AN ACT

Amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, in preliminary provisions, providing for limitations on excess property procurement by local law enforcement agencies.

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

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

CHAPTER 9

LOCAL LAW ENFORCEMENT AGENCY ACTIVITIES

Sec.

901. Scope of chapter.

902. Definitions.

903. Limitation on military equipment procurement.

904. Inventory and accounting.

§ 901. Scope of chapter.

This chapter relates to activities of local law enforcement agencies.
§ 902. 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:

"Local law enforcement agency." Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws. This paragraph includes the sheriff’s office in a county of the second class.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of "criminal justice agency" in 18 Pa.C.S. § 9102 (relating to definitions). This paragraph does not include a campus police or university police department of the State System of Higher Education and its member institutions.

(3) A railroad or street railway police department formed with officers commissioned under 22 Pa.C.S. Ch. 33 (relating to railroad and street railway police) or any prior statute providing for such commissioning.

(4) The Capitol Police.

(5) The Harrisburg International Airport Police.

(6) An airport authority police department.

(7) A county park police force under section 2511(b) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

"Military equipment." Any of the following property:
(1) Tracked armored and militarized vehicles.
(2) Aircraft and vessels that are combat configured or combat tested.
(3) Drones that are armored, weaponized, or both.
(4) Grenades or similar explosives and grenade launchers.
(5) Firearms and ammunition of .50-caliber or higher.
(6) Silencers for firearms.
(7) Flash bangs, battering rams or other breaching equipment.
(8) Tear gas.
(9) Rubber ammunition of any kind.

§ 903. Limitation on military equipment procurement.
A local law enforcement agency may not, regardless of the source of funding, procure military equipment from or through a Federal program, State program, third party, law enforcement foundation or organization or any other person or by any other means unless:
(1) The local law enforcement agency requests written approval for the procurement from the governing body of the municipality that the local law enforcement agency serves.
(2) The local law enforcement agency publishes notice of the written request on the publicly accessible Internet website of the local law enforcement agency.
(3) The governing body, at a public hearing, provides members of the public with an opportunity to comment on the request.
(4) The governing body approves the request after the public hearing and not earlier than 14 days after the publication of the notice under paragraph (2).
§ 904. Inventory and accounting.

(a) Duty to maintain.--A local law enforcement agency that
procures military equipment shall maintain a written inventory
and accounting of military equipment procured that includes the
following:

(1) A detailed listing of each type of the military
equipment.

(2) A detailed description of the potential deployment
for each type of the military equipment.

(3) A detailed description of the actual deployment of
the military equipment, including such information as the
gender, race, ethnicity, age, offense and other identifying
information of an intended apprehension or incident involving
a civilian and a detailed description of the incident,
including date, time, location and the manner in which the
military equipment was deployed.

(b) Duty to report.--A local law enforcement agency that
procures military equipment shall, on a monthly basis, publish
on the publicly accessible Internet website of the local law
enforcement agency aggregate data on the inventory maintained
under subsection (a), excluding personal identifying
information.

Section 2. This act shall take effect in 60 days.