

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1910 Session of 2019

INTRODUCED BY WILLIAMS, KINSEY, HILL-EVANS, KIRKLAND, CALTAGIRONE, HARRIS, FRANKEL, CIRESI, T. DAVIS, FREEMAN, READSHAW, HOWARD, SHUSTERMAN, FITZGERALD, FIEDLER, ROZZI, YOUNGBLOOD, WARREN, MADDEN, SCHWEYER, SCHLOSSBERG, HOHENSTEIN, ISAACSON, BULLOCK, HANBIDGE, GREEN, GALLOWAY, SANCHEZ, DALEY, ZABEL, PASHINSKI, KORTZ, COMITTA, GAINNEY, BARRAR, MALAGARI, KOSIEROWSKI, DAWKINS AND DELLOSO, OCTOBER 11, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 23, 2020

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law
2 and Justice) and 53 (Municipalities Generally) of the
3 Pennsylvania Consolidated Statutes, in selection and
4 retention of judicial officers, further providing for ~~content~~ <--
5 ~~of course of instruction and examination~~ CONTINUING EDUCATION <--
6 CREDIT; in other officers, providing for mental health
7 evaluations; and, in employees, further providing for powers
8 and duties of commission.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 ~~Section 1. Section 3113(b) of Title 42 of the Pennsylvania~~ <--
12 ~~Consolidated Statutes is amended to read:~~

13 ~~§ 3113. Content of course of instruction and examination.~~

14 * * *

15 ~~(b) Content of course. The course of training and~~
16 ~~instruction shall not exceed four weeks in duration and shall~~
17 ~~consist of a minimum of 40 hours of class instruction in civil~~

1 ~~and criminal law, including evidence and procedure, summary~~
2 ~~proceedings, motor vehicles, the identification and reporting of~~
3 ~~suspected child abuse as defined in 23 Pa.C.S. Ch. 63 (relating~~
4 ~~to child protective services), court proceedings involving~~
5 ~~children and courses in judicial ethics, in the case of all such~~
6 ~~officials except arraignment court magistrates, in which case~~
7 ~~the course of training shall consist of a minimum of 30 hours of~~
8 ~~class instruction in criminal law, search and seizure, arrest~~
9 ~~and bail practices and procedures, and except judges of the~~
10 ~~Traffic Court of Philadelphia, in which case the course of~~
11 ~~training shall consist of a minimum of 20 hours of class~~
12 ~~instruction in summary proceedings and laws relating to motor~~
13 ~~vehicles.~~

14 SECTION 1. SECTION 3118(A)(1) OF TITLE 42 OF THE
15 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:
16 § 3118. CONTINUING EDUCATION REQUIREMENT.

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17 (A) MAGISTERIAL DISTRICT JUDGES.--

18 (1) EVERY MAGISTERIAL DISTRICT JUDGE SHALL COMPLETE A
19 CONTINUING EDUCATION PROGRAM EACH YEAR EQUIVALENT TO NOT LESS
20 THAN 32 HOURS PER YEAR IN SUCH COURSES OR PROGRAMS AS ARE
21 APPROVED BY THE BOARD. ONE SUCH COURSE MUST BE IN THE
22 IDENTIFICATION AND REPORTING OF SUSPECTED CHILD ABUSE AS
23 DEFINED BY 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
24 SERVICES) AND COURT PROCEEDINGS INVOLVING CHILDREN. AT LEAST
25 EVERY SIX YEARS, THE PROGRAM SHALL INCLUDE THE IDENTIFICATION
26 OF MENTAL ILLNESS, INTELLECTUAL DISABILITIES AND AUTISM AND
27 THE AVAILABILITY OF DIVERSIONARY OPTIONS FOR INDIVIDUALS WITH
28 MENTAL ILLNESS, INTELLECTUAL DISABILITIES OR AUTISM.

29 * * *

30 Section 2. Title 44 is amended by adding a chapter to read:

1 CHAPTER 72

2 MENTAL HEALTH EVALUATIONS

3 Subchapter

4 A. Preliminary Provisions

5 B. General Provisions

6 SUBCHAPTER A

7 PRELIMINARY PROVISIONS

8 Sec.

9 7201. Scope of chapter.

10 7202. Definitions.

11 § 7201. Scope of chapter.

12 This chapter relates to mental health evaluations for law
13 enforcement officers.

14 § 7202. Definitions.

15 The following words and phrases when used in this chapter
16 shall have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Administrative duty." An administrative law enforcement
19 duty that is designed to limit a law enforcement officer's day-
20 to-day work-related interactions with the public.

21 "Law enforcement agency." Any of the following:

22 (1) A police department of a county, city, borough,
23 incorporated town or township.

24 (2) A county district attorney's office.

25 "Law enforcement officer." An individual employed by a law
26 enforcement agency who is required to be trained under 53
27 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education
28 and training).

29 "Post-traumatic stress disorder." A post-traumatic stress
30 disorder as defined by a mental order characterized by direct

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1 exposure to a traumatic event as identified by the American
2 Psychiatric Association and documented in the American
3 Psychiatric Association's Diagnostic and Statistical Manual of
4 Mental Disorders, 5th edition.

5 SUBCHAPTER B

6 GENERAL PROVISIONS

7 Sec.

8 7203. Mental health evaluations for law enforcement officers.

9 7204. Regulations.

10 § 7203. Mental health evaluations for law enforcement officers.

11 (a) Evaluations.--As a condition of continued employment,
12 and without cost to the law enforcement officer, a law
13 enforcement agency shall provide a law enforcement officer with
14 a mental health evaluation for post-traumatic stress disorder by
15 a licensed mental health professional:

16 (1) upon request of the law enforcement officer;

17 (2) upon recommendation of a police chief or other
18 supervising law enforcement officer; or

19 (3) within 30 days of an incident of the use of lethal
20 force during the course of law enforcement duties.

21 (b) Treatment.--If a licensed mental health professional
22 determines during the mental health evaluation under subsection
23 (a) that a law enforcement officer has symptoms of post-
24 traumatic stress disorder, the law enforcement officer shall be
25 provided with treatment under a licensed physician's care until
26 the licensed physician determines in writing that the law
27 enforcement officer is able to resume full duties.

28 (c) Administrative duty.--A law enforcement officer shall be
29 assigned to administrative duty if the law enforcement officer:

30 (1) fails to undergo a mental health evaluation for

1 post-traumatic stress disorder when required under subsection
2 (a); OR <--
3 (2) is experiencing symptoms of post-traumatic stress
4 disorder as determined by a licensed mental health
5 professional under subsection (a); ~~or~~ <--
6 ~~(3) is receiving treatment by a licensed physician under~~
7 ~~subsection (b).~~ AND WHOM THE LICENSED PHYSICIAN HAS NOT YET <--
8 DETERMINED IS ABLE TO RESUME FULL DUTIES UNDER SUBSECTION
9 (B).

10 § 7204. Regulations.

11 (a) Temporary regulations.--In order to facilitate the
12 prompt implementation of this chapter, the commission shall
13 promulgate temporary regulations within six months of the
14 effective date of this section that shall expire not later than
15 two years following the publication of the temporary
16 regulations. The department shall promulgate temporary
17 regulations not subject to:

18 (1) Sections 201, 202, 203, 204 and 205 of the act of
19 July 31, 1968 (P.L.769, No.240), referred to as the
20 Commonwealth Documents Law.

21 (2) The act of June 25, 1982 (P.L.633, No.181), known as
22 the Regulatory Review Act.

23 (3) Sections 204(b) and 301(10) of the act of October
24 15, 1980 (P.L.950, No.164), known as the Commonwealth
25 Attorneys Act.

26 (b) Publication.--The department shall transmit temporary
27 regulations to the Legislative Reference Bureau for publication
28 in the Pennsylvania Bulletin no later than six months after the
29 effective date of this section.

30 (c) Promulgation.--The commission shall, by regulation

1 including temporary regulation, establish procedures to
2 guarantee the following:

3 (1) Confidentiality of requests or recommendations for
4 mental health evaluations.

5 (2) Confidentiality of mental health records produced by
6 operation of this chapter.

7 (3) Any other procedure deemed necessary by the
8 commission for implementation of this chapter.

9 Section 3. Section 2164(1.1) and (6) of Title 53 are amended
10 and the section is amended by adding paragraphs to read:

11 § 2164. Powers and duties of commission.

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

13 * * *

14 (1.1) To provide training for police officers with
15 respect to:

16 (i) Recognition of mental illness, intellectual
17 disabilities and autism.

18 (ii) Proper techniques to interact with and de-
19 escalate individuals engaging in behavior indicative of
20 mental illness, intellectual disability or autism.

21 (iii) Instruction on services available to
22 individuals with mental illness, intellectual
23 disabilities or autism.

24 (iv) Instruction on interacting with individuals of
25 diverse racial, ethnic and economic backgrounds.

26 * * *

27 (6) To require every police officer to attend a minimum
28 number of hours of in-service training as provided for by
29 regulation to maintain certification by the commission,
30 unless the officer's employer files a show cause document

1 with the commission requesting additional time for the
2 officer to comply with the in-service training requirements.
3 Approval of this request shall be made by the commission on a
4 case-by-case basis. In-service training shall require annual
5 instruction on the use of force, including deadly force, de-
6 escalation and harm reduction techniques, and shall include
7 on a biennial basis instruction in community and cultural
8 awareness, implicit bias, procedural justice and
9 reconciliation techniques as developed by the commission.

10 * * *

11 (17) To train police officers with respect to:

12 (i) Recognizing child abuse.

13 (ii) The provisions regarding reporting suspected
14 child abuse under 23 Pa.C.S. Ch. 63 (relating to child
15 protective services).

16 (iii) The efficacy of conducting forensic
17 interviewing of victims of child abuse within the setting
18 of a children's advocacy center.

19 As used in this paragraph, the terms "child abuse" and
20 "children's advocacy center" shall have the meanings given to
21 them in 23 Pa.C.S. § 6303 (relating to definitions).

22 (18) To train police officers in trauma informed care
23 and with respect to recognizing and interacting with
24 individuals with post-traumatic stress disorder, including
25 intervening with or on behalf of other police officers
26 exhibiting post-traumatic stress disorder.

27 Section 4. This act shall take effect as follows:

28 (1) The following shall take effect in 60 days:

29 (i) The amendment of 42 Pa.C.S. § ~~3113(b)~~ 3118(A) <--

30 (1).

1 (ii) The addition of 53 Pa.C.S. §§ 2164(17) and
2 (18).

3 (iii) The addition of 44 Pa.C.S. § 7204.

4 (2) The addition of 44 Pa.C.S. §§ 7201, 7202 and 7203
5 shall take effect in one year.

6 (3) The remainder of this act shall take effect
7 immediately.