

SECOND CLASS CITY LAW - PENALTY FOR FALSE PERSONIFICATION

Act of Oct. 7, 2010, P.L. 470, No. 61

Cl. 11

Session of 2010

No. 2010-61

HB 105

AN ACT

Amending the act of March 7, 1901 (P.L.20, No.14), entitled "An act for the government of cities of the second class," further providing for penalty for false personification.

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

Section 1. Section 1 of Article III of the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, amended September 26, 1951 (P.L.1528, No.383) and July 17, 1953 (P.L.473, No.119), is amended to read:

Section 1. The department of public safety shall be under the charge of one director, who shall be the head thereof. The care, management, administration and supervision of the police affairs, and all matters relating to the public health, to the fire and police force, fire alarm telegraph, erection of fire-escapes, and the inspection of buildings and boilers, markets and food sold therein, and the construction, protection and repair of buildings erected for police and fire purposes, shall be in charge of this department.

No person shall be employed in this department as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime, unless pardoned, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment.

No policeman shall be required to be on duty for more than nine out of any twenty-four consecutive hours, nor for more than forty-four hours in any calendar week, and every policeman shall be allowed to have at least forty-eight consecutive hours off duty in every calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of riot, conflagration, or public celebrations; and in such cases, council shall provide for the payment of extra compensation or time off at the same rate as paid for regular service. The existing salary or compensation of any policeman shall not be diminished because of the reduced number of hours of duty prescribed by this amendment.

The department shall make suitable regulations, under which the officers and members of the fire, telegraph and police force shall be required to wear an appropriate uniform. [It shall be a misdemeanor, punishable by a fine not exceeding five hundred (\$500) dollars and imprisonment not exceeding six (6) months, or either or both, in the discretion of the court, for any person

to falsely personate by uniform, insignia or otherwise any officer or member of the department.]

The city councils may provide by ordinance a fund for the care, maintenance, and relief of aged, retired, disabled, or injured policemen or firemen, and the families of such as may be injured or killed in the service.

No policeman appointed under this act shall be dismissed without his written consent, except by the decision of a court either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of not less than three and not more than five persons belonging to the police force, equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person. The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned; or, of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. The right of appeal of the decision of the trial board shall be made within five days to the civil service board.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay as such court shall afterward determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor.

The laws in relation to health, buildings and building inspection, remain unaffected by any of the provisions thereof, and the board of health and the building inspectors shall remain as heretofore, and shall be attached to the Department of Public Safety.

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

APPROVED--The 7th day of October, A. D. 2010.

EDWARD G. RENDELL

