

AMENDMENTS TO HOUSE BILL NO. 1910

Sponsor: REPRESENTATIVE DAWKINS

Printer's No. 2658

1 Amend Bill, page 1, line 1, by inserting after "Procedure)"
2 , 44 (Law and Justice)

3 Amend Bill, page 1, line 5, by inserting after "examination;"
4 in other officers, providing for mental health evaluations;

5 Amend Bill, page 2, by inserting between lines 9 and 10

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

7 CHAPTER 72

8 MENTAL HEALTH EVALUATIONS

9 Subchapter

10 A. Preliminary Provisions

11 B. General Provisions

12 SUBCHAPTER A

13 PRELIMINARY PROVISIONS

14 Sec.

15 7201. Scope of chapter.

16 7202. Definitions.

17 § 7201. Scope of chapter.

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

20 § 7202. Definitions.

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

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

27 "Law enforcement agency." Any of the following:

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

30 (2) A county district attorney's office.

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

35 "Post-traumatic stress disorder." A post-traumatic stress
36 disorder as defined by a mental order characterized by direct

1 exposure to a traumatic event as identified by the American
2 Psychiatric Association and documented in the American
3 Psychiatric Association's Diagnostic and Statistical Manual of
4 Mental Disorders, 5th edition.

5 SUBCHAPTER B
6 GENERAL PROVISIONS

7 Sec.

8 7203. Mental health evaluations for law enforcement officers.

9 7204. Regulations.

10 § 7203. Mental health evaluations for law enforcement officers.

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

16 (1) upon request of the law enforcement officer;

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

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

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

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

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

33 (2) is experiencing symptoms of post-traumatic stress
34 disorder as determined by a licensed mental health
35 professional under subsection (a); or

36 (3) is receiving treatment by a licensed physician under
37 subsection (b).

38 § 7204. Regulations.

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

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

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

51 (3) Sections 204(b) and 301(10) of the act of October

1 15, 1980 (P.L.950, No.164), known as the Commonwealth
2 Attorneys Act.

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

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

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

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

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

16 Amend Bill, page 2, line 10, by striking out "2" and
17 inserting

18 3

19 Amend Bill, page 2, lines 10 and 11, by striking out "a
20 paragraph" and inserting

21 paragraphs

22 Amend Bill, page 2, line 26, by striking out all of said line
23 and inserting

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

29 Section 4. This act shall take effect as follows:

30 (1) The following shall take effect in 60 days:

31 (i) The amendment of 42 Pa.C.S. § 3113(b).

32 (ii) The addition of 53 Pa.C.S. §§ 2164(17) and

33 (18).

34 (iii) The addition of 44 Pa.C.S. § 7204.

35 (2) The addition of 44 Pa.C.S. §§ 7201, 7202 and 7203
36 shall take effect in one year.

37 (3) The remainder of this act shall take effect
38 immediately.