

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 1841

PRINTER NO. 4011

AMOUNT

See Fiscal Impact

FUND

General Fund
Motor License Fund

DATE INTRODUCED

September 19, 2019

PRIME SPONSOR

Representative Readshaw

DESCRIPTION

House Bill 1841 amends Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes providing for thorough background investigations for law enforcement employment applicants.

This legislation amends Title 44 by changing the heading of Part IV from "Other Officers" to "Law Enforcement Officers and Other Officers" and adding a new Chapter 73 (Law Enforcement Background Investigations and Employment Information) as follows:

- Section 7303 (relating to background investigations required) provides that a prospective employing law enforcement agency shall conduct a thorough background investigation on an applicant, including review of the applicant's employment information and separation records;
- Section 7304 (relating to disclosure of employment information) provides that upon request of a prospective employing law enforcement agency, a law enforcement agency shall disclose or otherwise make available for inspection employment information of an applicant;
- Section 7305 (relating to refusal to disclose employment information) provides that if a law enforcement agency refuses to disclose employment information to a prospective employing law enforcement agency, the prospective employing law enforcement agency may petition Commonwealth Court to issue an order directing the disclosure of the employment information;
- Section 7306 (relating to immunity) provides that in the absence of fraud or malice, a law enforcement agency is immune from civil liability for employment information released to a prospective employing law enforcement agency;
- Section 7307 (relating to confidentiality agreements and nondisclosure) provides that if employment information is subject to a confidentiality agreement between the applicant and a law enforcement agency, the applicant shall disclose to the prospective employing agency the fact that a confidentiality agreement exists;

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- Section 7308 (relating to maintenance of records) provides that a law enforcement agency shall maintain the following separation records:
 - 1) Records of the reason or reasons for and circumstances surrounding a separation or service;
 - 2) Records of all criminal charges filed against a law enforcement officer;
 - 3) Records of all civil or ethical complaints made against a law enforcement officer; and
 - 4) Records of the disposition of all charges and complaints, including final and binding disciplinary actions, taken by the law enforcement agency against a law enforcement officer, including imposition of probationary or other conditions related to employment.
- Section 7309 (relating to reporting) provides that the Municipal Police Officers' Education and Training Commission (MPOETC) shall establish and maintain an electronic database containing the separation records, and the database shall be accessible to all law enforcement agencies in the Commonwealth.
- Section 7310 (relating to disclosure of separation) provides that an applicant shall provide to the prospective employing law enforcement agency, upon an offer of employment, a signed waiver to expressly allow the prospective employing law enforcement agency to contact the MPOETC to seek a copy of any separation record. A prospective employing law enforcement agency may not hire an applicant until the agency receives a copy of the separation record or certification of no separation record from the MPOETC.
- Section 7311 (relating to 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 the MPOETC that indicates the prospective employing law enforcement agency's reasoning and rationale for hiring the applicant:
 - 1) Final and binding disciplinary action based on any of the following:
 - i. Excessive force;
 - ii. Harassment;
 - iii. Theft;
 - iv. Discrimination;
 - v. Sexual abuse;
 - vi. Sexual misconduct;
 - vii. Domestic violence;
 - viii. Coercion of a false confession;
 - ix. Filing of a false report; or

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- x. A judicial finding of dishonesty.
- 2) A criminal conviction relating to conduct described above in paragraph (1).
- Section 7312 (relating to regulations) provides that the MPOETC shall promulgate temporary regulations within six months of the effective date of this legislation.

Section 7312 shall take effect in 60 days, and the remainder of Chapter 73 shall take effect in one year.

FISCAL IMPACT:

According to the Pennsylvania State Police, enactment of this legislation would result in the Municipal Police Officers' Education and Training Commission (MPOETC) incurring annual costs of approximately \$200,000 to promulgate regulations, develop forms and establish and maintain an electronic database. In the full scope of the MPOETC annual budget, these costs are minimal and capable of being accommodated within the agency's current workload and budget. MPOETC's FY 2019-20 budget was \$3.4 million.