

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 384 Session of 2009

INTRODUCED BY FOLMER, BAKER, ORIE, ALLOWAY, RAFFERTY, BRUBAKER,
BROWNE, WAUGH, O'PAKE, COSTA, WONDERLING, PICCOLA AND
EICHELBERGER, FEBRUARY 20, 2009

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 20, 2009

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of violation
3 of Fort Indiantown Gap regulations and providing for the
4 powers and duties of police officers employed at State
5 military installations.

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

8 Section 1. Section 708 of Title 51 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 708. Fort Indiantown Gap.

11 * * *

12 (e) Offense.--A person who violates a rule or regulation
13 promulgated under this section and designated by the Adjutant
14 General as being for the protection of persons or property at
15 Fort Indiantown Gap commits a summary offense.

16 Section 2. Title 51 is amended by adding a section to read:

17 § 711. Installation of police officers for Fort Indiantown Gap
18 and other designated Commonwealth military

1 installations and facilities.

2 (a) Appointment.--The Adjutant General may issue commissions
3 to Commonwealth employees of the Department of Military and
4 Veterans Affairs to act as installation police officers at Fort
5 Indiantown Gap and other Commonwealth military installations and
6 facilities designated by the Adjutant General.

7 (b) Training.--Any employee commissioned under this section
8 shall, prior to exercising the powers and duties described in
9 this section, have successfully completed a course of training
10 approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
11 police education and training). Installation police will, during
12 the course of their employment, undertake and complete such
13 periodic training as is required under 53 Pa.C.S. Ch.21 Subch.
14 D.

15 (c) Powers and duties.--Subject to such administrative
16 limitations or restrictions as the Adjutant General may
17 prescribe, installation police employed under this section shall
18 have the power and duty to:

19 (1) enforce good order on the grounds and in the
20 buildings of Fort Indiantown Gap or other designated military
21 installation or facility;

22 (2) protect the grounds and buildings of Fort Indiantown
23 Gap or other designated military installation or facility;

24 (3) exclude disorderly persons from the grounds and
25 buildings of Fort Indiantown Gap or other designated military
26 installation or facility;

27 (4) adopt whatever means necessary for the performance
28 of their duties;

29 (5) exercise the same powers as are now or may hereafter
30 be exercised under authority of law or ordinance by the

1 police officers of municipalities within this Commonwealth,
2 including, but not limited to, those powers conferred
3 pursuant to 42 Pa.C.S. Ch. 89. Subch. D (relating to
4 municipal police jurisdiction);

5 (6) prevent crime, investigate criminal acts, apprehend,
6 arrest and charge criminal offenders and issue summary
7 citations for offenses committed on the grounds and in the
8 buildings at Fort Indiantown Gap or other designated military
9 installation or facility and prefer charges against offenders
10 under the laws and procedures of this Commonwealth. For the
11 purposes of applying the provisions of 42 Pa.C.S. Ch. 89
12 Subch. D, the grounds and within 500 yards of the boundary of
13 Fort Indiantown Gap or other designated military installation
14 or facility shall constitute the primary jurisdiction of the
15 installation police;

16 (7) order off the grounds and out of the buildings of
17 Fort Indiantown Gap or other designated military installation
18 or facility all vagrants, loafers, trespassers and persons
19 under the influence of liquor and, if necessary, remove them
20 by force and, in case of resistance, arrest such offender in
21 accordance with the laws and procedures of this Commonwealth;
22 and

23 (8) arrest any person who damages, mutilates or destroys
24 the trees, plants, shrubbery, turf, grass plots, benches,
25 buildings and structures or commits any other offense on the
26 grounds and in the buildings of Fort Indiantown Gap or other
27 designated military installation or facility and prefer
28 charges against such offender under the laws and procedures
29 of this Commonwealth.

30 (d) Municipal agreements.--The Adjutant General and

1 municipalities where Fort Indiantown Gap and other designated
2 military installations or facilities are located are authorized
3 to enter into agreements for the concurrent exercise of those
4 powers and duties conferred pursuant to a cooperative police
5 service agreement in accordance with 42 Pa.C.S. § 8953 (relating
6 to Statewide municipal police jurisdiction). When so acting, the
7 installation police shall have the same powers and immunities
8 granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D.

9 (e) Status.--When acting within the scope of the authority
10 of this section, installation police are at all times employees
11 of the Commonwealth and shall be entitled to all of the rights
12 and benefits accruing therefrom. Installation police
13 commissioned under this section are "peace officers" for the
14 purposes of 18 Pa.C.S. Ch. 5 (relating to general principles of
15 justification). This section does not change the status of
16 installation police officers for the purposes of the act of July
17 23, 1970 (P.L.563, No.195), known as the Public Employe
18 Relations Act, or cause installation police officers to be
19 considered policemen for the purposes of the act of June 24,
20 1968 (P.L.237, No.111), referred to as the Policemen and Firemen
21 Collective Bargaining Act.

22 Section 3. This act shall take effect in 60 days.