

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 1205

**PRINTER NO.** 1818

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund  
Motor License Fund

**DATE INTRODUCED**

June 22, 2020

**PRIME SPONSOR**

Senator Street

**DESCRIPTION**

Senate Bill 1205 amends Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes further providing for use of force and deadly force model policy for law enforcement agencies.

This legislation inserts a new Subchapter C entitled "Use of force and deadly force model policy for law enforcement agencies." This new subchapter does all of the following:

- Provides that it is the policy of the Commonwealth to provide law enforcement agencies and law enforcement officers with clear guidelines and training regarding the use of force and deadly force;
- Provides certain definitions;
- Requires each law enforcement agency (agency) in the Commonwealth to develop and implement a written use of force policy governing the procedures under which a law enforcement officer should initiate, continue and terminate the use of force;
- Each agency policy shall be consistent with current training and certification standards and include the following procedural elements:
  - 1) Decision-making criteria or principles for initiation of force. These criteria or principles may include, but are not limited to:
    - i. The severity of the crime at issue;
    - ii. Whether the suspect poses an immediate threat to the safety of the law enforcement officer or others;
    - iii. The potential for harm or immediate or potential danger to others if the fleeing individual or individuals escape;
    - iv. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight;
    - v. Safety factors that pose a risk to law enforcement officers and other persons;
    - vi. Whether the suspect is in possession of a weapon; and

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- vii. Other relevant information that the law enforcement officer reasonably believes to be true at the time.
- 2) Responsibilities of the law enforcement officers;
  - 3) Responsibilities of the field supervisor;
  - 4) Decision-making criteria or principles for termination of force; and
  - 5) Recordkeeping protocols for use of force incidents.
- Requires that each agency policy shall prohibit the use of choke holds by law enforcement officers except in cases in which deadly force is authorized;
  - Requires that each law enforcement officer shall receive training and instruction with regard to the proper use of force and to the agency's policies and statutes with regard to force;
  - Requires the training and instruction to continue on an annual basis;
  - Requires that every other year, the Municipal Police Officers' Education and Training Commission (MPOETC) shall certify whether each agency has a use of force policy in effect;
  - Requires MPOETC to provide the Pennsylvania State Police with a list of agencies that have or have not notified or certified to MPOETC that the agency has a use of force policy;
  - Provides that a policy adopted under this subchapter shall be made available to the general public upon request and shall be posted on a publicly accessible internet website maintained by the law enforcement agency; and
  - Provides that each law enforcement agency policy must be consistent with the requirements of 18 Pa.C.S. Ch. 5 (relating to general principles of justification).

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

Enactment of this legislation may result in local law enforcement agencies throughout the Commonwealth to incur minimal costs in developing and implementing a written use of force policy and for the annual training and instruction on the proper use of force.

According to MPOETC and the Pennsylvania State Police, enactment of this legislation will have no fiscal impact on Commonwealth funds.