

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 15

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INTRODUCED BY STURLA, BELFANTI, BRIGGS, CALTAGIRONE, CASORIO,
GRUCELA AND JOSEPHS, AUGUST 19, 2010

REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 19, 2010

AN ACT

1 Amending Titles 44 (Law and Justice) and 74 (Transportation) of
2 the Pennsylvania Consolidated Statutes, imposing a fee for
3 service on municipalities for patrol services provided by the
4 Pennsylvania State Police; and providing for allocation of
5 funds, for fees for intermunicipal police response, for
6 patrol responsibility, for penalties and for annual
7 limitation on expenditure from Motor License Fund.

8 The General Assembly declares that the fees for service
9 established under 44 Pa.C.S. Ch. 25 reflect the existing cost of
10 providing Pennsylvania State Police patrol services in this
11 Commonwealth. It is not the intent of 44 Pa.C.S. Ch. 25 to
12 generate additional revenue for the General Fund, and all fees
13 for service collected under 44 Pa.C.S. Ch. 25 shall be used
14 solely for Pennsylvania State Police operations.

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

17 Section 1. Title 44 of the Pennsylvania Consolidated
18 Statutes is amended by adding a chapter to read:

CHAPTER 25

MUNICIPAL PATROL SERVICES

1 Sec.
2 2501. Scope of chapter.
3 2502. Definitions.
4 2503. Pennsylvania State Police full-time patrol services fee.
5 2504. Pennsylvania State Police part-time patrol services fee.
6 2505. Reduction or elimination.
7 2506. Allocation.
8 2507. Distressed municipalities.
9 2508. Annual reports by the Pennsylvania State Police.
10 2509. Intermunicipal police response.
11 2510. Patrol responsibility.
12 2511. Penalties.
13 2512. Prohibition.
14 2513. Applicability.
15 § 2501. Scope of chapter.

16 This chapter relates to municipal patrol services.

17 § 2502. Definitions.

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

21 "Commissioner." The Commissioner of Pennsylvania State
22 Police.

23 "Local full-time patrol services." Patrol services provided
24 by a municipality for a period of 24 hours a day and seven days
25 per week.

26 "Local part-time patrol services." Patrol services provided
27 by a municipality for a period of less than 24 hours a day and
28 less than seven days per week.

29 "Patrol services." Police services provided to protect
30 public safety by maintaining order, protecting people and

1 property and enforcing motor vehicle and criminal laws, by
2 routine visits through a municipality.

3 "Pennsylvania State Police full-time patrol services."
4 Patrol services provided by the Pennsylvania State Police which
5 are the primary police services for a municipality.

6 "Pennsylvania State Police part-time patrol services."
7 Patrol services provided by the Pennsylvania State Police which
8 supplement the local part-time patrol services provided in the
9 municipality.

10 § 2503. Pennsylvania State Police full-time patrol services
11 fee.

12 (a) Requirement.--

13 (1) Each municipality which receives the Pennsylvania
14 State Police full-time patrol services and which meets the
15 criteria under paragraph (2) shall pay the fee for service
16 under subsection (b) for the Pennsylvania State Police full-
17 time patrol services provided in the previous calendar year.

18 (2) (i) Does not provide its own local full-time patrol
19 services.

20 (ii) Does not participate in a regional police force
21 for local full-time patrol services.

22 (iii) Does not contract with another municipality
23 for local full-time patrol services.

24 (b) Amount.--A fee for service shall be paid by a
25 municipality under subsection (a) as follows:

26 (1) For the first year of service, the fee for service
27 shall be \$52 per person per year.

28 (2) For the second year of service, the fee for service
29 shall be \$104 per person per year.

30 (3) For the third and subsequent years of service, the

1 fee for service shall be \$156 per person per year for the
2 Pennsylvania State Police full-time patrol services.

3 (c) Elimination.--If a municipality currently provides or
4 institutes local full-time patrol services and subsequently
5 eliminates the services, the municipality shall be assessed at a
6 fee for service of \$156 per person per year.

7 (d) Determination and payment.--

8 (1) The commissioner shall determine if a municipality
9 meets the necessary criteria to be considered as having local
10 full-time patrol services and shall maintain a list of those
11 municipalities, which shall be made available to municipal
12 officials.

13 (2) The commissioner shall submit an invoice by February
14 1 to each municipality determined under paragraph (1) for the
15 Pennsylvania State Police full-time patrol services provided
16 in the preceding calendar year. The fee for service shall be
17 paid on a quarterly basis in equal installments to the
18 Commonwealth. The population figures for each municipality
19 used by the commissioner shall be based upon the most recent
20 Federal decennial census but shall not include any individual
21 who is incarcerated or confined in an institution operated by
22 the Federal Bureau of Prisons, a State correctional facility,
23 a county correctional facility or a juvenile detention
24 center.

25 (3) If the commissioner determines that the cost for
26 providing the Pennsylvania State Police patrol services is
27 less than the fees due by a municipality in a calendar year,
28 the commissioner may adjust the fees for service accordingly.

29 § 2504. Pennsylvania State Police part-time patrol services
30 fee.

1 (a) Requirement.--

2 (1) Each municipality which receives the Pennsylvania
3 State Police part-time patrol services and which meets any of
4 the criteria under paragraph (2) shall, if the municipality
5 is not exempt under paragraph (3) or opts out of the fee for
6 service under paragraph (4), pay the fee for service under
7 subsection (b) for the Pennsylvania State Police part-time
8 patrol services provided in the previous calendar year.

9 (2) (i) Provides its own local part-time patrol
10 services.

11 (ii) Participates in a regional police force for
12 local part-time patrol services.

13 (iii) Contracts with another municipality for local
14 part-time patrol services.

15 (3) (i) The following municipalities shall be exempt
16 from paying a fee for service under paragraph (1):

17 (A) Municipalities with a population of 1,000
18 people or less that provide or contract for patrol
19 services for at least 40 hours per week.

20 (B) Municipalities with a population of over
21 1,000 people but less than 3,500 people that provide
22 or contract for patrol services for at least 80 hours
23 per week.

24 (C) Municipalities that, for each 2,500 persons
25 the municipality has over a population of 3,500
26 persons, provide or contract for patrol services of
27 an additional 40 hours per week over 80 hours per
28 week.

29 (ii) A municipality that qualifies for an exemption
30 under subparagraph (i) (C) shall not be considered to

1 provide local full-time patrol services.

2 (4) The governing body of a municipality which receives
3 the Pennsylvania State Police part-time patrol services
4 outlined may choose to opt out of paying a fee for service
5 under this section by submitting a letter to the commissioner
6 giving notice of its decision. Upon receipt of the letter,
7 the commissioner shall direct that the appropriate
8 Pennsylvania State Police barracks commanders that patrol
9 services no longer be provided to the municipality and that
10 the Pennsylvania State Police be responsible only for
11 responding to emergencies or calls to respond to specific
12 incidents. The commissioner shall provide the municipality
13 with a fee-for-service schedule for responses to incidents or
14 emergencies within the municipality. On February 1 of the
15 following calendar year, the commissioner shall submit an
16 invoice to the municipality for the cost of the services
17 provided in the previous calendar year, which shall be paid
18 on a quarterly basis in equal installments to the
19 Commonwealth.

20 (b) Amount.--A fee for service shall be paid by a
21 municipality under subsection (a) as follows:

22 (1) For the first year of service, the fee for service
23 shall be \$17 per person per year.

24 (2) For the second year of service, the fee for service
25 shall be \$34 per person per year.

26 (3) For the third and subsequent years of service, the
27 fee for service shall be \$52 per person per year.

28 (c) Elimination.--If a municipality currently provides or
29 institutes local part-time patrol services and subsequently
30 eliminates the services, the municipality shall be assessed a

1 fee for service of \$52 per person per year for the Pennsylvania
2 State Police part-time services.

3 (d) Determination and payment.--

4 (1) The commissioner shall determine if a municipality
5 meets the necessary criteria to be considered as having local
6 part-time patrol services and shall maintain a list of those
7 municipalities, which shall be made available to municipal
8 officials.

9 (2) The commissioner shall submit an invoice by February
10 1 to each municipality determined under paragraph (1) for the
11 Pennsylvania State Police part-time patrol services provided
12 in the preceding calendar year. The fee for service shall be
13 paid on a quarterly basis to the Commonwealth. The population
14 figures for each municipality used by the commissioner shall
15 be based upon the most recent Federal decennial census, but
16 shall not include any individual who is incarcerated or
17 confined in an institution operated by the Federal Bureau of
18 Prisons, a State correctional facility, a county correctional
19 facility or a juvenile detention center.

20 (3) If the commissioner determines that the cost for
21 providing the Pennsylvania State Police patrol services is
22 less than the fees due by a municipality in a calendar year,
23 the commissioner may adjust the fees for service accordingly.

24 § 2505. Reduction or elimination.

25 If a municipality that is paying a fee for service under
26 section 2503 (relating to Pennsylvania State Police full-time
27 patrol services fee) or 2504 (relating to Pennsylvania State
28 Police part-time patrol services fee) institutes police patrol
29 services sufficient to cause a reduction or elimination in the
30 fee for service being paid, the municipality shall not be

1 required to pay the fee for service for the portion of the year
2 during which the local patrol service is provided.

3 § 2506. Allocation.

4 The funds collected annually under this chapter shall be
5 deposited into the General Fund for the cost of the
6 Pennsylvania State Police operations.

7 § 2507. Distressed municipalities.

8 Notwithstanding any other provision of this chapter, a
9 municipality that is determined to be distressed under the act
10 of July 10, 1987 (P.L.246, No.47), known as the Municipalities
11 Financial Recovery Act, shall not be required to pay the fee for
12 service under this chapter unless the municipality eliminates
13 local full-time or part-time patrol services after it has been
14 determined to be distressed under the Municipalities Financial
15 Recovery Act or within three years prior to its request for
16 distressed status under the Municipalities Financial Recovery
17 Act. A municipality that was once classified as distressed under
18 the Municipalities Financial Recovery Act, but is not currently
19 deemed distressed by the Department of Community and Economic
20 Development, shall be required to pay the fees for service under
21 this chapter.

22 § 2508. Annual reports by the Pennsylvania State Police.

23 The commissioner shall prepare and disseminate annual reports
24 to any municipality paying a fee for service under this chapter.
25 The report shall include:

26 (1) Total hours patrolled.

27 (2) Dates and times patrolled.

28 (3) Number of incidents responded to.

29 § 2509. Intermunicipal police response.

30 A municipality or regional police force providing local full-

1 time or part-time patrol services may levy a per-incident or
2 hourly fee for service on another municipality which does not
3 have patrol services if the municipality or regional police
4 force is requested by the Pennsylvania State Police to respond
5 to an incident within the municipality which does not have local
6 patrol services.

7 § 2510. Patrol responsibility.

8 Notwithstanding any other provision of law, the Pennsylvania
9 State Police shall be responsible for patrolling all interstate
10 highways in this Commonwealth, unless an agreement has been
11 reached between the commissioner and a local or regional police
12 department for patrolling on a specified portion of an
13 interstate highway.

14 § 2511. Penalties.

15 The following shall apply:

16 (1) Any municipality failing to make a payment required
17 under this chapter shall forfeit all payments to be received
18 from the Commonwealth until the outstanding balance owed is
19 paid in full.

20 (2) Any municipality which fails to make the full
21 quarterly payment within one year of the date the payment is
22 due shall forfeit all of the Pennsylvania State Police patrol
23 services until the outstanding payment is paid in full.

24 (3) Upon declaration of a local emergency, as defined in
25 35 Pa.C.S. § 7102 (relating to definitions), a municipality
26 may request an extension of time for payment from the
27 commissioner.

28 § 2512. Prohibition.

29 The fee for service shall be calculated on a per-capita basis
30 by the Commonwealth as a method to determine total municipal

fees assessed, except that no tax, fee or other assessment may be levied by a municipality on a per-capita basis for the purpose of funding the fees under this chapter.

§ 2513. Applicability.

This chapter shall apply to the Pennsylvania State Police patrol services provided in the calendar year beginning after the year in which this section takes effect.

Section 2. Title 74 is amended by adding a section to read:

§ 304. Annual limitation on expenditure from Motor License Fund.

Notwithstanding any other law, no more than the following amounts for the fiscal years specified may be expended or transferred from the Motor License Fund for the purpose of the operations of the Pennsylvania State Police:

(1) For the fiscal year beginning July 1, 2011, not more than \$500,000,000.

(2) For the fiscal year beginning July 1, 2012, not more than \$450,000,000.

(3) For the fiscal year beginning July 1, 2013, not more than \$400,000,000.

(4) For the fiscal year beginning July 1, 2014, not more than \$350,000,000.

(5) For the fiscal year beginning July 1, 2015, not more than \$300,000,000.

(6) For the fiscal year beginning July 1, 2016, not more than \$250,000,000.

(7) For the fiscal year beginning July 1, 2017, not more than \$200,000,000.

(8) For the fiscal year beginning July 1, 2018, not more than \$150,000,000.

1 (9) For the fiscal year beginning July 1, 2019, not more
2 than \$100,000,000.

3 (10) For the fiscal year beginning July 1, 2020, not
4 more than \$50,000,000.

5 (11) For the fiscal year beginning July 1, 2021, and
6 each fiscal year thereafter, no money may be expended or
7 transferred from the Motor License Fund for that purpose.

8 Section 3. This act shall take effect as follows:

9 (1) The addition of 74 Pa.C.S. § 304 shall take effect
10 in 60 days.

11 (2) The remainder of this act shall take effect
12 immediately.