeman.

5 § 3506. Oath of office.

6 Every certified special policeman so appointed shall, before
7 entering upon the duties of his office, take and subscribe the
8 oath required by section 3 of Article VI of the Constitution of
9 Pennsylvania. The oath, together with the decree and order of
10 the court appointing such person a certified special policeman,
11 shall be recorded by the recorder of deeds of each county in
12 which it is intended that the policeman shall act.

13 § 3507. Powers and duties.

14 Certified special policemen appointed under this chapter
15 shall severally possess and exercise all the powers of a
16 municipal police officer in this Commonwealth, in and upon the
17 property of the planned community. If a certified special
18 policeman leaves the property of the planned community in hot
19 pursuit of a suspected lawbreaker, it shall be his duty to
20 immediately communicate with and request the assistance of the
21 organized law enforcement agency which regularly provides
22 primary police services in the municipality. Upon the appearance
23 of the first officer in response to that request, the special
24 policeman shall follow the commands of that officer, who may
25 either direct the certified special policeman to assist in the
26 apprehension or to discontinue his efforts to apprehend the
27 suspect. A certified special police officer shall have no
28 authority by virtue of this chapter to make an arrest beyond the
29 property of the planned community, but he shall have the
30 authority to detain a suspect for a reasonable period of time

1 until an officer of the organized law enforcement agency arrives
2 to render assistance. The keepers of jails and other places of
3 detention in any county of this Commonwealth shall receive all
4 persons arrested by such policemen for purposes of detention
5 until they are dealt with according to law. Whenever a certified
6 special policeman exercises any power or authority over any
7 person or event pursuant to this chapter, the officer shall
8 relinquish authority and control over any such person or event
9 upon the request of the chief law enforcement officer, or a
10 person authorized by him to make the request, of the organized
11 law enforcement agency which regularly provides primary police
12 services in the municipality. Every policeman appointed under
13 this chapter, when on duty, shall wear a metallic shield with
14 the words "certified special policeman" and the name of the
15 planned community for which appointed inscribed thereon.

16 § 3508. Compensation and liability.

17 The compensation of the policemen shall be paid by the
18 developer or association of lot owners of the planned community
19 by which the policemen are employed, as may be agreed upon
20 between the employer and the policemen. The Commonwealth shall
21 not be held liable for any wrongful act of any policeman
22 appointed under this chapter.

23 § 3509. Termination of appointment.

24 (a) General rule.--When any planned community no longer
25 requires the services of any person who has been appointed a
26 certified special policeman, it shall, within three business
27 days, file a notice to that effect in the office of the recorder
28 of deeds where the court decree and order of appointment of the
29 policeman was recorded. The recorder of deeds shall note this
30 information upon the margin of the record where the court decree

1 and order were recorded, and thereupon the powers of the
2 policeman shall terminate. It is the duty of the recorder of
3 deeds to notify the clerk of the court, by which the policeman
4 was appointed, of the termination of the appointment in such
5 county.

6 (b) Penalty.--Failure of an employer of a certified special
7 policeman to file the notice required by this section
8 constitutes a summary offense, and the developer or the chief
9 officer of the association of lot owners shall, upon conviction,
10 be sentenced to pay a fine of \$100.

11 Section 2. This act shall take effect in 60 days.