

AMENDMENTS TO SENATE BILL NO. 1193

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 1756

1 Amend Bill, page 1, lines 1 through 10, by striking out all

2 of said lines and inserting

3 Amending Title 44 (Law and Justice) of the Pennsylvania
4 Consolidated Statutes, in other officers, codifying
5 provisions relating to sheriffs and deputy sheriffs; further
6 providing for sheriff training requirement and for Sheriff
7 and Deputy Sheriff Education and Training Account; and making
8 editorial changes and a related repeal.

9 Amend Bill, page 1, lines 13 through 21; page 2, lines 1
10 through 30; page 3, lines 1 through 11; by striking out all of
11 said lines on said pages and inserting

12 Section 1. Part IV heading of Title 44 of the Pennsylvania
13 Consolidate Statutes is amended to read:

14 PART IV

15 OTHER OFFICERS AND OFFICIALS

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

17 CHAPTER 74

18 SHERIFFS AND DEPUTY SHERIFFS

19 Subchapter

20 A. General Provisions (Reserved)

21 B. (Reserved)

22 C. Sheriff and Deputy Sheriff Education and Training

23 SUBCHAPTER A

24 GENERAL PROVISIONS

25 (Reserved)

26 SUBCHAPTER B

27 (Reserved)

28 SUBCHAPTER C

29 SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING

30 Sec.

31 7421. Scope of subchapter.

32 7422. Definitions.

33 7423. Sheriff and Deputy Sheriff Education and Training Board.

34 7424. Powers and duties of board.

35 7425. Training program.

7426. Continuing education.
7427. Sheriff training requirement.
7428. Deputy sheriff training requirement.
7429. Revocation of certification.
7430. Sheriff and Deputy Sheriff Education and Training
Account.
7431. Reimbursement to counties.
§ 7421. Scope of subchapter.
This subchapter provides for sheriff and deputy sheriff
education and training.
§ 7422. Definitions.
The following words and phrases when used in this subchapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:
"Account." The Sheriff and Deputy Sheriff Education and
Training Account.
"Board." The Sheriff and Deputy Sheriff Education and
Training Board.
"Commission." The Pennsylvania Commission on Crime and
Delinquency.
§ 7423. Sheriff and Deputy Sheriff Education and Training
Board.
(a) Continuation.--The Sheriff and Deputy Sheriff Education
and Training Board is continued as a board within the
commission.
(b) Composition.--The board shall be composed of the
following members:
(1) The Attorney General.
(2) Two judges of the courts of common pleas from
different counties.
(3) Two sheriffs from different counties with a minimum
of six years' experience as a sheriff or chief deputy.
(4) Three individuals from different counties with a
minimum of eight years' experience each as a deputy sheriff.
One of the three shall be currently employed in the capacity
of deputy sheriff with the rank of sergeant or deputy
sheriff.
(5) One educator qualified in the field of curriculum
design.
(6) One county commissioner.
(c) Appointments and terms.--All members of the board, other
than the Attorney General, who shall be a permanent member,
shall be appointed by the Governor for a period of three years.
Any member of the board shall cease to be a member of the board
immediately upon termination of service in the position by which
that person was eligible for membership or appointed as a member
of the board.
(d) Vacancies.--A member appointed to fill a vacancy created
by any reason other than expiration of a term shall be appointed
for the unexpired term of the member who the appointee succeeds
in the same manner as the original appointment.

1 (e) Expenses.--The members of the board shall serve without
2 compensation but shall be reimbursed the necessary and actual
3 expenses incurred in attending the meetings of the board and in
4 the performance of their duties under this subchapter.

5 (f) Removal.--Members of the board, other than the Attorney
6 General, may be removed by the Governor for good cause upon
7 written notice from the Governor specifically stating the cause
8 for removal.

9 (g) Chair.--The members of the board shall elect a chair
10 from among the members to serve for a period of one year. A
11 chair may be elected to serve successive terms.

12 (h) Meetings and quorum.--The board shall meet at least four
13 times each year. Special meetings may be called by the chair of
14 the board or upon written request of three members. A quorum
15 shall consist of five members.

16 § 7424. Powers and duties of board.

17 The board, with the review and approval of the commission,
18 shall have the power and its duty shall be to:

19 (1) Establish, implement and administer the Sheriff and
20 Deputy Sheriff Education and Training Program according to
21 the minimum requirements specified in this subchapter.

22 (2) Establish, implement and administer requirements for
23 the minimum courses of study and training for sheriffs and
24 deputy sheriffs.

25 (3) Establish, implement and administer requirements for
26 courses of study and in-service training for sheriffs holding
27 office and deputy sheriffs appointed prior to August 9, 1984.

28 (4) Establish, implement and administer requirements for
29 a continuing education program for all sheriffs and deputy
30 sheriffs concerning all of the following subjects the board
31 may deem necessary and appropriate for the continued
32 education and training of sheriffs and deputy sheriffs.

33 (5) Approve or revoke the approval of any school which
34 may be utilized to comply with the educational and training
35 requirements of this subchapter.

36 (6) Establish the minimum qualifications for instructors
37 and certify instructors.

38 (7) Consult and cooperate with universities, colleges,
39 law schools, community colleges and institutes for the
40 development of specialized courses for sheriffs and deputy
41 sheriffs.

42 (8) Promote the most efficient and economical program
43 for sheriff and deputy sheriff training by utilizing existing
44 facilities, programs and qualified State and local personnel.

45 (9) Certify sheriffs and deputy sheriffs who have
46 satisfactorily completed the basic education and training
47 requirements of this subchapter and issue appropriate
48 certificates to them.

49 (10) Revoke the certification of sheriffs and deputy
50 sheriffs in accordance with section 7429 (relating to
51 revocation of certification).

1 (11) Reinstate previously revoked certifications of
2 sheriffs and deputy sheriffs where the board finds that the
3 circumstances which led to the revocation of certification
4 are no longer an impediment to certification.

5 (12) Make rules and regulations and perform other duties
6 as may be reasonably necessary or appropriate to administer
7 this subchapter.

8 (13) Make an annual report to the Governor and to the
9 General Assembly concerning:

10 (i) The administration of the Sheriff and Deputy
11 Sheriff Education and Training Program.

12 (ii) The activities of the board.

13 (iii) The costs of the program.

14 § 7425. Training program.

15 The Sheriff and Deputy Sheriff Education and Training Program
16 shall include appropriate training for not less than 160 hours
17 which content and hours of instruction shall be determined by
18 the board, subject to the review and approval of the commission.

19 § 7426. Continuing education.

20 The board, with the review and approval of the commission,
21 shall establish a continuing education program for all sheriffs
22 and deputy sheriffs, which shall include not less than 20 hours
23 of continuing education every two years, concerning subjects the
24 board may deem necessary and appropriate for the continued
25 education and training of sheriffs and deputy sheriffs.

26 § 7427. Sheriff training requirement.

27 (a) Certification required.--

28 (1) A sheriff elected after September 7, 2014, who does
29 not hold certification as either a deputy sheriff or sheriff
30 on the first Monday in January next following the election,
31 during the sheriff's term of office:

32 (i) Shall obtain the education and training as
33 provided in section 7425 (relating to training program),
34 subject to any reduction in hours as provided in
35 subsection (c).

36 (ii) Shall meet the requirements for continuing
37 education after certification.

38 (iii) Shall obtain reinstatement of a previously
39 revoked certification, if applicable.

40 (2) In the case of a county which has adopted a home
41 rule charter which provides for the appointment of the
42 sheriff, a sheriff appointed after September 7, 2014, shall
43 obtain certification under this section within 18 months of
44 appointment.

45 (b) Continuing education.--Every sheriff shall, while in
46 office, meet the requirements for continuing education
47 established by the board, with the review and approval of the
48 commission.

49 (c) Prior education, training or experience.--The board,
50 with the review and approval of the commission, shall have the
51 authority and the discretion to reduce the hours of education

1 and training required in section 7425 for sheriffs required to
2 receive education and training who, because of prior education,
3 training or experience, have acquired knowledge or skill
4 equivalent to that provided by the program.

5 (d) Sheriffs in office.--Any sheriff holding office on
6 September 7, 2014, shall be deemed to have satisfied the
7 requirements for training under section 7425 and shall receive
8 certification from the board. From the date of the certification
9 under this subsection, sheriffs shall be subject to continuing
10 education as provided in subsection (b).

11 (e) Ineligibility.--Any sheriff failing to receive and
12 maintain certification as provided in this section shall be
13 ineligible to be on the ballot for the office of sheriff for any
14 term subsequent to that under subsection (a).

15 (f) Vacancies.--

16 (1) Any person appointed to fill a vacancy in the office
17 of sheriff shall be certified or, in the alternative, obtain
18 and maintain certification during the term for which the
19 person is appointed under subsection (a). Any person
20 appointed to fill a vacancy in the office of sheriff who does
21 not fulfill the requirements of subsection (a) shall be
22 ineligible for subsequent election as provided under
23 subsection (e).

24 (2) No person appointed to fill a vacancy in the office
25 of sheriff where the balance of the unexpired term is less
26 than one year shall be subject to the requirements of
27 paragraph (1). However, a person who is elected to a term as
28 sheriff immediately following the person's previously
29 appointed term of less than one year is subject to the
30 requirements under subsection (a).

31 (g) (Reserved).

32 § 7428. Deputy sheriff training requirement.

33 (a) General rule.--A sheriff of this Commonwealth shall
34 assure that each full-time or part-time deputy employed by the
35 sheriff who has less than five years of experience on August 9,
36 1984, receives the training provided for in sections 7425
37 (relating to training programs) and 7426 (relating to continuing
38 education).

39 (a.1) Diploma.--No person shall be employed or appointed as
40 a deputy sheriff unless the person is a high school graduate or
41 has received a secondary school diploma on the basis of general
42 education development (GED).

43 (b) Prior education, training or experience.--The board,
44 with the review and approval of the commission, may reduce the
45 hours of education and training required in section 7425 for
46 deputy sheriffs required to receive education and training who,
47 because of prior education, training or experience, have
48 acquired knowledge or skill equivalent to that provided by the
49 program.

50 (c) Certification requirement for continued compensation.--

51 (1) Any person hired as a full-time or part-time deputy

1 sheriff who has less than five years of experience on August
2 9, 1984, shall, as of August 9, 1986, be ineligible to
3 receive any salary, compensation or other consideration or
4 thing of value for the performance of duties as a deputy
5 sheriff unless the deputy sheriff has met all of the
6 requirements established under this chapter and has been duly
7 certified as having met those requirements by the board, with
8 the review and approval of the commission, unless the deputy
9 sheriff is granted additional time to complete training by
10 the board, with the review and approval of the commission.

11 (2) Any new deputy hired by the sheriff shall have one
12 year in which to complete training.

13 (d) Continuing education.--Any full-time or part-time deputy
14 sheriff who fails to meet and fails to be certified as having
15 met the requirements for continuing education established by the
16 board, with the review and approval of the commission, shall be
17 ineligible to receive any salary, compensation or other
18 consideration or thing of value for the performance of duties as
19 a deputy sheriff.

20 (e) Penalty.--Any official of any county who orders,
21 authorizes or pays a salary or compensation or other
22 consideration or thing of value to any person in violation of
23 this section commits a summary offense and shall, upon
24 conviction, be sentenced to pay a maximum fine of \$500 or to
25 imprisonment for a term not to exceed 30 days.

26 § 7429. Revocation of certification.

27 (a) Revocation of deputy sheriff certification.--The board
28 shall revoke the certification of any deputy sheriff for one or
29 more of the following:

30 (1) Conviction for a felony or misdemeanor of the first
31 or second degree.

32 (2) Where the board determines the person was dismissed
33 for cause from employment as a deputy sheriff.

34 (3) Where the board determines the person is physically
35 or psychologically unfit to perform the duties of the office.

36 (4) Where the board determines the person has committed
37 misconduct which makes the person unfit to perform the duties
38 of the office, including:

39 (i) Submission to the board of a document that the
40 deputy knows contains false information, including
41 fraudulent application.

42 (ii) Cheating on board examinations or skill tests.

43 (b) Revocation of sheriff certification.--The board shall
44 revoke the certification of a sheriff only after the sheriff is
45 removed from office. Nothing in this chapter shall be
46 interpreted as providing grounds for removal of a sheriff from
47 office, except as provided under Article VI of the Constitution
48 of Pennsylvania.

49 (c) Notification by sheriff.--In the case of a deputy
50 sheriff, it shall be the responsibility of the sheriff to notify
51 the board within 15 days of the occurrence of an event described

1 under subsection (a).

2 (d) Notification by county commissioners.--In the case of a
3 sheriff, it shall be the responsibility of the county
4 commissioners to notify the board within 15 days of a sheriff's
5 removal from office.

6 (e) Regulations.--The board shall establish, with the
7 approval of the commission, regulations providing for the
8 following:

9 (1) Notice of a revocation and the right of sheriffs and
10 deputy sheriffs to request a hearing.

11 (2) Standards and guidelines for application for
12 recertification following revocation.

13 § 7430. Sheriff and Deputy Sheriff Education and Training
14 Account.

15 (a) Continuation.--The Sheriff and Deputy Sheriff Education
16 and Training Account is continued as a restricted receipts
17 account within the General Fund. Money in the account is
18 appropriated on a continuing basis to the commission for the
19 purpose of financing training program expenses, the costs of
20 administering the program, reimbursements to counties and all
21 other costs associated with the activities of the board and the
22 implementation of this chapter.

23 (b) Surcharge.--A surcharge shall be assessed on each fee
24 collected by the sheriff of every county upon acceptance for
25 each service required for any complaint, summons, writ or other
26 legal paper required to be served or posted by the sheriff.
27 Surcharges shall be assessed as follows:

28 (1) Beginning January 1, 2021, through December 31,
29 2021, the surcharge shall be \$16.

30 (2) Beginning January 1, 2022, through December 31,
31 2022, the surcharge shall be \$18.

32 (3) Beginning January 1, 2023, and thereafter, the
33 surcharge shall be \$20.

34 (b.1) Surcharge in counties of first and second class.--

35 (1) In counties of the first and second class, a
36 surcharge shall be collected by the prothonotary of that
37 county for each defendant named in a document filed to
38 commence an action under Pa.R.C.P. No.1007, except when
39 service is made by a competent adult in the actions listed in
40 Pa.R.C.P. No. 400(b).

41 (2) One dollar of the surcharge shall be retained by the
42 prothonotary to cover administrative costs incurred by
43 collecting the surcharge and to support any technology and
44 automation improvements or upgrades for the prothonotary, and
45 the balance shall be transmitted semiannually to the State
46 Treasurer for deposit into the account. Surcharges shall be
47 assessed as follows:

48 (1) Beginning January 1, 2021, through December 31,
49 2021, the surcharge shall be \$17.

50 (2) Beginning January 1, 2022, through December 31,
51 2022, the surcharge shall be \$19.

1 (3) Beginning January 1, 2023, and thereafter, the
2 surcharge shall be \$21.

3 (c) Disposition of money collected.--The money collected
4 under subsection (b) shall be forwarded semiannually by the
5 sheriff of an individual county to the State Treasurer for
6 deposit into the account and used exclusively to cover the costs
7 and expenses of the Sheriff and Deputy Sheriff Education and
8 Training Program.

9 (d) Disbursements.--Disbursements from the account shall be
10 made by the commission.

11 (e) Audit.--The Auditor General shall conduct an audit of
12 the account as the Auditor General may deem necessary or
13 advisable from time to time but no less often than once every
14 three years.

15 § 7431. Reimbursement to counties.

16 Each county shall pay the ordinary and necessary living and
17 travel expenses and the regular salary of the county's sheriff
18 and deputy sheriffs while attending approved schools. The
19 commission shall provide for reimbursement to each county of
20 100% of the regular salaries of the county's sheriff and deputy
21 sheriffs and 100% of the ordinary and necessary living and
22 travel expenses incurred by the county's sheriff and deputy
23 sheriffs while attending certified sheriff and deputy sheriff
24 basic training or continuing education schools if the county
25 adheres to the training standards required under this subchapter
26 and established by the board with the review and approval of the
27 commission. The commission shall provide for 100% of the tuition
28 incurred by the sheriff and deputy sheriffs while attending
29 certified sheriff and deputy sheriff basic training or
30 continuing education schools.

31 Section 3. The addition of 44 Pa.C.S. Ch. 74 Subch. C is a
32 continuation of the act of February 9, 1984 (P.L.3, No.2), known
33 as the Sheriff and Deputy Sheriff Education and Training Act.
34 The following apply:

35 (1) Except as otherwise provided in 44 Pa.C.S. Ch. 74
36 Subch. C, all activities initiated under the Sheriff and
37 Deputy Sheriff Education and Training Act shall continue and
38 remain in full force and effect and may be completed under 44
39 Pa.C.S. Ch. 74 Subch. C. Resolutions, orders, regulations,
40 rules and decisions which were made under the Sheriff and
41 Deputy Sheriff Education and Training Act and which are in
42 effect on the effective date of this section shall remain in
43 full force and effect until revoked, vacated or modified
44 under 44 Pa.C.S. Ch. 74 Subch. C. Contracts, obligations and
45 agreements entered into under the Sheriff and Deputy Sheriff
46 Education and Training Act are not affected nor impaired by
47 the repeal of the Sheriff and Deputy Sheriff Education and
48 Training Act.

49 (2) Except as specified in paragraphs (3) and (4), any
50 difference in language between 44 Pa.C.S. Ch. 74 Subch. C and
51 the Sheriff and Deputy Sheriff Education and Training Act is

1 intended only to conform to the style of the Pennsylvania
2 Consolidated Statutes and is not intended to change or affect
3 the legislative intent, judicial construction or
4 administrative interpretation and implementation of the
5 Sheriff and Deputy Sheriff Education and Training Act.

6 (3) The following provisions of the Sheriff and Deputy
7 Sheriff Education and Training Act are obsolete and excluded
8 from the addition of 44 Pa.C.S. Ch. 74 Subch. C:

9 (i) The exception for appointments upon the
10 effective date of the act under the first sentence of
11 section 3(c), the last sentence of section 3(g) and the
12 first sentence of section 3(h) of the act.

13 (ii) (Reserved).

14 (iii) Section 8(b)(1) and (2) and (b.1)(1) and (2)
15 of the act.

16 (4) Paragraph (2) does not apply to the addition of the
17 following:

18 (i) 44 Pa.C.S. § 7427(g).

19 (ii) 44 Pa.C.S. § 7430(a), (b) and (b.1).

20 (5) A reference in any other act or regulation to the
21 Sheriff and Deputy Sheriff Education and Training Act shall
22 be deemed to be a reference to 44 Pa.C.S. Ch. 74 Subch. C.
23 Section 4. Repeals are as follows:

24 (1) The General Assembly finds that the repeals under
25 paragraph (2) are necessary to effectuate this act.

26 (2) The act of February 9, 1984 (P.L.3, No.2), known as
27 the Sheriff and Deputy Sheriff Education and Training Act, is
28 repealed.

29 Section 5. This act shall take effect January 1, 2021.