AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2   Consolidated Statutes, in municipal police education and
3   training, prohibiting motorcycle profiling and establishing a
4   private right of action.

5 The General Assembly of the Commonwealth of Pennsylvania

6 hereby enacts as follows:

7   Section 1. Title 53 of the Pennsylvania Consolidated

8 Statutes is amended by adding a section to read:

9 § 2167.1. Motorcycle profiling prohibited.

10   (a) General rule.--No police officer or police department

11 may engage in motorcycle profiling in this Commonwealth.

12   (b) Duty of commission.--The commission shall include, as

13 part of the basic and in-service training required by this

14 subchapter, instruction on what conduct constitutes motorcycle

15 profiling in patrol procedures and other police department

16 operations and the duty to refrain from engaging in motorcycle

17 profiling.

18   (c) Duty of police departments.--A police department shall

1 include in its patrol procedures and operations policies a

2 statement that condemns motorcycle profiling.

3 (d) Private right of action established.--A victim of

4 motorcycle profiling may bring a private right of action in a

5 court of competent jurisdiction against any police officer or

6 police department that engages in motorcycle profiling in

7 violation of this section. In the action, the victim may be

8 awarded injunctive relief, actual damages, punitive damages and

9 reasonable attorney fees and costs.

10 (e) For purposes of this section, the term "motorcycle

11 profiling" means the use of the fact that an individual rides a

12 motorcycle or wears clothes or possesses paraphernalia that a

13 reasonable person associates with such individuals as a factor

14 in a decision to stop and question, take enforcement action

15 against, arrest or search the individual or motorcycle in

16 violation of Federal or State law.

17 Section 2. This act shall take effect in 60 days.