

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1434 Session of
2001

INTRODUCED BY BUTKOVITZ, KELLER, MCGEEHAN, LEDERER, WATERS,
THOMAS AND J. TAYLOR, APRIL 25, 2001

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 verification of identity in summary offense cases.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8903. Verification of identity in certain summary offense
9 cases.

10 (a) General rule.--Any police officer may arrest or detain
11 an offender who commits a serious summary offense for purposes
12 of determining the identity of the offender if the officer views
13 the commission of the offense and the officer is unable to
14 determine the offender's identity. This subsection shall not
15 apply in any case where the police officer or the police
16 department can reasonably verify or confirm the offender's
17 identity without arresting or detaining the offender. The
18 offender shall be released from detention and issued a citation

1 as soon as the police department obtains reasonable verification
2 or confirmation of the offender's identity, or, in cases where
3 the police department is unable to obtain reasonable
4 verification or confirmation of the offender's identity, after
5 the offender has been fingerprinted and photographed. No arrest
6 shall be made pursuant to this section if the offender is
7 cooperating with the police officer or the police department in
8 obtaining reasonable verification or confirmation of the
9 offender's identity.

10 (b) Construction.--Nothing in this section shall be
11 construed to:

12 (1) require the release of an offender who is being
13 detained pursuant to the authority of any other law or court
14 rule; or

15 (2) limit any authority to arrest or detain an offender
16 pursuant to the provisions of any other law or court rule.

17 (c) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection:

20 "Confirmation" or "confirm." Information establishing the
21 identity of the offender which is received from a person or
22 source that the police officer or the police department believes
23 to be credible.

24 "Offender." A person who the police officer has viewed
25 committing a serious summary offense.

26 "Reasonable verification" or "reasonably verify."

27 (1) A photo driver's license or photo identification
28 card issued by the Department of Transportation or any other
29 state.

30 (2) An armed forces identification card.

1 (3) A valid passport or a travel visa issued by a
2 foreign country that contains the holder's photograph.

3 (4) A photo identification card issued by any other
4 government agency of the Commonwealth, of any other state or
5 of the Federal Government.

6 (5) A photo identification card issued by an accredited
7 college or university.

8 "Serious summary offense." Any summary offense for which:

9 (1) a police officer is authorized to make an arrest
10 under the provisions of any other law or court rule; or

11 (2) the sentencing authority is authorized to impose a
12 term of imprisonment as part of the sentence.

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