
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 972 Session of
2003

INTRODUCED BY BIRMELIN, BAKER, BELFANTI, BENNINGHOFF, BUXTON,
CLYMER, COSTA, CRAHALLA, FICHTER, GEIST, HARHAI, HENNESSEY,
HERMAN, HORSEY, JAMES, JOSEPHS, KIRKLAND, LEACH, LEH, LEWIS,
MELIO, S. MILLER, PICKETT, READSHAW, REICHLEY, SATHER,
SCAVELLO, SOLOBAY, STABACK, STERN, TANGRETTI, E. Z. TAYLOR,
J. TAYLOR, THOMAS, WASHINGTON, WATSON, WILT AND YOUNGBLOOD,
MARCH 25, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 2003

AN ACT

1 Establishing the Privately Employed Agents Training and
2 Certification Program; regulating privately employed agents;
3 and providing for powers and duties of the Commissioner of
4 the Pennsylvania State Police.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Privately
9 Employed Agents Training and Certification Act.

10 Section 2. Definitions.

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

14 "Commissioner." The Commissioner of the Pennsylvania State
15 Police.

16 "Privately employed agent." A privately employed agent as

1 defined in section 3 of the act of October 10, 1974 (P.L.705,
2 No.235), known as the Lethal Weapons Training Act.

3 "Program." The Privately Employed Agents Training and
4 Certification Program established by this act.

5 Section 3. Establishment of program.

6 The Privately Employed Agents Training and Certification
7 Program is hereby established. The commissioner shall administer
8 the program for the training and certification of privately
9 employed agents within this Commonwealth in accordance with this
10 act. To the extent practicable, the commissioner shall utilize
11 the training resources of the municipal police officers'
12 education and training program, established under 53 Pa.C.S. Ch.
13 21 Subch. D (relating to municipal police education and
14 training) as well as the training resources available to the
15 commissioner in the administration of the act of October 10,
16 1974 (P.L.705, No.235), known as the Lethal Weapons Training
17 Act, including, but not limited to, courses and course
18 materials, instructors and other staff and training facilities.

19 Section 4. Participation in program.

20 Participation in the program by privately employed agents
21 shall be voluntary.

22 Section 5. Application to enroll in program.

23 (a) Eligibility.--In order to enroll in the program, a
24 privately employed agent must apply to the commissioner and
25 must:

26 (1) Be 18 years of age or older.

27 (2) Meet all relevant requirements of the act of August
28 21, 1953 (P.L.1273, No.361), known as The Private Detective
29 Act of 1953.

30 (3) Possess valid CPR certification issued by the

1 American Red Cross, the American Heart Association, the
2 Department of Health or other agency approved by the
3 Department of Health.

4 (4) Not have been convicted of or pleaded guilty or nolo
5 contendere to a felony, crime of violence or drug-related
6 offense.

7 (5) Be of good moral character.

8 (b) Form.--The commissioner shall determine the form of the
9 application, which shall include:

10 (1) The full name, age, residence and present and
11 previous occupations of the applicant.

12 (2) Evidence that fingerprints of the applicant have
13 been examined by the Pennsylvania State Police or the Federal
14 Bureau of Investigation within the three months immediately
15 preceding submission of the application and that the person
16 has not been convicted of or has not pleaded guilty or nolo
17 contendere to a felony, crime of violence or drug-related
18 offense.

19 (3) Proof that the applicant is 18 years of age or
20 older.

21 (4) Proof that the applicant has met all relevant
22 requirements of The Private Detective Act of 1953.

23 (5) Proof that the applicant possesses valid CPR
24 certification issued by the American Red Cross, the American
25 Heart Association, the Department of Health or other agency
26 approved by the Department of Health.

27 (6) Any other information the commissioner deems
28 necessary to determine the applicant's eligibility to enroll
29 in the program.

30 (c) Enrollment.--After the application has been processed

1 and if the commissioner determines that the applicant meets all
2 of the eligibility requirements of this section, the applicant
3 shall be enrolled in the program.

4 Section 6. Training.

5 (a) General rule.--The commissioner shall administer the
6 minimum courses of study necessary for privately employed agent
7 certification. The training curriculum shall include 40 hours of
8 instruction in any or all of the following areas:

- 9 (1) Pennsylvania criminal law.
- 10 (2) Pennsylvania Rules of Criminal Procedure.
- 11 (3) Handling violent and dangerous persons.
- 12 (4) Custody.
- 13 (5) Patrol procedures and operations.
- 14 (6) Traffic control.
- 15 (7) Ethics.
- 16 (8) Crime scene preservation.
- 17 (9) Report writing.
- 18 (10) Legal authority.
- 19 (11) Cultural diversity.
- 20 (12) Emergency preparedness and response.
- 21 (13) Any other area deemed necessary by the
22 commissioner.

23 (b) Course content.--The commissioner shall determine the
24 course content of and hours of instruction required in each area
25 listed in subsection (a).

26 (c) Examinations.--Examinations provided by the commissioner
27 shall be used to determine successful completion of the
28 requirements of the courses listed in subsection (a).

29 (d) Waiver of weapons training.--Weapons training
30 requirements shall be waived for any privately employed agent

1 who possesses a valid certificate indicating that the agent has
2 satisfactorily completed an education and training program in
3 the handling of lethal weapons established in accordance with
4 the act of October 10, 1974 (P.L.705, No.235), known as the
5 Lethal Weapons Training Act, or has a valid certificate under 42
6 Pa.C.S. Ch. 29 (relating to officers serving process and
7 enforcing orders).

8 Section 7. Certification.

9 (a) General rule.--A privately employed agent who
10 successfully completes the courses of instruction described in
11 section 6 shall be known as a certified privately employed
12 agent.

13 (b) Exception.--A privately employed agent who has
14 successfully completed the basic training course of the
15 municipal police officers' education and training program and
16 possesses a current, valid certificate issued under 53 Pa.C.S.
17 Ch. 21 Subch. D (relating to municipal police education and
18 training) shall not be required to complete the courses of
19 instruction described in section 6 in order to attain the status
20 of certified privately employed agent.

21 (c) Duration and renewal.--Certification shall be for a
22 period of five years. The commissioner shall prescribe the
23 manner in which certification may be renewed, and may charge a
24 nominal renewal fee therefor.

25 Section 8. Costs of training.

26 Tuition and other costs of training shall be borne by the
27 privately employed agent or the agent's sponsoring employer.

28 Section 9. Powers and duties of commissioner.

29 The powers and duties of the commissioner shall be as
30 follows:

- 1 (1) To establish an enrollment application fee.
- 2 (2) To revoke the enrollment application of any
- 3 privately employed agent who does not meet the application
- 4 requirements set forth in section 5.
- 5 (3) To determine reasonable tuition and fees for
- 6 training and certification.
- 7 (4) To certify privately employed agents who
- 8 successfully complete the courses of instruction described in
- 9 section 6 and to issue appropriate certificates.
- 10 (5) To make such rules and regulations and to perform
- 11 such other duties as may be reasonably necessary or
- 12 appropriate to implement the program.

13 Section 10. Unlawful activity.

14 It shall be unlawful for any individual to hold himself out

15 as being a certified privately employed agent unless the

16 individual holds a current valid certificate issued by the

17 commissioner in accordance with this act.

18 Section 11. Effective date.

19 This act shall take effect in 60 days.