

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 176 Session of 2015

INTRODUCED BY GROVE, PASHINSKI, COHEN, SAYLOR, HAHN, JAMES, SCHLOSSBERG, MURT, BARRAR, A. HARRIS, MAHER, MENTZER, O'NEILL, D. COSTA, GIBBONS, COX, ZIMMERMAN, PHILLIPS-HILL, MICCARELLI AND KORTZ, JANUARY 23, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 5, 2016

AN ACT

1 Providing for grants to regional police departments;
2 ESTABLISHING THE LAW ENFORCEMENT GRANT PROGRAM FUND; imposing <--
3 powers and duties on the Center for Local Government Services
4 and, the Department of Community and Economic Development AND <--
5 THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY;
6 providing for transfers from the State Gaming Fund; and <--
7 repealing provisions in Title 4 relating to transfers from
8 State Gaming Fund; AND ESTABLISHING THE LAW ENFORCEMENT AND
9 TREATMENT GRANT PROGRAM.

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

12 Section 1. Short title.

13 This act shall be known and may be cited as the Law
14 Enforcement Grant Program PROGRAMS Act. <--

15 Section 2. Declaration of policy.

16 The General Assembly finds and declares as follows:

17 (1) Regional police are the future of local law
18 enforcement.

19 (2) Regional police provide professional, efficient and

1 local police service to multiple municipalities across this
2 Commonwealth.

3 (3) An increased number of regional police departments
4 would ease the strain on the Pennsylvania State Police, which
5 is overtaxed by the growing number of municipalities it
6 serves.

7 (4) The Commonwealth has chosen to support regional
8 police departments by investing in start-up grants for
9 regional police departments.

10 (5) The Commonwealth has a vested interest in providing
11 grants to existing regional police departments to increase
12 their financial strength and sustain them after their initial
13 start-up period.

14 (6) By strengthening regional police departments, the
15 Commonwealth improves the safety and security of our
16 communities.

17 (7) OVERDOSE DEATHS AND WIDESPREAD ADDICTION TO OPIOIDS, <--
18 LEGAL OR ILLEGAL, HAS BECOME ONE OF THE MOST SERIOUS THREATS
19 TO PUBLIC HEALTH AND SAFETY IN THIS COMMONWEALTH.

20 (8) LAW ENFORCEMENT AGENCIES NEED ADDITIONAL TOOLS AND
21 RESOURCES TO STOP OVERDOSE DEATHS AND MORE EFFECTIVE
22 MECHANISMS TO HELP GUIDE PEOPLE INTO DRUG TREATMENT PROGRAMS.

23 Section 3. Definitions.

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

27 "Center." The Center for Local Government Services within
28 the Department of Community and Economic Development of the
29 Commonwealth.

30 "COMMISSION." THE PENNSYLVANIA COMMISSION ON CRIME AND <--

1 DELINQUENCY.

2 "Department." The Department of Community and Economic
3 Development of the Commonwealth.

4 "FUND." THE LAW ENFORCEMENT GRANT PROGRAM FUND ESTABLISHED <--
5 UNDER SECTION 5.

6 "Grant." A grant awarded to a law enforcement agency in
7 accordance with this act.

8 "Law enforcement agency." A regional police department.

9 "Law enforcement officer." A police officer employed on a
10 full-time or part-time basis by a law enforcement agency.

11 "LAW ENFORCEMENT ORGANIZATIONS." THE POLICE DEPARTMENT OF <--
12 EACH MUNICIPAL CORPORATION, A REGIONAL POLICE DEPARTMENT, THE
13 PENNSYLVANIA STATE POLICE AND POLICE DEPARTMENTS AS DEFINED BY
14 53 PA.C.S. § 2162 (RELATING TO DEFINITIONS).

15 "Program." The Law Enforcement Grant Program established
16 under section 4.

17 "Regional police department." A regional police force
18 created by two or more municipal corporations under 53 Pa.C.S.
19 Ch. 23 Subch. A (relating to intergovernmental cooperation).
20 Section 4. Law Enforcement Grant Program.

21 (a) Establishment.--The Law Enforcement Grant Program is
22 established and shall be administered by the center.

23 (b) Purpose of grants.--The center shall award grants to
24 eligible law enforcement agencies. Grant funds may be used for
25 the following:

- 26 (1) Vehicle acquisition.
- 27 (2) Cameras, including cameras to be placed in vehicles.
- 28 (3) Speed timing devices.
- 29 (4) Uniforms.
- 30 (5) Police and emergency equipment.

- 1 (6) Training.
- 2 (7) Personnel costs.
- 3 (8) Community law enforcement efforts.
- 4 (9) START-UP COSTS. <--
- 5 (10) DOMESTIC VIOLENCE THREAT ASSESSMENT TRAINING.

6 SECTION 5. THE LAW ENFORCEMENT GRANT PROGRAM FUND.

7 (A) ESTABLISHMENT.--A SPECIAL FUND IS ESTABLISHED WITHIN THE
8 STATE TREASURY TO BE KNOWN AS THE LAW ENFORCEMENT GRANT PROGRAM
9 FUND.

10 (B) PURPOSE.--MONEY IN THE FUND SHALL NOT LAPSE AND SHALL BE
11 USED FOR GRANTS AWARDED UNDER THIS ACT.

12 Section ~~5~~ 6. Application and review. <--

13 (a) Notice.--The center shall notify law enforcement
14 agencies of the availability of the program by July 1 ~~for fiscal~~ <--
15 ~~years beginning after June 30, 2015~~ 15, 2016, AND EACH JULY 15 <--
16 THEREAFTER.

17 (b) Application form.--The center shall develop and
18 distribute a uniform application for applicants to submit for
19 grants under the program. The center shall provide the
20 application form and accompanying instructions to law
21 enforcement agencies annually by September 1.

22 (c) Submission of application.--To be considered, an
23 application must be submitted to the center no later than
24 November 30 of each fiscal year. The center shall approve or
25 disapprove an application within 60 days of the application
26 being filed.

27 (d) Review.--The center shall review applications submitted
28 for grants under the program and shall approve them if they meet
29 the requirements of subsection (e) and the applicant agrees to
30 the terms and conditions for the grant as determined by the

1 center. A law enforcement agency must submit a signed agreement
2 to the center prior to the release of grant funds to the law
3 enforcement agency.

4 (e) Basis of award.--

5 (1) Grants shall be awarded based upon the demonstrated
6 need of the law enforcement agency requesting the grant.

7 (2) Need shall be calculated based on the total number
8 of law enforcement officers employed by the law enforcement
9 agency as of July 1 of each fiscal year.

10 Section 6 7. Conditions. <--

11 (a) Claim.--An applicant for a grant that fails to return a
12 signed agreement for the preceding fiscal year is ineligible for
13 grant funding in the current fiscal year unless the applicant
14 provides to the center a reasonable written explanation as to
15 why the applicant failed to claim its grant.

16 (b) Compliance.--An applicant for a grant that fails to
17 demonstrate that it complied with all the terms of its agreement
18 for the preceding fiscal year is ineligible for grant funding in
19 the current fiscal year.

20 SECTION 8. LAW ENFORCEMENT AND TREATMENT GRANT PROGRAM. <--

21 (A) ESTABLISHMENT.--THE LAW ENFORCEMENT AND TREATMENT GRANT
22 PROGRAM SHALL BE ADMINISTERED BY THE COMMISSION IN COOPERATION
23 WITH THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS.

24 (B) PURPOSE OF GRANTS.--THE COMMISSION, IN COOPERATION WITH
25 THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, SHALL AWARD GRANTS
26 UNDER THIS SECTION TO ELIGIBLE LAW ENFORCEMENT ORGANIZATIONS.
27 GRANT FUNDS MAY BE USED FOR THE FOLLOWING:

28 (1) TO PROVIDE PERSONNEL, TRAINING AND EQUIPMENT TO
29 COORDINATE LAW ENFORCEMENT WITH TREATMENT TO ENABLE LAW
30 ENFORCEMENT ORGANIZATIONS AND OFFICERS TO PROVIDE MORE

1 EFFECTIVE MECHANISMS TO REFER AND ASSIST OVERDOSE VICTIMS AND
2 FAMILIES, ALONG WITH ANY OTHER INDIVIDUALS INTERACTING WITH
3 THEM, TO OBTAIN THE APPROPRIATE TREATMENT.

4 (2) FOR TRAINING AND EQUIPMENT AUTHORIZED UNDER SECTIONS
5 13.7 AND 13.8 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64),
6 KNOWN AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
7 ACT, FOR LAW ENFORCEMENT ORGANIZATIONS.

8 (C) NOTICE.--THE COMMISSION SHALL NOTIFY LAW ENFORCEMENT
9 ORGANIZATIONS OF THE AVAILABILITY OF GRANTS UNDER THIS SECTION
10 BY JULY 1 FOR FISCAL YEARS BEGINNING AFTER JUNE 30, 2015.

11 (D) APPLICATION FORM.--THE COMMISSION, IN COOPERATION WITH
12 THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, SHALL DEVELOP AND
13 DISTRIBUTE A UNIFORM APPLICATION FOR APPLICANTS TO SUBMIT FOR
14 GRANTS UNDER THIS SECTION. THE COMMISSION SHALL PROVIDE THE
15 APPLICATION FORM AND ACCOMPANYING INSTRUCTIONS TO LAW
16 ENFORCEMENT ORGANIZATIONS ANNUALLY BY SEPTEMBER 1.

17 (E) SUBMISSION OF APPLICATION.--TO BE CONSIDERED, AN
18 APPLICATION MUST BE SUBMITTED TO THE COMMISSION NO LATER THAN
19 NOVEMBER 30 OF EACH FISCAL YEAR. THE COMMISSION SHALL APPROVE OR
20 DISAPPROVE AN APPLICATION WITHIN 60 DAYS OF THE APPLICATION
21 BEING FILED.

22 (F) REVIEW.--THE COMMISSION, IN COOPERATION WITH THE
23 DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, SHALL REVIEW
24 APPLICATIONS SUBMITTED FOR GRANTS UNDER THIS SECTION. THE
25 APPLICANT MUST AGREE TO THE TERMS AND CONDITIONS FOR THE GRANT
26 AS DETERMINED BY THE COMMISSION. A LAW ENFORCEMENT ORGANIZATION
27 MUST SUBMIT A SIGNED AGREEMENT TO THE COMMISSION PRIOR TO THE
28 RELEASE OF GRANT FUNDS TO THE LAW ENFORCEMENT ORGANIZATION.

29 (G) BASIS OF AWARD.--THE FOLLOWING APPLY TO GRANTS UNDER
30 THIS SECTION:

1 (1) GRANTS FOR COORDINATION SHALL BE AWARDED TO LAW
2 ENFORCEMENT ORGANIZATIONS WHO DEMONSTRATE BY THEIR
3 APPLICATION AND BY THEIR EXISTING EFFORTS MORE EFFECTIVE
4 MECHANISMS TO COORDINATE WITH THEIR RESPECTIVE SINGLE COUNTY
5 AUTHORITIES UNDER THE ACT OF APRIL 14, 1972 (P.L.221, NO.63),
6 KNOWN AS THE PENNSYLVANIA DRUG AND ALCOHOL ABUSE CONTROL ACT,
7 THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS AND OTHER
8 APPROPRIATE FEDERAL, STATE AND LOCAL PROGRAMS THAT PAY FOR OR
9 PROVIDE DRUG TREATMENT.

10 (2) GRANTS FOR TRAINING OR EQUIPMENT PURSUANT TO
11 SECTIONS 13.7 AND 13.8 OF THE CONTROLLED SUBSTANCE, DRUG,
12 DEVICE AND COSMETIC ACT SHALL BE AWARDED TO LAW ENFORCEMENT
13 ORGANIZATIONS USING CRITERIA THAT INCLUDE THE FOLLOWING:

14 (I) OVERDOSE RATES;

15 (II) HOW LAW ENFORCEMENT ORGANIZATIONS WILL PROVIDE
16 OVERDOSE VICTIMS AND FAMILIES WITH INFORMATION ABOUT
17 TREATMENT SERVICES; AND

18 (III) THE TRAINING AND UTILIZATION PROPOSED BY THE
19 LAW ENFORCEMENT ORGANIZATION.

20 (3) THE COMMISSION SHALL GIVE PRIORITY FOR COORDINATING
21 GRANTS UNDER THIS SUBSECTION TO LAW ENFORCEMENT ORGANIZATIONS
22 THAT HAVE ALREADY TRAINED, EQUIPPED AND AUTHORIZED THEIR
23 OFFICERS PURSUANT TO SECTIONS 13.7 AND 13.8 OF THE CONTROLLED
24 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT OR ARE SEEKING GRANT
25 FUNDING UNDER THIS SECTION TO TRAIN, EQUIP AND AUTHORIZE
26 THEIR OFFICERS PURSUANT TO SECTIONS 13.7 AND 13.8 OF THE
27 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

28 (4) NOTHING IN THIS SECTION SHALL PREVENT A LAW
29 ENFORCEMENT ORGANIZATION WHO HAS ALREADY TRAINED, EQUIPPED
30 AND AUTHORIZED THEIR OFFICERS PURSUANT TO SECTIONS 13.7 AND

1 13.8 OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
2 ACT TO FILE A GRANT APPLICATION TO PAY FOR FUTURE TRAINING
3 AND AUTHORIZED EQUIPMENT NECESSARY UNDER SECTIONS 13.7 AND
4 13.8 OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC
5 ACT THAT WOULD OCCUR DURING THE FISCAL YEAR OF THE GRANT.

6 (5) NO LAW ENFORCEMENT ORGANIZATION MAY RECEIVE MORE
7 THAN 5% OF THE TOTAL GRANTS AUTHORIZED ON AN ANNUAL BASIS BY
8 THIS SUBSECTION.

9 SECTION 9. CONDITIONS.

10 (A) CLAIM.--AN APPLICANT FOR A GRANT UNDER SECTION 8 THAT
11 FAILS TO RETURN A SIGNED AGREEMENT FOR THE PRECEDING FISCAL YEAR
12 IS INELIGIBLE FOR GRANT FUNDING IN THE CURRENT FISCAL YEAR
13 UNLESS THE APPLICANT PROVIDES TO THE COMMISSION A REASONABLE
14 WRITTEN EXPLANATION AS TO WHY THE APPLICANT FAILED TO CLAIM ITS
15 GRANT.

16 (B) COMPLIANCE.--AN APPLICANT FOR A GRANT UNDER SECTION 8
17 THAT FAILS TO DEMONSTRATE THAT IT COMPLIED WITH ALL THE TERMS OF
18 ITS AGREEMENT FOR THE PRECEDING FISCAL YEAR IS INELIGIBLE FOR
19 GRANT FUNDING IN THE CURRENT FISCAL YEAR.

20 Section 7 10. Funding. <--

21 (a) Funding.--~~Annually, the sum of \$2,000,000 shall be~~ <--
22 ~~transferred from the State Gaming Fund to the department for the~~
23 ~~purpose of issuing grants.~~ BEGINNING JULY 1, 2016, AND EACH JULY <--
24 1 THEREAFTER, AN AMOUNT EQUAL TO THE AMOUNT OF MONEY NOT AWARDED
25 FOR GRANTS UNDER 4 PA.C.S. § 1408(C) DURING THE PRIOR FISCAL
26 YEAR SHALL BE TRANSFERRED FROM THE STATE GAMING FUND TO THE LAW
27 ENFORCEMENT GRANT PROGRAM FUND AND EQUALLY DIVIDED BETWEEN THE
28 LAW ENFORCEMENT GRANT PROGRAM UNDER SECTION 4 AND THE LAW
29 ENFORCEMENT AND TREATMENT GRANT PROGRAM UNDER SECTION 8.

30 (b) Administration.--No money from the transfer under

1 subsection (a) may be used for expenses or costs incurred by the
2 department for the administration of the ~~program~~. LAW <--
3 ENFORCEMENT GRANT PROGRAM AND THE LAW ENFORCEMENT AND TREATMENT
4 GRANT PROGRAM.

5 Section ~~8~~ 11. Report. <--

6 Within six months of receiving a grant, a law enforcement
7 agency shall submit a report to the center. The report shall
8 document the use of the grant funds by the law enforcement
9 agency.

10 Section ~~9~~ 12. Guidelines. <--

11 The department shall adopt guidelines necessary to implement
12 and administer the provisions of this act.

13 ~~Section 10. Repeal.~~ <--

14 ~~(a) Intent. The General Assembly declares that the repeal~~
15 ~~under subsection (b) is necessary to effectuate this act.~~

16 ~~(b) Repeal. The provisions of 4 Pa.C.S. § 1408(c) are~~
17 ~~repealed.~~

18 ~~Section 11. Applicability.~~

19 ~~This act shall apply to fiscal years beginning on or after~~
20 ~~July 1, 2015.~~

21 Section ~~12~~ 13. Effective date. <--

22 This act shall take effect immediately.