



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1841

PRINTERS NO. 4011

PRIME SPONSOR: Readshaw

COST / (SAVINGS)

FUND	FY 2019/20	FY 2020/21
General Fund	\$0	See Fiscal Impact

SUMMARY:

House Bill 1841, Printer's Number 4011 amends Title 44 (Law and Justice) by adding a new Chapter 73 (Law Enforcement Background Investigations and Employment Information) requiring thorough background reporting and investigations for prospective law enforcement applicants.

ANALYSIS:

The Law and Justice Code is amended by adding a new Chapter 73 as follows:

- Section 7301 (Scope of Chapter),
- Section 7302 (Definitions),
- Section 7303 (Background investigations required) provides that a law enforcement agency is required to do a thorough background investigation on an applicant, including review of all previous employment information and separation records,
- Section 7304 (Disclosure of employment information) provides that upon request of a prospective employing law enforcement agency, a law enforcement agency must disclose or make available employment information of an applicant,
- Section 7305 (Refusal to disclose employment information) provides that if a law enforcement agency refuses to disclose employment information of a prospective employee, the prospective employing law enforcement agency may petition Commonwealth Court,
- Section 7306 (Immunity) provides that in the absence of fraud or malice, a law enforcement agency is immune from civil liability for employment information released,
- Section 7307 (Confidentiality agreements and nondisclosure) provides that if employment information is subject to confidentiality agreement, the applicant must disclose to the prospective employing agency the fact that a confidentiality agreement exists,
- Section 7308 (Maintenance of records) provides that law enforcement agencies are required to maintain the following separation records:
 - Records of the reason or reasons for, and circumstances surrounding a separation or service,
 - Records of all criminal charges filed against the law enforcement officer,

- Records of all civil or ethical complaints made against a law enforcement officer and;
- Records of the disposition of all charges and complaints, including final and binding disciplinary actions taken by the law enforcement officer, including imposition of probationary or other conditions related to employment.
- Section 7309 (Reporting) provides that the Municipal Police Officers' Education and Training Commission (MPOETC) will establish and maintain an electronic database containing separation records and the database will be accessible to all law enforcement agencies in the Commonwealth.
- Section 7310 (Disclosure of separation) provides that an applicant will provide prospective employing law enforcement agency a signed waiver to allow the prospective employing law enforcement agency to contact the MPOETC to seek a copy of any separation record.
- Section 7311 (Hiring report) provides that if a prospective employing law enforcement agency hires an applicant whose separation records includes any of the following, the law enforcement agency shall file a report with MPOETC that indicates the prospective employing law enforcement agency's reasoning and rationale for hiring the applicant:
 - Final and binding disciplinary action or a criminal conviction based on –
 - Excessive force,
 - Harassment,
 - Theft,
 - Discrimination,
 - Sexual abuse, sexual misconduct,
 - Domestic violence,
 - Coercion of a false confession,
 - Filing of a false report, or
 - A judicial finding of dishonesty.
- Section 7312 (Regulations) provides that the MPOETC will promulgate temporary regulations within six months of effective date.

Section 7312 would take effect in 60 days, the remainder of Chapter 73 would take effect in one year

FISCAL IMPACT:

Enactment of this legislation requires the MPOETC to promulgate regulations, develop forms and establish and maintain an electronic database containing separation records. Any costs associated with the implementation of this legislation would be absorbed within existing appropriation levels.

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 House Appropriations Committee (R)

DATE: June 24, 2020

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