

CONFIDENCE IN LAW ENFORCEMENT ACT - ENACTMENT

Act of Jan. 29, 2004, P.L. 4, No. 2

Cl. 43

AN ACT

Prohibiting employment of certain individuals as law enforcement officers; requiring suspension of law enforcement officers charged with certain crimes; and establishing dismissal procedures for law enforcement officers convicted of certain crimes.

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

Section 1. Short title.

This act shall be known and may be cited as the Confidence in Law Enforcement Act.

Section 2. Definitions.

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

"Commonwealth agency." An executive agency, an independent agency, a State-affiliated entity or the General Assembly.

"Conviction." An adjudication of guilt including the imposition of a sentence.

"Executive agency." The Governor and each department, board, commission, authority and other officer and agency of the Commonwealth. The term does not include a court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies or an independent agency or State-affiliated entity.

"Independent agency." A board, commission or other agency or officer of the Commonwealth which is not subject to the policy supervision and control of the Governor. The term does not include a State-affiliated entity, a court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, a State-related institution, political subdivision or a local, regional or metropolitan transportation authority.

"Law enforcement officer." A member of the Pennsylvania State Police Force or an individual employed in a position requiring certification pursuant to 53 Pa.C.S. Ch. 21 (relating to employees).

"Serious misdemeanor." A criminal offense for which more than one year in prison can be imposed as a punishment.

"State-affiliated entity." A Commonwealth authority or a Commonwealth entity. The term includes the Pennsylvania Turnpike Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement System, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Higher Educational Facilities Authority and the State System of Higher Education. The term does not include a court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, a State-related institution, political subdivision or a local, regional or metropolitan transportation authority.

"State-related institution." The Pennsylvania State University, the University of Pittsburgh, Lincoln University or Temple University.

Section 3. Prohibition against employing certain persons.

A Commonwealth agency, State-related institution, political subdivision, municipal authority, local, regional or metropolitan transportation authority or any other person shall

not employ or continue to employ an individual as a law enforcement officer when the individual has been convicted of any of the following:

(1) An offense graded a felony or a serious misdemeanor.

(2) An offense in another jurisdiction, state, territory or country in accordance with the laws of that jurisdiction, state, territory or country, and the offense is equivalent to an offense specified in paragraph (1) regardless of its grading in that jurisdiction, state, territory or country.

Section 4. Suspension.

Except in the case of a member of the Pennsylvania State Police, a law enforcement officer charged with an offense that would prohibit employment under section 3 shall be immediately suspended from employment as a law enforcement officer until final disposition of the charge or upon acceptance into a program of Accelerated Rehabilitative Disposition, whichever occurs first. In the case of a member of the Pennsylvania State Police, a law enforcement officer charged with an offense that would prohibit employment as such under section 3 shall immediately be suspended from employment until final disposition of the charge or upon acceptance into a program of Accelerated Rehabilitative Disposition, whichever occurs first. If a judge terminates the participation of a law enforcement officer in a program of Accelerated Rehabilitative Disposition for an offense that would prohibit employment under section 3 prior to completion in accordance with Pa.R.Crim.P. No.318 (relating to procedure on charge of violation of conditions), the suspension previously imposed shall be reinstated until final disposition of the charge.

Section 5. Termination of employment.

(a) General rule.--An employer of an individual who is a law enforcement officer and who is or becomes ineligible for employment as a law enforcement officer pursuant to section 3 shall immediately terminate the employment of the individual as a law enforcement officer.

(b) Certified copy of conviction.--At any termination proceeding, the introduction of a certified copy of a conviction indicating that a law enforcement officer has been convicted of an offense that would prohibit employment under section 3 shall, in and of itself, be sufficient evidence to justify the termination of the law enforcement officer.

Section 6. Repeal.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 7. Construction.

This act may not be modified or supplemented unless by order of a court or an act of the General Assembly.

Section 8. Applicability.

This act does not apply to convictions occurring before the effective date of this act.

Section 9. Effective date.

This act shall take effect July 1, 2004, or immediately, whichever is later.