

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1596 Session of
2011

INTRODUCED BY D. COSTA, VULAKOVICH, DeLUCA, DEASY, BAKER,
BARRAR, B. BOYLE, K. BOYLE, CALTAGIRONE, CARROLL, CLYMER,
CONKLIN, FABRIZIO, FRANKEL, GEIST, GEORGE, GOODMAN, GRELL,
HARKINS, HESS, HORNAMAN, KAVULICH, KULA, LONGIETTI, MANN,
MARKOSEK, MATZIE, MICOZZIE, MILLER, MIRABITO, MULLERY,
MURPHY, MURT, M. O'BRIEN, O'NEILL, PETRARCA, PYLE, QUINN,
READSHAW, SANTARSIERO, SCHRODER, SWANGER, YOUNGBLOOD, SHAPIRO
AND ELLIS, MAY 25, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, OCTOBER 4, 2011

AN ACT

1 Providing for the Pennsylvania Officer Down Advisory;
2 authorizing and directing the Pennsylvania State Police to
3 establish and maintain the Pennsylvania Officer Down
4 Advisory; assessing costs; and providing for immunity and
5 penalties.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania
10 Officer Down Advisory Act.

11 Section 2. Pennsylvania Officer Down Advisory established.

12 The Pennsylvania State Police shall establish and maintain
13 the Pennsylvania Officer Down Advisory to assist in the
14 apprehension of those suspected of killing or seriously injuring
15 Federal, State or local law enforcement officers through prompt
16 notification to the general public and appropriate law

1 enforcement authorities. The Pennsylvania State Police shall
2 establish such protocols and procedures as are necessary for the
3 effective operation of this advisory and shall educate and
4 inform local law enforcement agencies and the public with regard
5 to its availability. At a minimum the following criteria must be
6 met to activate the advisory:

7 (1) A law enforcement officer must have been killed or
8 seriously injured by ~~an offender~~ A SUSPECT. ←

9 (2) The investigating law enforcement agency must
10 determine that the suspect poses a serious risk or threat to
11 the public or other law enforcement personnel.

12 (3) A detailed description of the make and model of the
13 suspect's vehicle or a complete or partial registration plate
14 number of the suspect's vehicle must be available for
15 broadcast to the public.

16 (4) The investigating law enforcement agency having
17 jurisdiction must recommend activation of the advisory.

18 Section 3. Prohibited use.

19 The transmission, broadcast or other communication of a
20 public alert, other than through the Pennsylvania Officer Down
21 Advisory, intentionally, knowingly, recklessly or negligently
22 purporting to be made by, with or through the authority of the
23 Pennsylvania Officer Down Advisory is prohibited and shall be
24 subject to a civil penalty of not more than \$5,000.

25 Section 4. Coordination with other jurisdictions.

26 The Pennsylvania State Police shall coordinate with the
27 authorities of the Federal Government and the various states
28 that are responsible within their respective jurisdictions for
29 the apprehension of those suspected of killing or seriously
30 injuring Federal, State or local law enforcement officers to

1 establish and execute the procedures appropriate to the
2 effective fulfillment of its responsibilities under section 2.
3 Section 5. Assessment of cost.

4 Unless the court finds that undue hardship would result, in
5 addition to any other cost imposed by law, a cost of \$25 shall
6 automatically be assessed on each person convicted, adjudicated
7 delinquent or granted accelerated rehabilitative disposition
8 (ARD) of the offenses named in this section. The cost shall be
9 forwarded to the Commonwealth and used by the Pennsylvania State
10 Police to establish and maintain the Pennsylvania Officer Down
11 Advisory and apply to the following offenses:

12 18 Pa.C.S. § 2507 (relating to criminal homicide of law
13 enforcement officer).

14 18 Pa.C.S. § 2702.1 (relating to assault of law
15 enforcement officer).

16 18 Pa.C.S. § 5104 (relating to resisting arrest or other
17 law enforcement).

18 18 Pa.C.S. § 5104.1 (relating to disarming law
19 enforcement officer).

20 18 Pa.C.S. § 5511.2 (relating to police animals).

21 Section 6. Immunity.

22 Owners, licensees, operators and employees of any
23 communication medium, including, but not limited to, telephone,
24 radio, television, newspaper, digital communications network,
25 wireless communications network or global communications
26 network, shall be immune from civil liability for their good
27 faith conduct while participating in accordance with this act.

28 Section 20. Effective date.

29 This act shall take effect in 30 days.