
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of
1993

INTRODUCED BY CORMAN, STOUT, SHUMAKER, HOLL, SCHWARTZ, HART,
GREENLEAF AND RHOADES, FEBRUARY 1, 1993

REFERRED TO JUDICIARY, FEBRUARY 1, 1993

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further
3 providing for distribution of fines, etc.; and regulating
4 pursuit of vehicles by police.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 3571(a), (b) and (e), 3572 and 3573 of
8 Title 42 of the Pennsylvania Consolidated Statutes are amended
9 to read:

10 § 3571. Commonwealth portion of fines, etc.

11 (a) General rule.--Except as otherwise provided by statute,
12 the Commonwealth shall be entitled to receive all fines,
13 forfeited[,] recognizances and other forfeitures imposed, lost
14 or forfeited, fees and costs which by law have heretofore been
15 paid or credited to, or which by statute are payable or
16 creditable to, the Commonwealth. Fees and charges in an
17 appellate court fixed pursuant to section 1725 (relating to
18 establishment of fees and charges) shall be paid into the State

1 Treasury. Unless otherwise expressly provided by the General
2 Appropriation Act, such fees and charges shall be credited to
3 the appropriation of the appellate court in which they were
4 received.

5 (b) Vehicle offenses.--

6 (1) All fines, forfeited[,] recognizances and other
7 forfeitures imposed, lost or forfeited in connection with
8 matters arising under Chapter 77 of Title 75 (relating to
9 snowmobiles) shall be payable to the Commonwealth.

10 (2) Except as provided in [paragraph (4)] paragraphs (4)
11 and (5), when prosecution under any other provision of Title
12 75 (relating to vehicles) is the result of State Police
13 action, all fines, forfeited[,] recognizances and other
14 forfeitures imposed, lost or forfeited shall be payable to
15 the Commonwealth, for credit to the Motor License Fund. One-
16 half of the revenue shall be paid to municipalities in the
17 same ratio provided in section 4 of the act of June 1, 1956
18 (P.L.1944, No.655), relating to partial allocation of liquid
19 fuels and fuel use tax proceeds.

20 (3) Except as provided in section 3573 (relating to
21 municipal corporation portion of fines, etc.) and paragraph
22 (6), when prosecution under any other provision of Title 75
23 is the result of local police action, one-half of all fines,
24 forfeited[,] recognizances and other forfeitures imposed,
25 lost or forfeited shall be payable to the Commonwealth, for
26 credit to the Motor License Fund.

27 (4) When prosecution under 75 Pa.C.S. § 3731 (relating
28 to driving under influence of alcohol or controlled
29 substance) is the result of State Police action, 50% of all
30 fines, forfeited[,] recognizances and other forfeitures

1 imposed, lost or forfeited shall be payable to the
2 Commonwealth, for credit to the Motor License Fund, and 50%
3 shall be payable to the county which shall be further divided
4 as follows:

5 (i) Fifty percent of the moneys received shall be
6 allocated to the appropriate county authority which
7 implements the county drug and alcohol program to be used
8 solely for the purposes of aiding programs promoting
9 alcoholism prevention, education, treatment and research.

10 (ii) Fifty percent of the moneys received shall be
11 used for expenditures incurred for county jails, prisons,
12 workhouses and detention centers.

13 (5) When prosecution under 75 Pa.C.S. § 3733 (relating
14 to fleeing or attempting to elude police officer) is the
15 result of Pennsylvania State Police action, 50% of all fines,
16 forfeited recognizances and other forfeitures imposed, lost
17 or forfeited shall be payable to the Commonwealth for credit
18 to the Motor License Fund, and 50% shall be payable to the
19 Commonwealth for distribution to the Municipal Police
20 Officers' Education and Training Commission established under
21 the act of June 18, 1974 (P.L.359, No.120), referred to as
22 the Municipal Police Education and Training Law. The
23 Municipal Police Officers' Education and Training Commission
24 shall use these funds for the purposes of training police
25 officers in the area of vehicular pursuit, except that the
26 commission shall be permitted to allocate not more than 10%
27 of the funds collected under this section to the Pennsylvania
28 State Police to carry out the provisions of 75 Pa.C.S. §
29 6343(c) (relating to pursuit record).

30 (6) When prosecution under 75 Pa.C.S. § 3733 is the

1 result of local police action, 50% of all fines, forfeited
2 recognizances and other forfeitures imposed, lost or
3 forfeited shall be payable to the municipal corporation under
4 which the local police are organized and 50% shall be payable
5 to the Commonwealth for distribution to the Municipal Police
6 Officers' Education and Training Commission. The commission
7 shall use these funds for the purposes of training law
8 enforcement officers in the area of vehicular pursuit, except
9 that the commission shall be permitted to allocate not more
10 than 10% of the funds collected under this section to the
11 Pennsylvania State Police to carry out the provisions of 75
12 Pa.C.S. § 6343(c).

13 (7) The Municipal Police Officers' Education and
14 Training Commission shall make an annual report to the
15 General Assembly which shall include the amount of funds it
16 received under paragraphs (5) and (6) and how the funds were
17 used.

18 * * *

19 (e) Other offenses.--Fines, forfeited[,] recognizances and
20 other forfeitures imposed, lost or forfeited under the following
21 provisions of law shall be payable to the Commonwealth:

22 18 Pa.C.S. § 7361 (relating to worldly employment or
23 business).

24 Act of November 26, 1978 (P.L.1375, No.325), known as the
25 ["]Dam Safety and Encroachments Act.["]

26 § 3572. County portion of fines, etc.

27 Except as otherwise provided in this subchapter, all fines,
28 forfeited[,] recognizances and other forfeitures imposed, lost
29 or forfeited and fees and costs collected in the court of common
30 pleas, or community court established for a judicial district

embracing a county, or in a magisterial district within the county, or in the Philadelphia Municipal Court, shall be payable to such county.

§ 3573. Municipal corporation portion of fines, etc.

(a) General rule.--Except as otherwise provided by this subchapter, all fines, forfeited[,] recognizances and other forfeitures imposed, lost or forfeited for violation of any ordinance of any municipal corporation, or which under any other statute are to be paid to any specified municipal corporation, shall be payable to such municipal corporation.

(b) Vehicle offenses.--

(1) When prosecution under the provisions of Title 75 (relating to vehicles) for parking is the result of local police action, all fines, forfeited[,] recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

(2) Except as provided in paragraph (3), when prosecution under any other provision of Title 75 (except Chapter 77 (relating to snowmobiles)) is the result of local police action, one-half of all fines, forfeited[,] recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized.

(3) When prosecution under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) is the result of local police action, 50% of all fines, forfeited[,] recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized, and

1 50% shall be payable to the county which shall be further
2 divided as follows:

3 (i) Fifty percent of the moneys received shall be
4 allocated to the appropriate county authority which
5 implements the county drug and alcohol program to be used
6 solely for the purposes of aiding programs promoting
7 alcoholism prevention, education, treatment and research.

8 (ii) Fifty percent of the moneys received shall be
9 used for expenditures incurred for county jails, prisons,
10 workhouses and detention centers.

11 (c) Summary offenses.--Fines, forfeited[,] recognizances and
12 other forfeitures imposed, lost or forfeited under the following
13 provisions of law shall, when any such offense is committed in a
14 municipal corporation, be payable to such municipal corporation:

15 (1) Under the following provisions of Title 18 (relating
16 to crimes and offenses):

17 Section 2709 (relating to harassment).

18 Section 3304 (relating to criminal mischief).

19 Section 3503 (relating to criminal trespass).

20 Section 3929 (relating to retail theft).

21 Section 4105 (relating to bad checks).

22 Section 5503 (relating to disorderly conduct).

23 Section 5505 (relating to public drunkenness).

24 Section 5511 (relating to cruelty to animals).

25 Section 6308 (relating to purchase, consumption,
26 possession or transportation of intoxicating beverages).

27 Section 6501 (relating to scattering rubbish).

28 (2) Section 13, act of January 24, 1966 (1965 P.L.1535,
29 No.537), known as the ["]Pennsylvania Sewage Facilities
30 Act.["]

1 (d) Pittsburgh.--Except as otherwise provided in this
2 subchapter, all fines, forfeited[,] recognizances and other
3 forfeitures imposed, lost or forfeited in the Pittsburgh
4 Magistrates Court or the Pittsburgh Traffic Court shall be
5 payable to the City of Pittsburgh.

6 Section 2. Section 1508 of Title 75 is amended by adding a
7 subsection to read:

8 § 1508. Examination of applicant for driver's license.

9 * * *

10 (d) Police pursuit awareness.--The driver's manual shall
11 include a section summarizing the risks involved in fleeing or
12 attempting to elude a police officer. The section shall also
13 summarize the related penalties for a violation of section 3733
14 (relating to fleeing or attempting to elude police officer).

15 Section 3. Sections 1532(b)(1) and (3) and 3733 of Title 75
16 are amended to read:

17 § 1532. Revocation or suspension of operating privilege.

18 * * *

19 (b) Suspension.--

20 (1) The department shall suspend the operating privilege
21 of any driver for six months upon receiving a certified
22 record of the driver's conviction of or an adjudication of
23 delinquency based on any offense under the following
24 provisions:

25 Section 3367 (relating to racing on highways).

26 [Section 3733 (relating to fleeing or attempting to
27 elude police officer).]

28 Section 3734 (relating to driving without lights to
29 avoid identification or arrest).

30 Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage
to attended vehicle or property).

* * *

(3) The department shall suspend the operating privilege
of any driver for 12 months upon receiving a certified record
of the driver's conviction of section 3731 (relating to
driving under influence of alcohol or controlled substance)
or 3733 (relating to fleeing or attempting to elude police
officer) or an adjudication of delinquency based on section
3731 or 3733. The department shall suspend the operating
privilege of any driver for six months upon receiving a
certified record of a consent decree granted under 42 Pa.C.S.
Ch. 63 (relating to juvenile matters) based on section 3731
or 3733.

* * *

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.--Any driver of a motor vehicle who
willfully fails or refuses to bring his vehicle to a stop, or
who otherwise flees or attempts to elude a pursuing [police
vehicle] officer, when given visual or audible signal to bring
the vehicle to a stop, [is guilty of a summary offense and
shall, upon conviction, be sentenced to pay a fine of \$200]
commits a misdemeanor of the second degree.

(b) Signal by police officer.--The signal given by the
police officer may be by hand, voice, emergency lights or siren.

(c) Defenses.--It is a defense to a prosecution under this
section that the pursuing police vehicle was not clearly
identifiable by its markings or, if unmarked, was not occupied
by a police officer who was in uniform and displaying a badge or
other sign of authority.

Section 4. Chapter 63 of Title 75 is amended by adding a subchapter to read:

CHAPTER 63

ENFORCEMENT

* * *

SUBCHAPTER C

PURSUIT OF VEHICLES

Sec.

6341. Definitions.

6342. Written policies required.

6343. Pursuit record.

6344. Pennsylvania State Police report.

6345. Liability.

§ 6341. Definitions.

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

"Motor vehicle pursuit." An active attempt by a police officer operating a motor vehicle to apprehend a suspect in a moving vehicle who refuses to voluntarily comply with a police officer's visual or audible signal to stop.

§ 6342. Written policies required.

(a) General rule.--Each police department shall develop and implement a written emergency vehicle response policy governing the procedures under which a police officer should initiate, continue and terminate a motor vehicle pursuit. The written policy shall incorporate the guidelines under this section and section 3105 (relating to drivers of emergency vehicles).

(b) Intent of guidelines.--The operation policy guidelines under this section are solely intended to direct police

1 departments to maintain pursuit policies and outline the content
2 of those pursuit policies. The guidelines contained in this
3 section are not intended to mandate the actions of individual
4 police officers during any particular pursuit.

5 (c) Operational policy guidelines.--Each police department
6 policy shall include, but not be limited to, the following
7 guidelines:

8 (1) The use of emergency equipment, including audible
9 and visual signals, is mandatory.

10 (2) As soon as possible and prudent, an officer, upon
11 initiation of a motor vehicle pursuit, shall provide to the
12 radio dispatcher, and when possible a supervisor on duty, the
13 following information:

14 (i) Location and description of travel.

15 (ii) Description of pursued vehicle and occupant if
16 possible.

17 (iii) Reason for pursuit.

18 (iv) Information which would aid in apprehension of
19 the suspect.

20 (v) Any other information which may be useful in
21 evaluating the risks of the pursuit.

22 (3) The criteria to be considered by the pursuing
23 officer and available supervisor in determining whether a
24 pursuit should be initiated, continued or terminated. This
25 criteria may include, but not be limited to:

26 (i) The safety risk to police officers, other
27 motorists, pedestrians and persons in the fleeing
28 vehicle.

29 (ii) The seriousness of the offense committed or
30 believed to have been committed by the individual or

1 individuals attempting to flee.

2 (iii) The potential for harm to others if the
3 fleeing individual or individuals escape.

4 (iv) Road, weather, traffic and other environmental
5 conditions.

6 (v) Police vehicle type and condition.

7 (vi) Time of day, visibility and illumination.

8 (vii) Familiarity of the officer with the location
9 of the pursuit.

10 (viii) Location of the pursuit, including nearby
11 school zones or residential areas.

12 (ix) Speed of vehicles involved in the pursuit.

13 (x) Likelihood of successful apprehension of the
14 fleeing individual or individuals.

15 (4) Whenever an officer in an unmarked emergency vehicle
16 is engaged in a motor vehicle pursuit, the officer in the
17 unmarked emergency vehicle shall relinquish the pursuit to an
18 officer in a marked emergency vehicle as soon as it is
19 prudent and possible.

20 (5) Specifically informing affected officers that
21 ramming, firing weapons at moving vehicles or occupants of
22 moving vehicles, roadblocks or other means of stopping a
23 vehicle which involve the use or potential use of deadly
24 force are governed by the provisions of 18 Pa.C.S. § 508
25 (relating to use of force in law enforcement).

26 (6) Vehicles transporting persons other than sworn
27 officers should not become directly involved in a pursuit.

28 (7) The maximum number of police vehicles that may be
29 directly involved in a pursuit. Only the ranking officer who
30 is available and on duty may authorize units in addition to a

department's limit as may be appropriate or necessary to conduct an effective pursuit and ensure the safety of officers and the general public.

(8) As soon as possible and prudent, officers should ensure medical assistance to persons injured during the course of a vehicular pursuit.

(9) An officer should not conduct a pursuit on a limited access highway or ramp in the wrong direction, except in exigent circumstances or if authorized by an available supervisor.

(10) A requirement that as a pursuit travels into a neighboring jurisdiction, communication should be made as soon as possible with the police department of that jurisdiction as to the status and reason for the pursuit, a description of travel of the pursuit and any other information that may be useful to the officers in the neighboring jurisdiction.

(d) Policy to be forwarded to Pennsylvania State Police.-- Each police department shall send a written copy of its pursuit policy to the Pennsylvania State Police who shall keep the policies of all police departments on record.

§ 6343. Pursuit record.

(a) General rule.--All police departments shall maintain a written record of all motor vehicle pursuits.

(b) Contents.--Each written pursuit record shall include the following information:

(1) Reason the pursuit was initiated.

(2) Injuries of police officers.

(3) Injuries of other motorists and pedestrians.

(4) Injuries of individuals in fleeing vehicle.

- 1 (5) Deaths of police officers.
- 2 (6) Deaths of other motorists and pedestrians.
- 3 (7) Deaths of individuals in fleeing vehicle.
- 4 (8) The number of police vehicles involved.
- 5 (9) A detailed description of the route covered by the
- 6 pursuit.
- 7 (10) Approximate distance covered by pursuit.
- 8 (11) Approximate time elapsed during the pursuit.
- 9 (12) Identification numbers of officers involved in the
- 10 pursuit.
- 11 (13) Description of damage to property and any vehicles,
- 12 including police vehicles, during the pursuit.
- 13 (14) A list of pursuit-related offenses with which
- 14 fleeing individual or individuals were charged.
- 15 (15) A list of any other nonpursuit-related offenses
- 16 with which fleeing individual or individuals were charged.
- 17 (16) Whether the pursuit was voluntarily terminated by
- 18 the police department.

19 (c) Annual report.--Each police department shall compile
20 pursuit records, as required by this section, for the previous
21 year starting in January and send the compiled information to
22 the Pennsylvania State Police by February 1. The Pennsylvania
23 State Police shall specify the form or format which local police
24 departments shall use when submitting the annual report.

25 § 6344. Pennsylvania State Police report.

26 (a) Annual report.--The Pennsylvania State Police shall
27 compile pursuit data sent to it by individual police departments
28 on an annual basis. The Pennsylvania State Police shall make an
29 annual report based on Statewide data to the Transportation
30 Committee and the Judiciary Committee of the Senate, the

1 Transportation Committee and the Judiciary Committee of the
2 House of Representatives, the Department of Transportation, the
3 Office of Attorney General, the Law and Justice Committee of the
4 Senate and to all police departments which contribute to the
5 report.

6 (b) Contents.--The Statewide report shall include, but not
7 be limited to, the following information:

8 (1) Statewide totals or averages of information
9 collected under section 6343(b) (relating to pursuit record).

10 (2) The total number and percentage of pursuits
11 involving accidents.

12 (3) The total number and percentage of pursuits
13 involving injuries.

14 (4) The total number and percentage of pursuits
15 involving deaths.

16 (5) The percentage of fleeing individuals who are
17 charged with nonpursuit-related offenses and a numerically
18 totaled breakdown of those nonpursuit-related charges.

19 (6) A list of police departments which do not comply
20 with the requirements of section 6342 (relating to written
21 policies required).

22 (7) A list of police departments which do not comply
23 with the requirements of section 6343.

24 § 6345. Liability.

25 This subchapter does not increase the liability nor decrease
26 the protection afforded municipalities and their employees under
27 42 Pa.C.S. Ch. 85 Subch. C (relating to matters affecting
28 government units).

29 Section 5. This act shall take effect in 180 days.