

Montgomery County Sheriff Sean Kilkenny
Executive Committee Member
Pennsylvania Sheriffs' Association

Testimony – Pennsylvania House Urban Affairs Committee
Public Hearing on House Bill 1896

Chairwoman Brown, Chairman Sturla, and members of the committee. I'm Montgomery County Sheriff Kilkenny. I've had the pleasure of representing the citizens of Montgomery County as their Sheriff for seven years. Prior to being elected to serve the residents of our third largest county in the Commonwealth, I served as a federal prosecutor in the U.S. Army Judge Advocate General Corps and privately provided counsel on real estate, zoning, permitting, and litigation matters to municipalities across the Philadelphia suburbs.

It is my honor to be here in front of you today representing Sheriffs from across the Commonwealth as an Executive Committee member the Pennsylvania Sheriffs' Association.

As we've all experienced the tragic health and social impacts of the COVID-19 pandemic, many of our daily core functions of county government were either temporarily put on hold or we had to come up with creative or new procedures to perform our required community duties, such as the use of an online platform for sheriff sales. During the pandemic, our President Judge – P.J. DelRicci – authorized through special order the use of an online platform for the sale of real property in Montgomery County. Although we did not believe that these online sales were prohibited by state law, we also were of the belief that it made sense to put further clarification into law. So the county drafted language designed to do so. And in working through the PA Sheriffs' Association, we approached some of your colleagues in an effort to have this language introduced in bill form.

Fast forward to today, House Bill 1896 has been introduced and includes legislative language that would provide for the use of virtual sheriff sales across the Commonwealth. I still believe that it is important to provide further clarification for these virtual sheriff sales in state law. But in reading this legislation, House Bill 1896 goes way beyond this provision by creating the ability for private parties to conduct sheriff sales independent of the sheriffs' office. This is concerning for many reasons, including that a Sheriff is bound by certain provisions that a private individual is not – the Pennsylvania Rules of Civil Procedure, the Pennsylvania Ethics Act, the Pennsylvania Right to Know Law, and not to mention that a Sheriff's Office is positioned to defend a sheriff sale decision that is challenged. But most importantly, a Sheriff is an elected official that is accountable directly to the citizens that elected him or her into office. These are all items that a creditor and or a privately employed individual does not take an oath of office to uphold for the citizens of a certain county.

I truly believe that a Sheriff should have the ability to choose how he or she elects to best conduct a sheriff sale and to protect both county residents and all parties involved in such an important matter.

I'm now going to introduce Captain Jodi Thompson, from the Butler County Sheriffs' Office. Captain Thompson is going to speak to the process of a sheriffs' sale in Pennsylvania.