
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 332 Session of
2023

INTRODUCED BY STREET, KEARNEY, HAYWOOD, FONTANA, KANE, COSTA,
CAPPELLETTI AND SAVAL, FEBRUARY 14, 2023

REFERRED TO JUDICIARY, FEBRUARY 14, 2023

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, providing for use of
3 force and deadly force policy for law enforcement agencies;
4 and making an editorial change.

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

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

9 SUBCHAPTER C

10 [(Reserved)]

11 USE OF FORCE AND DEADLY FORCE POLICY

12 FOR LAW ENFORCEMENT AGENCIES

13 Section 2. Subchapter C of Chapter 21 of Title 53 is amended
14 by adding sections to read:

15 § 2141. Policy.

16 It is the policy of the Commonwealth to provide law
17 enforcement agencies and law enforcement officers with clear
18 guidelines and training regarding the use of force and deadly
19 force.

1 § 2142. Definitions.

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

5 "Choke hold." A physical maneuver that restricts an
6 individual's ability to breathe for the purposes of
7 incapacitation.

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

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

12 "Deadly force." Force which, under the circumstances in
13 which it is used, is readily capable of causing death or serious
14 bodily injury.

15 "Force." Efforts used by a law enforcement officer that may
16 result in serious bodily injury or death when used to:

17 (1) Effectuate an arrest.

18 (2) Overcome resistance or threatened resistance to
19 effectuate an arrest.

20 (3) Protect the arresting officer or any other person
21 from injury or death.

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

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

27 "Serious bodily injury." Bodily injury that creates a
28 substantial risk of death or which causes serious, permanent
29 disfigurement or protracted loss or impairment of the function
30 of a bodily member or organ.

1 "Weapon." Anything readily capable of lethal use and
2 possessed under circumstances not manifestly appropriate for
3 lawful uses which it may have. The term includes a firearm which
4 is not loaded or lacks a clip or other component to render it
5 immediately operable, and components which can readily be
6 assembled into a weapon.

7 § 2143. Written policies required.

8 (a) General rule.--Each law enforcement agency shall develop
9 and implement a written use of force policy governing the
10 procedures under which a law enforcement officer should
11 initiate, continue and terminate the use of force. The policy
12 may be the model policy endorsed by a national or State
13 organization or association that is consistent with the
14 requirements of this subchapter. The written policy shall
15 reflect consideration of the guidelines under this section.

16 (b) Intent of guidelines.--The guidelines under this section
17 are solely intended to direct law enforcement agencies in
18 developing use of force policies and outline the content of
19 these policies. The guidelines contained in this section are not
20 intended to mandate the actions of individual law enforcement
21 officers.

22 (c) Policy guidelines.--Each law enforcement agency policy
23 shall be consistent with current training and certification
24 standards and include the following procedural elements:

25 (1) Decision-making criteria or principles for
26 initiation of force. These criteria or principles may
27 include:

28 (i) The severity of the crime at issue.

29 (ii) If the suspect poses an immediate threat to the
30 safety of the law enforcement officer or others.

1 (iii) The potential for harm or immediate or
2 potential danger to others if the fleeing individual or
3 individuals escape.

4 (iv) If the suspect is actively resisting arrest or
5 attempting to evade arrest by flight.

6 (v) Safety factors that pose a risk to law
7 enforcement officers and other persons.

8 (vi) If the suspect is in possession of a weapon.

9 (vii) Other relevant information that the law
10 enforcement officer reasonably believes to be true at the
11 time.

12 (2) Responsibilities of law enforcement officers.

13 (3) Responsibilities of the field supervisor.

14 (4) Decision-making criteria or principles for
15 termination of force. These criteria or principles may
16 include safety factors that pose a risk to law enforcement
17 officers and other persons.

18 (5) Recordkeeping protocols for use of force incidents.

19 (d) Policy requirements.--Each law enforcement agency policy
20 shall prohibit the use of choke holds by law enforcement
21 officers except in cases in which deadly force is authorized.

22 (e) Training governing use of force.--Before carrying a
23 weapon, each law enforcement officer shall receive training and
24 instruction with regard to the proper use of force and to the
25 law enforcement agency's policies and statutes with regard to
26 force. The training and instruction shall continue on an annual
27 basis and may include the following criteria:

28 (1) A law enforcement officer shall carry and use only
29 authorized weapons unless circumstances exist which pose an
30 immediate threat to the safety of the law enforcement officer

1 or the public requiring the use of a weapon or object that
2 has not been authorized to counter a threat.

3 (2) With law enforcement agency approval, a law
4 enforcement officer may modify, alter or cause to be altered
5 an authorized weapon in the law enforcement officer's
6 possession or control.

7 (3) A law enforcement officer should use discretion to
8 determine reasonable force options to bring a suspect under
9 control. A law enforcement officer is not required to first
10 attempt using types and degrees of force that reasonably
11 appear to be inadequate to accomplish the intended objective.

12 (4) A law enforcement officer may announce the intention
13 to use reasonable force.

14 (5) A law enforcement officer should consider whether it
15 is reasonably prudent to use de-escalation and harm reduction
16 techniques.

17 (f) Biennial certification.--Every other year, the
18 commission shall certify whether each law enforcement agency has
19 a use of force policy in effect. The commission shall provide
20 the Pennsylvania State Police with a list of those law
21 enforcement agencies that have or have not notified or certified
22 to the commission that the law enforcement agency has a use of
23 force policy. The biennial certification may be implemented
24 simultaneously with other certifications conducted by the
25 commission.

26 (g) Policy availability.--A policy adopted under this
27 section shall be made available to the general public upon
28 request and shall be posted on a publicly accessible Internet
29 website maintained by the law enforcement agency.

30 (h) Limitations.--A law enforcement agency policy shall be

1 consistent with the requirements of 18 Pa.C.S. Ch. 5 (relating
2 to general principles of justification).

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