

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2358 Session of  
2022

INTRODUCED BY BONNER, GROVE, RYAN, SMITH, WHITE, SILVIS,  
M. MACKENZIE, ROTHMAN, ZIMMERMAN AND KEEFER, MARCH 8, 2022

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2022

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in obstructing governmental  
3 operations, providing for enforcement of State law.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5113. Enforcement of State law.

9 (a) Offense defined.--The following shall apply:

10 (1) An elected official of a municipality commits a  
11 misdemeanor of the first degree if the elected official votes  
12 in favor of or approves of a law, regulation or policy that:

13 (i) permits, or otherwise decriminalizes, an  
14 activity that is illegal or prohibited under the laws of  
15 the Commonwealth;

16 (ii) prohibits the enforcement of a penalty or fine  
17 for an offense under the laws of the Commonwealth or  
18 establishes a penalty or fine for the offense that is

different from the penalty or fine required for the offense under the laws of the Commonwealth;

(iii) directs or induces a peace officer to not enforce a law of the Commonwealth; or

(iv) provides an alternate method to address the prohibitions or penalties existing under the laws of the Commonwealth.

(2) An elected official of a municipality or public employee of a municipality commits a misdemeanor of the first degree if the elected official or public employee directs or induces a peace officer under the command or supervision of the elected official or public employee to:

(i) permit an activity that is illegal or prohibited under the laws of the Commonwealth;

(ii) not enforce a penalty or fine for an offense under the laws of the Commonwealth or enforce a penalty or fine for the offense that is different from the penalty or fine required for the offense under the laws of the Commonwealth;

(iii) provide an alternate method to address a prohibition or penalty under the laws of the Commonwealth; or

(iv) not enforce a law of the Commonwealth.

(b) Previous law, regulation or policy voided.--A law, regulation or policy adopted or implemented by a municipality, elected official or public employee negating or limiting the enforcement of a law of the Commonwealth is declared null and void and of no further force or effect.

(c) Exception.--This section shall not apply to the following:

1       (1) The Attorney General, or a subordinate acting under  
2       the direction of the Attorney General.

3       (2) A district attorney, or a subordinate acting under  
4       the direction of a district attorney.

5       (3) A peace officer.

6       (d) Definitions.--As used in this section, the following  
7       words and phrases shall have the meanings given to them in this  
8       subsection unless the context clearly indicates otherwise:

9       "Law of the Commonwealth." A statute enacted by the General  
10      Assembly and approved as a law in accordance with the  
11      Constitution of Pennsylvania.

12      "Peace officer." As defined under section 501 (relating to  
13      definitions).

14      Section 2. This act shall take effect in 60 days.