

LEGISLATIVE REFERENCE BUREAU

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No. \_\_\_\_\_

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure) and 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, further providing for antidrug and town-watch volunteer civil immunity; and adding crime prevention provisions relating to neighborhood watch groups.

INTRODUCED \_\_\_\_\_ 20 \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

By \_\_\_\_\_ District NO. \_\_\_\_\_

See next page for additional co-sponsors.

<b>Referred to Committee on</b>	
Date _____	20 _____
Reported _____	20 _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
By Hon. _____	

## AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 44  
2 (Law and Justice) of the Pennsylvania Consolidated Statutes,  
3 in particular rights and immunities, further providing for  
4 antidrug and town-watch volunteer civil immunity; and adding  
5 crime prevention provisions relating to neighborhood watch  
6 groups.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 8332.6 of Title 42 of the Pennsylvania  
10 Consolidated Statutes is amended to read:

11 § 8332.6. Antidrug and [town-watch] neighborhood watch  
12 volunteer civil immunity.

13 (a) General rule.--An antidrug or [town-watch] neighborhood  
14 watch volunteer who acts in good faith and within the scope of  
15 the volunteer's role with an antidrug [or crime prevention]  
16 volunteer organization, neighborhood watch group or government  
17 agency shall be immune from civil liability for damage caused by  
18 acts or omissions unless all of the following apply:

19 (1) The conduct of the volunteer falls substantially

1 below the standards generally practiced and accepted in like  
2 circumstances by similar persons rendering such services.

3 (2) It is shown that the volunteer performed an act or  
4 failed to perform an act which the volunteer was under a  
5 recognized duty to another to perform, knowing or having  
6 reason to know that such act or omission created a  
7 substantial risk or actual harm to the person or property of  
8 another. It is insufficient to impose liability under this  
9 paragraph to establish only that the conduct of the volunteer  
10 fell below ordinary standards of care.

11 (b) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection:

14 "Antidrug [or town-watch] volunteer." A person performing  
15 services for an antidrug [or town-watch] volunteer organization  
16 or government agency without compensation other than  
17 reimbursement for actual expenses incurred. The term includes a  
18 volunteer serving as a director, officer, trustee or direct  
19 service volunteer.

20 "Antidrug [or town-watch] volunteer organization." A  
21 nonprofit organization, corporate volunteer program, medical  
22 facility or substance abuse treatment program that uses  
23 volunteers to reduce crime and drug use in the community.

24 "Corporate volunteer program." A program administered by an  
25 entity other than a nonprofit organization or government agency  
26 that enlists primarily its own employees, retirees, partners or  
27 professional affiliates in a volunteer capacity to achieve  
28 objectives that would qualify as charitable under section 501(c)  
29 of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
30 U.S.C. § 501(c)).

1 "Neighborhood watch group." As defined in 44 Pa.C.S. § 8301  
2 (relating to definitions).

3 "Neighborhood watch volunteer." A person performing services  
4 for a neighborhood watch group which has complied with all of  
5 the requirements of 44 Pa.C.S. Ch. 83 (relating to neighborhood  
6 watch groups) or a government agency without compensation other  
7 than reimbursement for actual expenses incurred. The term  
8 includes a volunteer serving as a director, officer, trustee or  
9 direct service volunteer.

10 "Nonprofit organization." An organization which is described  
11 in section 501(c) of the Internal Revenue Code of 1986 (Public  
12 Law 99-514, 26 U.S.C. § 501(c)), whether or not it has been  
13 certified by the Internal Revenue Service.

14 Section 2. Title 44 is amended by adding a part to read:

15 PART V

16 CRIME PREVENTION

17 Ch.

18 81. Preliminary Provisions

19 83. Neighborhood Watch Groups

20 CHAPTER 81

21 PRELIMINARY PROVISIONS

22 (Reserved)

23 CHAPTER 83

24 NEIGHBORHOOD WATCH GROUPS

25 Sec.

26 8301. Definitions.

27 8302. Permission.

28 8303. Training.

29 8304. Insurance.

30 8305. Registration.

1 § 8301. Definitions.

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

5 "Neighborhood watch group." A crime prevention program  
6 consisting of a group of at least four individuals living in the  
7 same area who work together and in conjunction with local law  
8 enforcement to reduce crime in their area.

9 "Patrol." An individual who walks or drives within the  
10 neighborhood during designated tours of duty looking for  
11 suspicious activity not normally noticed by stationary  
12 observers.

13 § 8302. Permission.

14 A member of a neighborhood watch group may only carry a  
15 licensed firearm while on patrol if, by a majority vote, the  
16 members of the neighborhood watch group permit the member to do  
17 so.

18 § 8303. Training.

19 (a) Requirement.--Members of a neighborhood watch group must  
20 attend public safety training provided by the Pennsylvania State  
21 Police.

22 (b) Firearms.--A member of a neighborhood watch group who  
23 carries a firearm under section 8302 (relating to permission)  
24 must undergo firearm training provided by the Pennsylvania State  
25 Police.

26 (c) Duties.--The Pennsylvania State Police shall create and  
27 administer any training required under this section.

28 § 8304. Insurance.

29 If a neighborhood watch group permits members to carry  
30 firearms under section 8302 (relating to permission), the

1 neighborhood watch group must purchase a firearm liability  
2 insurance policy covering all firearms that are licensed under  
3 each neighborhood watch group member's name. The following shall  
4 apply to the firearm liability insurance policy:

5 (1) The payment of any annual premium must be paid in  
6 full and distributed equally among each member of the  
7 neighborhood watch group.

8 (2) The policy shall be in an amount of at least  
9 \$1,000,000.

10 (3) The policy must satisfy any judgment for personal  
11 injuries or property damages arising out of the negligent or  
12 willful acts involving the use of an insured firearm. The  
13 policy may not cover any unlawful acts.

14 § 8305. Registration.

15 (a) Requirement.--A neighborhood watch group must register  
16 with the Attorney General and provide all of the following  
17 information:

18 (1) The full name of each member.

19 (2) The address and the telephone number of each member.

20 (3) The members of the neighborhood watch group who have  
21 a licensed firearm.

22 (4) The members of the neighborhood watch group who have  
23 or will carry their firearms while on patrol.

24 (b) Proof.--A neighborhood watch group must annually provide  
25 proof to the Attorney General of all of the following:

26 (1) That each member has completed any training required  
27 under this chapter.

28 (2) Firearm liability insurance under section 8304  
29 (relating to insurance). If a neighborhood watch group fails  
30 to renew its insurance or provide proof of insurance within

1     30 days after the initial date of registration, the  
2     registration shall be revoked by the Attorney General.

3     (c) Database.--The Attorney General shall create a database  
4     which contains information regarding all neighborhood watch  
5     groups in this Commonwealth.

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