

CRIMES CODE (18 PA.C.S.) AND JUDICIAL CODE (42 PA.C.S.) -
OMNIBUS AMENDMENTS

Act of Jul. 2, 2019, P.L. , No. 58

Cl. 18

Session of 2019

No. 2019-58

HB 1614

AN ACT

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in firearms and other dangerous articles, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms and for sale or transfer of firearms; and, in commencement of proceedings, further providing for Statewide municipal police jurisdiction, for nonmunicipal police extraterritorial jurisdiction and for agents of the Office of Attorney General and providing for interpretation.

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

Section 1. Sections 6105 and 6111 of Title 18 of the Pennsylvania Consolidated Statutes are amended by adding subsections to read:

§ 6105. Persons not to possess, use, manufacture, control, sell or transfer firearms.

* * *

(d.1) Concurrent jurisdiction to prosecute.--The following apply in a city of the first class where the Attorney General has operated a joint local-State firearm task force:

(1) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for a violation of this section.

(2) No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(3) This subsection shall not apply to any case instituted two years after the effective date of this subsection.

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§ 6111. Sale or transfer of firearms.

* * *

(d.1) Concurrent jurisdiction to prosecute.--The following apply in a city of the first class where the Attorney General has operated a joint local-State firearm task force:

(1) In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and institute criminal proceedings for a violation of this section.

(2) No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(3) This subsection shall not apply to any case instituted two years after the effective date of this subsection.

* * *

Section 1.1. Section 8953(a)(3) of Title 42 is amended to read:

§ 8953. Statewide municipal police jurisdiction.

(a) General rule.--Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:

* * *

(3) Where the officer [has been requested to aid or assist any local, State or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other officer is in need of aid or assistance.]:

(i) has been requested to aid or assist a Federal, State or local law enforcement officer or park police officer;

(ii) has probable cause to believe that a Federal, State or local law enforcement officer or park police officer is in need of aid or assistance; or

(iii) has been requested to participate in a Federal, State or local task force and participation has been approved by the police department of the municipality which employs the officer.

* * *

Section 2. Sections 8953.1(a)(2) and 8953.2(a)(1) of Title 42, added June 28, 2018 (P.L.415, No.57), are amended to read:
§ 8953.1. Nonmunicipal police extraterritorial jurisdiction.

(a) Power and authority.--In addition to a power and authority vested by law, a nonmunicipal police officer who is within this Commonwealth, but beyond the territorial limit of the jurisdiction established for the officer's nonmunicipal police department by law, shall have the power and authority to enforce the laws of this Commonwealth or to perform a function of a municipal police officer in the following circumstances:

* * *

(2) If the officer [has been requested to immediately aid or assist a Federal, State or local law enforcement officer or park police officer or has probable cause to believe that the other officer is in need of aid or assistance.]:

(i) has been requested to immediately aid or assist a Federal, State or local law enforcement officer or park police officer;

(ii) has probable cause to believe that a Federal, State or local law enforcement officer or park police officer is in need of aid or assistance; or

(iii) has been requested to participate in a Federal, State or local task force and participation has been approved by the officer's nonmunicipal police department.

* * *

§ 8953.2. Agents of the Office of Attorney General.

(a) Power and authority.--An agent of the Office of Attorney General as defined in paragraph (2) of the definition of "enforcement officer" in 71 Pa.C.S. § 5102 (relating to definitions), in addition to the power and authority vested by law, shall have the power and authority to enforce the laws of this Commonwealth or to perform a function of a municipal police officer in the following circumstances:

(1) If the officer [has been requested to immediately aid or assist a Federal, State or local law enforcement officer or park police officer or has probable cause to believe that the other officer is in need of aid or assistance.]:

(i) has been requested to immediately aid or assist a Federal, State or local law enforcement officer or park police officer;

(ii) has probable cause to believe that a Federal, State or local law enforcement officer or park police officer is in need of aid or assistance; or

(iii) has been requested to participate in a Federal, State or local task force and participation has been approved by the Office of Attorney General.

* * *

Section 3. Title 42 is amended by adding a section to read:
§ 8955. Interpretation.

The powers, authorities, duties, obligations and jurisdiction under this subchapter shall not be subject to the requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

Section 4. The addition or amendment of the following shall apply retroactively to law enforcement conduct on or after June 15, 1982:

(1) The amendment of 42 Pa.C.S. §§ 8953(a)(3), 8953.1(a)(2) and 8953.2(a)(1).

(2) The addition of 42 Pa.C.S. § 8955.

Section 5. The General Assembly declares that the addition or amendment of the following are intended to reverse the Pennsylvania Supreme Court's interpretation of 42 Pa.C.S. Ch. 89 Subch. D, as set forth in Commonwealth v. Hlubin 2019 WL 2324272 (Pa. 2019):

(1) The amendment of 42 Pa.C.S. §§ 8953(a)(3), 8953.1(a)(2) and 8953.2(a)(1).

(2) The addition of 42 Pa.C.S. § 8955.

Section 6. This act shall take effect as follows:

(1) The addition of 18 Pa.C.S. §§ 6105(d.1) and 6111(d.1) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED--The 2nd day of July, A.D. 2019.

TOM WOLF