

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 459 Session of 2019

INTRODUCED BY COSTA, FONTANA, HUGHES, SCHWANK, HAYWOOD, KEARNEY, A. WILLIAMS, STREET, MUTH, SANTARSIERO, FARNESE, IOVINO, BOSCOLA AND KILLION, MARCH 21, 2019

AS AMENDED ON SECOND CONSIDERATION, JUNE 23, 2020

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, providing for use of
3 force recordkeeping and reporting for law enforcement
4 agencies.

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

7 Section 1. The heading of Subchapter B of Chapter 21 of
8 Title 53 of the Pennsylvania Consolidated Statutes is amended to
9 read:

SUBCHAPTER [C] B

[(Reserved)]

USE OF FORCE

RECORDKEEPING AND REPORTING

FOR LAW ENFORCEMENT AGENCIES

15 Section 2. Subchapter B of Chapter 21 of Title 53 is amended
16 by adding sections to read:

17 § 2131. Policy.

18 It is the policy of the Commonwealth to provide law

1 enforcement agencies with recordkeeping and reporting  
2 requirements regarding the use of force and deadly force by law  
3 enforcement officers.

4 § 2132. Definitions.

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

8 "Commission." The Municipal Police Officers' Education and  
9 Training Commission.

10 "Commissioner." The Commissioner of Pennsylvania State  
11 Police.

12 "FORCE." EFFORTS USED BY A LAW ENFORCEMENT OFFICER THAT MAY <--  
13 RESULT IN SERIOUS BODILY INJURY OR DEATH WHEN USED TO:

14 (1) EFFECTUATE AN ARREST.

15 (2) OVERCOME RESISTANCE OR THREATENED RESISTANCE TO  
16 EFFECTUATE AN ARREST.

17 (3) PROTECT THE ARRESTING OFFICER OR ANY OTHER PERSON  
18 FROM INJURY OR DEATH.

19 "Law enforcement agency." A law enforcement agency in this  
20 Commonwealth that is the employer of a law enforcement officer.

21 "Law enforcement officer." The term shall have the same  
22 meaning as the term "peace officer" under 18 Pa.C.S. § 501  
23 (relating to definitions).

24 "SERIOUS BODILY INJURY." BODILY INJURY THAT CREATES A <--  
25 SUBSTANTIAL RISK OF DEATH OR WHICH CAUSES SERIOUS, PERMANENT  
26 DISFIGUREMENT OR PROTRACTED LOSS OR IMPAIRMENT OF THE FUNCTION  
27 OF A BODILY MEMBER OR ORGAN.

28 § 2133. Recordkeeping.

29 (a) General rule.--Each law enforcement agency shall  
30 maintain records of all incidents involving a use of force by a

1 law enforcement officer.

2 (b) Procedure.--The commissioner, in consultation with the  
3 Pennsylvania Chiefs of Police Association and the Fraternal  
4 Order of Police, shall develop a reporting mechanism each law  
5 enforcement agency must comply with and submit records of all  
6 use of force incidents. The commissioner, with the approval of  
7 the commission, shall determine the most efficient and least  
8 burdensome procedure for which this reporting requirement shall  
9 be implemented, administered and maintained. This procedure may  
10 be incorporated at the discretion of the commissioner within  
11 existing or forthcoming uniform crime reporting functions,  
12 including a national incident-based reporting system.

13 (c) Content.--The report shall include the following  
14 information:

15 (1) Reason for use of force.

16 (2) Injuries, if any, and to what individuals. PERSONAL <--  
17 INJURIES, IF ANY.

18 (3) Property damage, if any.

19 (4) Deaths, if any.

20 (5) Suspect information, including statute violations  
21 and apprehension status of the suspect.

22 (d) Implementation.--The commissioner may implement the  
23 reporting requirements to coincide with the timing of the  
24 implementation of a national incident-based reporting system  
25 within this Commonwealth.

26 § 2134. Pennsylvania State Police report.

27 (a) Annual report.--The Pennsylvania State Police shall  
28 compile data sent by individual agencies on an annual basis. The  
29 Pennsylvania State Police shall make an annual report based on  
30 Statewide data to the Office of Attorney General, the Judiciary

1 Committee of the Senate, the Judiciary Committee of the House of  
2 Representatives and the Law and Justice Committee of the Senate.

3 (b) Contents.--The Statewide report shall include the  
4 following information:

5 (1) Statewide aggregations of information collected  
6 under section 2133(c) (relating to recordkeeping).

7 (2) The total number and percentage of incidents  
8 involving the use of force.

9 ~~(3) The total number and percentage of incidents~~ <--  
10 ~~involving the use of force resulting in bodily injury.~~

11 ~~(4) (3) The total number and percentage of incidents~~ <--  
12 ~~involving the use of force resulting in serious bodily~~  
13 ~~injury.~~

14 ~~(5) (4) The total number and percentage of incidents~~ <--  
15 ~~involving the use of force resulting in death.~~

16 (c) Submission of annual report.--The Pennsylvania State  
17 Police shall submit the first annual report after the first full  
18 calendar year of data collection.

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