
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 323 Session of
2019

INTRODUCED BY MARTIN, SCARNATI, K. WARD, REGAN, HUTCHINSON AND
J. WARD, FEBRUARY 22, 2019

REFERRED TO STATE GOVERNMENT, FEBRUARY 22, 2019

AN ACT

1 Providing for liability for public safety response costs.

2 The General Assembly of the Commonwealth of Pennsylvania

3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Commonwealth
6 Response Cost Reimbursement Act.

7 Section 2. Declaration of policy.

8 The General Assembly finds and declares as follows:

9 (1) Citizens have the constitutional right to lawfully
10 and peacefully assemble and petition as guaranteed by the
11 First Amendment of the Constitution of the United States and
12 Article I of the Constitution of Pennsylvania.

13 (2) The protests and related illegal activities
14 associated with the Dakota Access Pipeline in North Dakota:

15 (i) required 331,721 hours of response support;

16 (ii) cost state and local taxpayers \$38.2 million;

17 (iii) led to the arrests of 761 individuals, 94% of

1 whom were from outside the state;

2 (iv) required the removal of 48 million pounds of
3 trash, including 44 abandoned vehicles;

4 (v) diverted \$4,433,329 in expenses from the North
5 Dakota Highway Patrol's normal operations and resulted in
6 the agency logging more flight hours than typically would
7 have been logged over the course of four years;

8 (vi) compelled the North Dakota National Guard to
9 expend 35,412 hours of service and \$8,752,233 in response
10 costs;

11 (vii) necessitated law enforcement escorts of school
12 buses; and

13 (viii) resulted in 23 livestock killed or missing
14 and 34 livestock injured.

15 (3) It is improper for Commonwealth taxpayers to bear
16 the financial burden for response costs related to unlawful
17 gatherings and illegal activities.

18 Section 3. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Demonstration." A public assembly, a meeting or gathering,
23 a rally or protest event, a political rally or event, a
24 demonstration, speech making, marching, the holding of vigils or
25 religious services and all other like forms of conduct the
26 primary purpose of which is expressive activity or the
27 communication or expression of views or grievances, which has
28 the effect, intent or propensity to draw a crowd or onlookers.

29 Section 4. Costs imposed.

30 A person is responsible for public safety response costs

1 incurred by a State agency or political subdivision as a result
2 of the State agency's or political subdivision's response to a
3 demonstration if, in connection with the demonstration, the
4 person is convicted of a felony or misdemeanor offense.

5 Section 5. Relief.

6 In addition to any other right of action and any other remedy
7 provided by law, a State agency or political subdivision that
8 incurs costs in responding to a demonstration may bring an
9 action against a person described in section 4 to recover the
10 response costs and related legal, administrative and court
11 expenses. All costs owed may be determined by a court of
12 competent jurisdiction.

13 Section 6. Limitations.

14 A fine paid by a person for the same violation may not be
15 applied toward payment of the public safety response costs
16 imposed under this act.

17 Section 7. Public safety response costs.

18 A person convicted as described in section 4 shall, in
19 addition to any other sentence imposed or restitution ordered
20 under 42 Pa.C.S. § 9721(c) (relating to sentencing generally),
21 be ordered to pay the reasonable costs associated with the
22 public safety response costs, including fire and police response
23 and emergency medical services or emergency preparedness
24 response, incurred by a State agency or political subdivision as
25 a result of the State agency's or political subdivision's
26 response to the demonstration.

27 Section 8. Effective date.

28 This act shall take effect in 60 days.