



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1738

PRINTERS NO. 3732

PRIME SPONSOR: Marsico

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0

SUMMARY:

House Bill 1738, Printer's Number 3732 amends Title 42 (Judiciary and Judicial Procedure), Section 8951 (Definitions) and adds new Sections 8953.1 (Nonmunicipal police extraterritorial jurisdiction) and 8953.2 (Agents of the Office of Attorney General) to further provide for nonmunicipal police.

ANALYSIS:

HB 1738 amends Section 8951 of the Judicial Code by defining "nonmunicipal police department" to include the following:

- A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). This paragraph does not include a campus police or university police department of the State System of Higher Education and its member institutions,
- A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for such commissioning,
- The Capitol Police,
- The Harrisburg International Airport Police,
- An airport authority police department; and
- The Office of Attorney General.

HB 1738 adds new Section 8953.1 providing that in addition to the power and authority assigned by law, when a nonmunicipal police officer is within this Commonwealth, but beyond the territorial jurisdiction of the nonmunicipal police department; the nonmunicipal police officer will have the power and authority to enforce the laws of this Commonwealth or perform a function of a municipal police officer under the following circumstances:

- If the officer is in hot pursuit of a person for an offense which was committed, or the officer has probable cause to believe was committed within the officer's jurisdiction,

- If the officer has been requested to aid or assist a Federal, State or local law enforcement officer or park police officer or has probable cause to believe the other officer is in need of aid or assistance,
- While on official business, the officer views an offense and makes reasonable effort to identify himself as a police officer and the offense is a felony, misdemeanor or a breach of the peace or other act that presents an immediate clear and present danger to a person or property.

A nonmunicipal police officer acting in accordance with the provisions in HB 1738 will be subject to Section 8953 (b), (c) and (d) (relating to Statewide municipal police jurisdiction) of the Judicial Code to the same extent as would a municipal police officer.

HB 1738 adds new Section 8953.2 to provide that an agent of the Office of Attorney General will have the power and authority to enforce the laws of this Commonwealth or to perform a function of a municipal police officer in the following circumstances:

- An officer has been requested to immediately aid or assist a Federal, State or local law enforcement officer or park police officer, or has probable cause to believe that the officer needs aid or assistance,
- If while on official business, the officer views an offense and makes reasonable effort to identify himself/herself as a police officer and the offense is one of the following:
 - A felony,
 - A misdemeanor, or
 - A Breach of the peace or other act that presents an immediate clear and present danger to a person or property.
- The officer views an offense that is a felony and makes a reasonable effort to identify himself/herself as a police officer.

This legislation would take effect in 60 days.

FISCAL IMPACT:

Enactment of this legislation would have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Jenny P. Stratton
House Appropriations Committee (R)

DATE: June 22, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.