

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1044

 Session of 2007

INTRODUCED BY COHEN, PETRONE, DALEY, FREEMAN, CALTAGIRONE, CASORIO, CLYMER, CURRY, DePASQUALE, FABRIZIO, FRANKEL, GEORGE, GIBBONS, GOODMAN, GRUCELA, HERSHEY, HORNAMAN, JAMES, KORTZ, KULA, MAHONEY, MANN, MARKOSEK, McGEEHAN, McILHATTAN, M. O'BRIEN, PALLONE, PARKER, PETRARCA, READSHAW, SABATINA, SCAVELLO, SIPTROTH, SOLOBAY, STABACK, YOUNGBLOOD and LENTZ, APRIL 10, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 25, 2007

## AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, further providing FOR DEFINITIONS <—  
3 RELATING TO MUNICIPAL POLICE EDUCATION, for powers and duties  
4 of the Municipal Police Officers' Education and Training  
5 Commission and for police training; PROVIDING FOR COUNTY PARK <—  
6 POLICE; FURTHER PROVIDING FOR POWERS OF HOME RULE CHARTER  
7 COUNTIES; AND MAKING AN INCONSISTENT REPEAL OF THE SHERIFF  
8 FEE ACT.

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

11 ~~Section 1. Section 2164(1) of Title 53 of the Pennsylvania~~ <—  
12 ~~Consolidated Statutes is amended to read:~~

13 SECTION 1. THE DEFINITIONS OF "POLICE DEPARTMENT" AND <—  
14 "POLICE OFFICER" IN SECTION 2162 OF TITLE 53 OF THE PENNSYLVANIA  
15 CONSOLIDATED STATUTES ARE AMENDED TO READ:

16 § 2162. DEFINITIONS.

17 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER  
18 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

CONTEXT CLEARLY INDICATES OTHERWISE:

\* \* \*

"POLICE DEPARTMENT." ANY OF THE FOLLOWING:

(1) A PUBLIC AGENCY OF A POLITICAL SUBDIVISION HAVING GENERAL POLICE POWERS AND CHARGED WITH MAKING ARRESTS IN CONNECTION WITH THE ENFORCEMENT OF THE CRIMINAL OR TRAFFIC LAWS. THIS PARAGRAPH INCLUDES THE SHERIFF'S OFFICE IN A COUNTY OF THE SECOND CLASS.

(2) A CAMPUS POLICE OR UNIVERSITY POLICE DEPARTMENT, AS USED IN SECTION 2416 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, CERTIFIED BY THE OFFICE OF ATTORNEY GENERAL AS A CRIMINAL JUSTICE AGENCY UNDER THE DEFINITION OF "CRIMINAL JUSTICE AGENCY" IN 18 PA.C.S. § 9102 (RELATING TO DEFINITIONS). THIS PARAGRAPH DOES NOT INCLUDE A CAMPUS POLICE OR UNIVERSITY POLICE DEPARTMENT OF THE STATE SYSTEM OF HIGHER EDUCATION AND ITS MEMBER INSTITUTIONS.

(3) A RAILROAD OR STREET RAILWAY POLICE DEPARTMENT FORMED WITH OFFICERS COMMISSIONED UNDER 22 PA.C.S. CH. 33 (RELATING TO RAILROAD AND STREET RAILWAY POLICE) OR ANY PRIOR STATUTE PROVIDING FOR SUCH COMMISSIONING.

(4) THE CAPITOL POLICE.

(5) THE HARRISBURG INTERNATIONAL AIRPORT POLICE.

(6) AN AIRPORT AUTHORITY POLICE DEPARTMENT.

(7) A COUNTY PARK POLICE DEPARTMENT.

"POLICE OFFICER." ANY OF THE FOLLOWING:

(1) A FULL-TIME OR PART-TIME EMPLOYEE ASSIGNED TO CRIMINAL OR TRAFFIC LAW ENFORCEMENT DUTIES OF ANY OF THE FOLLOWING:

(I) A POLICE DEPARTMENT OF A COUNTY, CITY, BOROUGH,

TOWN OR TOWNSHIP.

(II) ANY RAILROAD OR STREET RAILWAY POLICE.

(III) ANY CAMPUS OR UNIVERSITY POLICE DEPARTMENT.

(IV) THE CAPITOL POLICE.

(V) THE HARRISBURG INTERNATIONAL AIRPORT POLICE.

(VI) AN AIRPORT AUTHORITY POLICE DEPARTMENT.

(2) A DEPUTY SHERIFF OF A COUNTY OF THE SECOND CLASS.

(3) A SECURITY OFFICER OF A FIRST CLASS CITY HOUSING  
AUTHORITY OR A POLICE OFFICER OF A SECOND CLASS CITY HOUSING  
AUTHORITY.

(4) A COUNTY PARK POLICE OFFICER.

THE TERM EXCLUDES PERSONS EMPLOYED TO CHECK PARKING METERS OR TO  
PERFORM ONLY ADMINISTRATIVE DUTIES AND AUXILIARY AND FIRE  
POLICE.

\* \* \*

SECTION 2. SECTION 2164(1) OF TITLE 53 IS AMENDED TO READ:

§ 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of  
study for basic and in-service training for police officers  
and to revoke an officer's certification when an officer  
fails to comply with the basic and in-service training  
requirements or is convicted of a criminal offense or the  
commission determines that the officer is physically or  
mentally unfit to perform the duties of his office. [or  
determines that a police officer subject to section 2166.1  
(relating to prohibition on political activity) has engaged  
or participated in the conducting of political or election  
campaign activity in violation of that section.]

~~Section 2. Section 2167 of Title 53 is amended by adding a~~

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1 subsection to read:

2 SECTION 3. SECTIONS 2167, 2168 AND 2962 OF TITLE 53 ARE  
3 AMENDED BY ADDING SUBSECTIONS TO READ:

4 § 2167. Police training.

5 \* \* \*

6 (d) Mandatory waiver request.--If a police officer is unable  
7 to attend in-service training due to service in the military or  
8 National Guard or as a result of injury sustained in service as  
9 a police officer, the officer's employer shall request a waiver  
10 under section 2164(6) (relating to powers and duties of  
11 commission). ~~Upon return to service, the commission may require~~  
12 ~~a police officer who has been granted a waiver of in service~~  
13 ~~training to participate in such in service training as the~~  
14 ~~commission deems appropriate.~~ A police officer whose employer  
15 fails to request a waiver as required under this subsection  
16 shall not be decertified unless, upon return to service, the  
17 officer fails to participate in such in-service training as the  
18 commission deems appropriate IN ACCORDANCE WITH THIS CHAPTER AND  
19 51 PA.C.S. CH. 75 (RELATING TO PROFESSIONAL AND OCCUPATIONAL  
20 LICENSES).

21 § 2168. AUTOMATIC CERTIFICATION.

22 \* \* \*

23 (E) COUNTY PARK POLICE.--ANY COUNTY PARK POLICE OFFICER WHO  
24 HAS SUCCESSFULLY COMPLETED THE BASIC TRAINING COURSE UNDER THIS  
25 SUBCHAPTER PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION SHALL  
26 BE ASSIGNED A CERTIFICATION NUMBER UNDER THIS SUBCHAPTER BUT  
27 SHALL BE REQUIRED TO COMPLETE THE IN-SERVICE TRAINING AS SET  
28 FORTH IN SECTION 2164(7) (RELATING TO POWERS AND DUTIES OF  
29 COMMISSION).

30 § 2962. LIMITATION ON MUNICIPAL POWERS.

1       \* \* \*

2       (K) SHERIFF FEES.--A COUNTY WHICH ADOPTS A HOME RULE CHARTER  
3 MAY ESTABLISH BY ORDINANCE THE FEES, INCLUDING COMMISSIONS AND  
4 MILEAGE, TO BE RECEIVED BY THE SHERIFF OF THE COUNTY FROM A  
5 PERSON OR THE COUNTY REQUIRING SERVICES OF THE SHERIFF.

6       SECTION 4. SECTION 2 OF THE ACT OF JULY 6, 1984 (P.L.614,  
7 NO.127), KNOWN AS THE SHERIFF FEE ACT, IS REPEALED INsofar AS IT  
8 IS INCONSISTENT WITH THE ADDITION OF 53 PA.C.S. § 2962(K).

9       Section 3 5. This act shall take effect in 60 days.

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