

JUDICIAL CODE (42 PA.C.S.), LAW AND JUSTICE (44 PA.C.S.) AND
MUNICIPALITIES (53 PA.C.S.) - CONTINUING EDUCATION REQUIREMENTS,
MENTAL HEALTH EVALUATIONS AND POWERS AND DUTIES OF COMMISSION
Act of Jul. 14, 2020, P.L. 624, No. 59 Cl. 42
Session of 2020
No. 2020-59

HB 1910

AN ACT

Amending Titles 42 (Judiciary and Judicial Procedure), 44 (Law and Justice) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in selection and retention of judicial officers, further providing for continuing education credit; in other officers, providing for mental health evaluations; and, in employees, further providing for powers and duties of commission.

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

Section 1. Section 3118(a)(1) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:
§ 3118. Continuing education requirement.

(a) Magisterial district judges.--

(1) Every magisterial district judge shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. **One such course must be in the identification and reporting of suspected child abuse as defined by 23 Pa.C.S. Ch. 63 (relating to child protective services) and court proceedings involving children.** At least every six years, the program shall include the identification of mental illness, intellectual disabilities and autism and the availability of diversionary options for individuals with mental illness, intellectual disabilities or autism.

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Section 2. Title 44 is amended by adding a chapter to read:

CHAPTER 72

MENTAL HEALTH EVALUATIONS

Subchapter

- A. Preliminary Provisions**
- B. General Provisions**

SUBCHAPTER A

PRELIMINARY PROVISIONS

Sec.

7201. Scope of chapter.

7202. Definitions.

§ 7201. Scope of chapter.

This chapter relates to mental health evaluations for law enforcement officers.

§ 7202. Definitions.

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

"Administrative duty." An administrative law enforcement duty that is designed to limit a law enforcement officer's day-to-day work-related interactions with the public.

"Law enforcement agency." Any of the following:

(1) A police department of a county, city, borough, incorporated town or township.

(2) A county district attorney's office.

"Law enforcement officer." An individual employed by a law enforcement agency who is required to be trained under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

"Post-traumatic stress disorder." A post-traumatic stress disorder as defined by the American Psychiatric Association and documented in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, 5th edition.

SUBCHAPTER B GENERAL PROVISIONS

Sec.

7203. Mental health evaluations for law enforcement officers.

7204. Regulations.

§ 7203. Mental health evaluations for law enforcement officers.

(a) Evaluations.--As a condition of continued employment, and without cost to the law enforcement officer, a law enforcement agency shall provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder by a licensed mental health professional:

(1) upon request of the law enforcement officer;

(2) upon recommendation of a police chief or other supervising law enforcement officer; or

(3) within 30 days of an incident of the use of lethal force during the course of law enforcement duties.

(b) Treatment.--If a licensed mental health professional determines during the mental health evaluation under subsection (a) that a law enforcement officer has symptoms of post-traumatic stress disorder, the law enforcement officer shall be provided with treatment under a licensed physician's care until the licensed physician determines in writing that the law enforcement officer is able to resume full duties.

(c) Administrative duty.--A law enforcement officer shall be assigned to administrative duty if the law enforcement officer:

(1) fails to undergo a mental health evaluation for post-traumatic stress disorder when required under subsection (a); or

(2) is experiencing symptoms of post-traumatic stress disorder as determined by a licensed mental health professional under subsection (a) and whom the licensed physician has not yet determined is able to resume full duties under subsection (b).

§ 7204. Regulations.

(a) Temporary regulations.--In order to facilitate the prompt implementation of this chapter, the commission shall promulgate temporary regulations within six months of the effective date of this section that shall expire not later than two years following the publication of the temporary regulations. The commission shall promulgate temporary regulations not subject to:

(1) Sections 201, 202, 203, 204 and 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) Sections 204(b) and 301(10) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) **Publication.**--The commission shall transmit temporary regulations to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin no later than six months after the effective date of this section.

(c) **Promulgation.**--The commission shall, by regulation, including temporary regulation, establish procedures to guarantee the following:

(1) **Confidentiality of requests or recommendations for mental health evaluations.**

(2) **Confidentiality of mental health records produced by operation of this chapter.**

(3) **Any other procedure deemed necessary by the commission for implementation of this chapter.**

Section 3. Section 2164(1.1) and (6) of Title 53 are amended and the section is amended by adding paragraphs to read: § 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

* * *

(1.1) To provide training for police officers with respect to:

(i) Recognition of mental illness, intellectual disabilities and autism.

(ii) Proper techniques to interact with and de-escalate individuals engaging in behavior indicative of mental illness, intellectual disability or autism.

(iii) Instruction on services available to individuals with mental illness, intellectual disabilities or autism.

(iv) Instruction on interacting with individuals of diverse racial, ethnic and economic backgrounds.

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(6) To require every police officer to attend a minimum number of hours of in-service training as provided for by regulation **to maintain certification by the commission**, unless the officer's employer files a show cause document with the commission requesting additional time for the officer to comply with the in-service training requirements. Approval of this request shall be made by the commission on a case-by-case basis. **In-service training shall require annual instruction on the use of force, including deadly force, de-escalation and harm reduction techniques, and shall include on a biennial basis instruction in community and cultural awareness, implicit bias, procedural justice and reconciliation techniques as developed by the commission.**

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(17) To train police officers with respect to:

(i) Recognizing child abuse.

(ii) The provisions regarding reporting suspected child abuse under 23 Pa.C.S. Ch. 63 (relating to child protective services).

(iii) The efficacy of conducting forensic interviewing of victims of child abuse within the setting of a children's advocacy center.

As used in this paragraph, the terms "child abuse" and "children's advocacy center" shall have the meanings given to them in 23 Pa.C.S. § 6303 (relating to definitions).

(18) To train police officers in trauma-informed care and with respect to recognizing and interacting with individuals with post-traumatic stress disorder, including intervening with or on behalf of other police officers exhibiting post-traumatic stress disorder.

Section 4. This act shall take effect as follows:

- (1) The following shall take effect in 60 days:
 - (i) The amendment of 42 Pa.C.S. § 3118(a)(1).
 - (ii) The addition of 53 Pa.C.S. §§ 2164(17) and (18).
 - (iii) The addition of 44 Pa.C.S. § 7204.
- (2) The addition of 44 Pa.C.S. §§ 7201, 7202 and 7203 shall take effect in one year.
- (3) The remainder of this act shall take effect immediately.

APPROVED--The 14th day of July, A.D. 2020.

TOM WOLF