

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1448 Session of  
2009

INTRODUCED BY MARSHALL, DALLY, BRENNAN, CAUSER, CREIGHTON,  
EVERETT, HARHART, HARRIS, MOUL, PICKETT, RAPP, READSHAW,  
ROAE, SCAVELLO, SOLOBAY, TALLMAN AND YOUNGBLOOD, MAY 6, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MAY 6, 2009

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 powers and duties of sheriffs and deputy sheriffs relating to  
4 law enforcement; providing for the education and training of  
5 deputy sheriffs; creating the Deputy Sheriffs' Education and  
6 Training Board under the Pennsylvania Commission on Crime and  
7 Delinquency; providing for the powers and duties of the board  
8 and the Attorney General; establishing the Deputy Sheriffs'  
9 Education and Training Account; providing for a surcharge on  
10 sheriffs' fees; providing for penalties; and making a related  
11 repeal.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 2921 of Title 42 of the Pennsylvania  
15 Consolidated Statutes is amended to read:

16 § 2921. Powers and duties of the sheriff.

17 (a) Court-related duties.--The sheriff either personally or  
18 by deputy, shall serve process and execute orders directed to  
19 him pursuant to law.

20 (b) Duties related to law enforcement.--Subject to  
21 subsection (c), a sheriff or a deputy sheriff serving in a  
22 county of the third, fourth, fifth, sixth, seventh or eighth

class who has successfully completed the training set forth  
under Ch. 29 Subch. D (relating to deputy sheriffs' education  
and training) or who has successfully completed training under  
53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police  
education and training) shall have the following powers and the  
duties of the sheriff or deputy sheriff shall be:

(1) to enforce good order on the grounds of and within  
the buildings of the courthouse within the primary  
jurisdictional area;

(2) to exclude all disorderly persons from the grounds  
of and within the buildings of the courthouse within the  
primary jurisdictional area;

(3) to exercise the same powers as are now or may  
hereafter be exercised under authority of law or ordinance by  
the police of the municipalities in which the primary  
jurisdictional area is located, including, but not limited  
to, those powers conferred under 42 Pa.C.S. Ch. 89 Subch. D  
(relating to municipal police jurisdiction);

(4) to prevent crime, investigate criminal acts,  
apprehend, arrest and charge criminal offenders and issue  
summary citations for acts committed on the grounds of and  
within the buildings of the courthouse within the primary  
jurisdictional area and to carry the offender before the  
proper authority and prefer charges against the offender  
under the laws of this Commonwealth. Except when acting under  
42 Pa.C.S. Ch. 89 Subch. D, a sheriff or deputy sheriff shall  
exercise these powers and perform these duties only on the  
grounds of and within the buildings of the courthouse in the  
primary jurisdictional area;

(5) to order off the grounds of and out of the buildings

1 within the courthouse within a primary jurisdictional area  
2 trespassers and individuals under the influence of liquor  
3 and, if necessary, remove them by force and, in the case of  
4 resistance, carry the individual before the proper authority;  
5 and

6 (6) to arrest any person who damages, mutilates or  
7 destroys the trees, plants, shrubbery, turf, grass plots,  
8 benches, buildings or structures or commits any other offense  
9 on the grounds of and within the buildings of the courthouse  
10 within the primary jurisdictional area.

11 (c) Governing authority.--In order for a sheriff or deputy  
12 sheriff to exercise the powers under subsection (b), the  
13 governing authority of a county shall enact an ordinance  
14 authorizing a sheriff or deputy sheriff to exercise the powers  
15 set forth in subsection (b).

16 (d) Definitions.--The following words and phrases when used  
17 in this section shall have the meanings given to them in this  
18 subsection unless the context clearly indicates otherwise:

19 "Governing authority of a county." The board of  
20 commissioners of the county or other body vested with the  
21 legislative authority of the county.

22 "Primary jurisdictional area." The geographical area within  
23 the territorial limits of the county.

24 Section 2. Chapter 29 of Title 42 is amended by adding a  
25 subchapter to read:

26 SUBCHAPTER D

27 DEPUTY SHERIFFS' EDUCATION AND TRAINING

28 Sec.

29 2961. Scope of subchapter.

30 2962. Definitions.

1 2963. Board.  
2 2964. Powers and duties of board.  
3 2965. Program.  
4 2966. Continuing education.  
5 2967. Training requirement.  
6 2968. Account.  
7 2969. Reimbursement to counties.  
8 § 2961. Scope of subchapter.

9 This subchapter deals with deputy sheriffs' education and  
10 training.

11 § 2962. Definitions.

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

15 "Account." The Deputy Sheriffs' Education and Training  
16 Account.

17 "Board." The Deputy Sheriffs' Education and Training Board.

18 "Commission." The Pennsylvania Commission on Crime and  
19 Delinquency.

20 "Program." The Deputy Sheriffs' Education and Training  
21 Program established under section 2964(1) (relating to powers  
22 and duties of board).

23 § 2963. Board.

24 (a) Establishment.--There is established within the  
25 commission an advisory board to be known as the Deputy Sheriffs'  
26 Education and Training Board.

27 (b) Composition.--The board shall be composed of ten members  
28 as follows:

29 (1) The Attorney General.

30 (2) Two judges of the courts of common pleas from

different counties.

(3) Two sheriffs or chief deputies from different counties with a minimum of six years' experience as a sheriff or chief deputy.

(4) Three individuals from different counties with a minimum of eight years' experience each as a deputy sheriff. One of the three individuals shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.

(5) One educator qualified in the field of curriculum design.

(6) One county commissioner.

(c) Appointments and terms.--Members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years. A member of the board shall cease to be a member of the board immediately upon termination of service in the position by which that individual was eligible for membership or appointed as a member of the board.

(d) Vacancies.--A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired term of the member whom the individual is to succeed in the same manner as the original appointment.

(e) Expenses.--A member of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of the member's duties under this subchapter.

(f) Removal.--Except for the Attorney General, a member of the board may be removed by the Governor for good cause upon written notice from the Governor specifically setting forth the

1 cause for removal.

2 (g) Chairman.--The members of the board shall elect a  
3 chairman from among the members to serve for a period of one  
4 year. A chairman may be elected to serve successive terms.

5 (h) Meetings and quorum.--The board shall meet at least four  
6 times each year. Special meetings may be called by the chairman  
7 of the board or upon written request of three members. A quorum  
8 shall consist of five members.

9 § 2964. Powers and duties of board.

10 The board, with the review and approval of the commission,  
11 shall:

12 (1) Establish, implement and administer the Deputy  
13 Sheriffs' Education and Training Program according to the  
14 minimum requirements set forth under this subchapter.

15 (2) Establish, implement and administer requirements for  
16 the minimum courses of study and training for deputy  
17 sheriffs.

18 (3) Establish, implement and administer requirements for  
19 courses of study and in-service training for deputy sheriffs  
20 appointed prior to the effective date of this section.

21 (4) Establish, implement and administer requirements for  
22 a continuing education program for all deputy sheriffs  
23 concerning subjects the board may deem necessary and  
24 appropriate for the continued education and training of  
25 deputy sheriffs.

26 (5) Approve or revoke the approval of any school which  
27 may be utilized to comply with the educational and training  
28 requirements of this subchapter.

29 (6) Establish the minimum qualifications for instructors  
30 and certify instructors.

1       (7) Consult and cooperate with universities, colleges,  
2       law schools, community colleges and institutes for the  
3       development of specialized courses for deputy sheriffs.

4       (8) Promote the most efficient and economical program  
5       for deputy sheriff training by utilizing existing facilities,  
6       programs and qualified State and local personnel.

7       (9) Certify deputy sheriffs who have satisfactorily  
8       completed the basic education and training requirements of  
9       this subchapter and issue appropriate evidence of  
10       certification.

11       (10) Make rules and regulations and perform other duties  
12       as may be reasonably necessary or appropriate to administer  
13       the education and training program for deputy sheriffs.

14       (11) Make an annual report to the Governor and to the  
15       General Assembly concerning:

16               (i) The administration of the program.

17               (ii) The activities of the board.

18               (iii) The costs of the program.

19       § 2965. Program.

20       The program shall be composed of:

21               (1) Instruction in the areas set forth under 37 Pa. Code  
22       § 203.51(b) (relating to basic police training course  
23       curriculum).

24               (2) Instruction in the following topics:

25                       (i) Courtroom security.

26                       (ii) Criminal justice system and law enforcement.

27                       (iii) Crisis intervention.

28                       (iv) Cultural diversity and ethnic intimidation.

29                       (v) Emergency management.

30                       (vi) Emergency vehicle operation.

1           (vii) Ethics and professional development.  
2           (viii) Families in crisis and domestic violence.  
3           (ix) Unified judicial system.  
4           (x) Physical and judicial security.  
5           (xi) Special needs groups.  
6           (xii) Related social sciences and related legal  
7           issues.

8   § 2966. Continuing education.

9       The board, with the review and approval of the commission,  
10   shall establish a continuing education program for deputy  
11   sheriffs, which shall include not less than 20 hours of  
12   continuing education every two years, concerning subjects the  
13   board may deem necessary and appropriate for the continued  
14   education and training of deputy sheriffs.

15   § 2967. Training requirement.

16       (a) Application of subchapter.--A sheriff of this  
17   Commonwealth shall assure that each full-time or part-time  
18   deputy employed by the sheriff, who has less than five years of  
19   experience on the effective date of this section, receives the  
20   training provided for in section 2965 (relating to program).

21       (b) Diploma.--No individual shall be employed or appointed  
22   as a deputy sheriff unless the individual is a high school  
23   graduate or has received a secondary school diploma on the basis  
24   of general educational development (GED).

25       (c) Prior education, training or experience.--The board,  
26   with the review and approval of the commission, shall have the  
27   authority and the discretion to reduce the hours of education  
28   and training required under section 2965 for those deputy  
29   sheriffs required to receive education and training who, because  
30   of prior education, training or experience, have acquired



1 knowledge or skill equivalent to that provided by the program.

2 (d) Certification requirement for continued compensation.--

3 An individual hired as a full-time or part-time deputy sheriff  
4 who has less than five years of experience on the effective date  
5 of this section shall, at the end of two years from the  
6 effective date of this section, be ineligible to receive any  
7 salary, compensation or other consideration or thing of value  
8 for the performance of the duties as a deputy sheriff unless the  
9 individual has met all of the requirements established under  
10 this subchapter and has been duly certified as having met those  
11 requirements by the board, with the review and approval of the  
12 commission, unless the deputy sheriff is granted additional time  
13 to complete training by the board, with the review and approval  
14 of the commission.

15 (e) Continuing education.--Any full-time or part-time deputy  
16 sheriff who fails to meet and fails to be certified as having  
17 met the requirements for continuing education established by the  
18 board, with the review and approval of the commission, shall be  
19 ineligible to receive any salary, compensation or other  
20 consideration or thing of value for the performance of the  
21 duties as a deputy sheriff.

22 (f) Penalty.--Any official of any county who orders,  
23 authorizes or pays a salary or compensation or other  
24 consideration or thing of value to an individual in violation of  
25 this section commits a summary offense and shall, upon  
26 conviction, be sentenced to pay a maximum fine of \$500 or to  
27 imprisonment for a term not to exceed 30 days.

28 § 2968. Account.

29 (a) Establishment.--There is established a special  
30 restricted receipts account within the General Fund of the State

Treasury, which shall be known as the Deputy Sheriffs' Education and Training Account, for the purpose of financing training program expenses, the costs of administering the program, reimbursements to counties and all other costs associated with the activities of the board and the implementation of this subchapter.

(b) Surcharge.--There is hereby assessed a surcharge of \$10 on each fee collected by the sheriff of a county upon acceptance for service required for a complaint, summons, writ or other legal paper required to be served or posted by the sheriff.

(c) Surcharge in counties of first and second class.--In counties of the first and second class, a surcharge of \$11 shall be collected by the prothonotary of that county for a defendant named in a document filed to commence an action under Pa.R.C.P. No.1007 (relating to commencement of action), except when service is made by a competent adult in an action listed under Pa.R.C.P. Nos.400(b) (relating to person to make service) and 400.1(c) (relating to provisions for all courts of the First Judiciary District). One dollar of the surcharge shall be retained by the prothonotary to cover administrative costs incurred by collecting the surcharge and to support any technology and automation improvements or upgrades for the prothonotary. The balance shall be transmitted semiannually to the State Treasurer for deposit into the account.

(d) Disposition of moneys collected.--The moneys collected under subsection (b) shall be forwarded semiannually by the sheriff of a county to the State Treasurer for deposit into the account. All moneys received by the State Treasurer in excess of the amount necessary to cover the costs and expenses of the training program shall be transferred from the account to the

1 General Fund of the Commonwealth on an annual basis with such  
2 reserve maintained as will be adequate to assure the continued  
3 operation of the program.

4 (e) Disbursements.--Disbursements from the account shall be  
5 made by the commission.

6 (f) Audit.--The Auditor General shall conduct an audit of  
7 the account as he may deem necessary or advisable from time to  
8 time but no less often than once every three years.

9 § 2969. Reimbursement to counties.

10 A county shall pay the ordinary and necessary living and  
11 travel expenses and the regular salary of its deputy sheriffs  
12 while attending approved schools. The commission shall provide  
13 for reimbursement to each county 100% of the regular salaries of  
14 its deputy sheriffs and 100% of the ordinary and necessary  
15 living and travel expenses incurred by its deputy sheriffs while  
16 attending certified deputy sheriffs' basic training or  
17 continuing education schools if the county adheres to the  
18 training standards set forth under this subchapter and  
19 established by the board with the review and approval of the  
20 commission. The commission shall provide for 100% of the tuition  
21 incurred by deputy sheriffs while attending certified deputy  
22 sheriffs' basic training or continuing education schools.

23 Section 3. Nothing in 42 Pa.C.S. Ch. 29 Subch. D shall be  
24 construed to effect:

25 (1) the operation or existence of a police department of  
26 a county, city, borough, town or township or police  
27 department formed under a regional police force; or

28 (2) the employment status of an individual employed as a  
29 full-time or part-time police officer by a police department  
30 of a county, city, borough, town or township or police

1 department formed under a regional police force.

2 Section 4. Repeals are as follows:

3 (1) The General Assembly declares that the repeal under  
4 paragraph (2) is necessary to effectuate the addition of 42  
5 Pa.C.S. Ch. 29 Subch. D.

6 (2) The act of February 9, 1984 (P.L.3, No.2), known as  
7 the Deputy Sheriffs' Education and Training Act, is repealed.

8 Section 5. The addition of 42 Pa.C.S. Ch. 29 Subch. D is a  
9 continuation of the act of February 9, 1984 (P.L.3, No.2), known  
10 as the Deputy Sheriffs' Education and Training Act. The  
11 following apply:

12 (1) Except as otherwise provided under paragraph (3),  
13 all activities, including the assessment of surcharges and  
14 the distribution of surcharges and the collection and deposit  
15 of funds into and distribution of funds from the Deputy  
16 Sheriffs' Education and Training Account, initiated under the  
17 Deputy Sheriffs' Education and Training Act shall continue  
18 and remain in full force and effect and may be completed and  
19 continued under 42 Pa.C.S. Ch. 29 Subch. D.

20 (2) Orders, rules and decisions which were made under  
21 the Deputy Sheriffs' Education and Training Act, which were  
22 in effect on the effective date of this section, shall remain  
23 in full force and effect until revoked, vacated or modified  
24 under 42 Pa.C.S. Ch. 29 Subch. D. Contracts and obligations  
25 entered into under the Deputy Sheriffs' Education and  
26 Training Act are not affected or impaired by the repeal of  
27 the Deputy Sheriffs' Education and Training Act.

28 (3) Paragraph (1) does not apply to the addition of 42  
29 Pa.C.S. § 2965.

30 (4) Any difference in language between 42 Pa.C.S. Ch. 29

1 Subch. D and the Deputy Sheriffs' Education and Training Act  
2 is intended only to conform to the style of the Pennsylvania  
3 Consolidated Statutes and is not intended to change or affect  
4 the legislative intent, judicial construction or  
5 administration and implementation of the Deputy Sheriffs'  
6 Education and Training Act.

7 Section 6. This act shall take effect as follows:

8 (1) The amendment of 42 Pa.C.S. § 2921 shall take effect  
9 in 60 days.

10 (2) The addition of 42 Pa.C.S. § 2965 shall take effect  
11 in 180 days.

12 (3) The remainder of this act shall take effect  
13 immediately.