

DEPUTY SHERIFFS, QUALIFICATIONS AND APPOINTMENT
Act of Jun. 4, 1937, P.L. 1595, No. 324
AN ACT

Cl. 16

Relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts.

Compiler's Note: Section 2901 of Act 130 of 1955 provided that Act 324 is repealed insofar as it relates to counties of the third through eighth class.

Compiler's Note: Section 3301 of Act 230 of 1953 provided that Act 324 is repealed insofar as it relates to counties of the second class.

Section 1. Be it enacted, &c., That,

A sheriff may not appoint any person as a deputy unless he files with the prothonotaries, prior to the appointment of such person, the name and photograph of such person, together with an affidavit of such person setting forth the following:

- (1) His full name, age, and residence address.
- (2) That he is a citizen of the United States, and eighteen years of age or over. ((2) amended June 16, 1972, P.L.462, No.145)
- (3) That he resided in the county for a period of at least two years immediately preceding the filing of such affidavit.
- (4) That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth, or of any other state, or of the United States.
- (5) That he has not, for a period of two years immediately preceding the filing of such affidavit, acted either for himself, or as the agent or employe of another, in any labor dispute, or hired himself out or performed any service as a private detective, private policeman or private guard in any labor dispute, or received any fee or compensation whatever for acting as a private detective, private policeman or private guard in any labor dispute, or conducted the business of a private detective agency, or of any agency supplying private detectives, private policemen or private guards, or advertised or solicited any such business in this Commonwealth in connection with any labor dispute.

Section 2. Any false statement contained in any such affidavit shall constitute perjury, and shall be punished as such.

Section 3. The name, photograph, and affidavit of any such person so filed with the prothonotary, shall constitute a public record.

Section 4. The sheriff shall, from time to time, prepare a list of the names of all persons who have applied for appointment as deputy sheriff and who meet the qualifications prescribed in section one of this act. Such list shall be posted

in a public place for a period of not less than ten days, and thereafter shall be filed in the office of the prothonotary. No deputies shall be appointed by the sheriff whose names do not appear on said list.

Section 5. No State police, sheriff, deputy sheriff, constable, deputy constable, detective, police or other peace officer of this Commonwealth, or of any political subdivision thereof, (collectively referred to in this act as "officers"), shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services: Provided, however, That nothing herein contained shall prohibit such officers from serving writs and other legal process as now authorized by law. Any compensation payable to any officer for official duties and services shall be paid only out of the public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not constitute public funds within the meaning of this section.

The Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by, any person, association or corporation.

Any and all contracts or agreements, whether written or oral, express or implied, heretofore or hereafter made and entered into between the Commonwealth, or any political subdivision thereof, or any official or agent thereof, and any person, association or corporation in violation of any provision of this section, are hereby declared to be contrary to public policy and void, and no such contract or agreement shall afford any basis for the granting of legal or equitable relief by any court.

Section 6. Any sheriff, deputy sheriff or any other official of the county, or any other officer as defined in this act, or any person, association or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or to undergo an imprisonment of not less than ninety (90) days nor more than two (2) years, or both.

Section 7. Nothing contained in this act shall be construed--

(a) To prohibit the payment by any person, association or corporation of fees or compensation to any political subdivision for police or other peace officers assigned to police exhibitions, athletic contests or other recreational activities.

(b) To prohibit the appointment, employment or compensation in the manner expressly provided by law of--(1) night watchman, (2) railroad police, (3) bank police, (4) payroll police, (5) special policemen to police and protect cemeteries and grounds and buildings open to the public, or to enforce laws for the

prevention of cruelty to persons or animals, (6) fire police whose only duty shall be to direct traffic and maintain order to, at or from fires, (7) police or guards employed by nonprofit corporations or organizations.

Section 8. If any clause, sentence, paragraph or part of this act or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included therein.