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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 877 Session of  
2003

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INTRODUCED BY THOMPSON, MADIGAN, TARTAGLIONE, PILEGGI, PUNT,  
ERICKSON, M. WHITE, ORIE, MOWERY, EARLL, RAFFERTY AND  
TOMLINSON, JULY 15, 2003

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
DECEMBER 22, 2003

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AN ACT

1 Prohibiting employment of certain individuals as law enforcement  
2 officers; requiring suspension of law enforcement officers  
3 charged with certain crimes; and establishing dismissal  
4 procedures for law enforcement officers convicted of certain  
5 crimes.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Confidence in  
10 Law Enforcement Act.

11 Section 2. Definitions.

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

15 "Commonwealth agency." An executive agency, an independent  
16 agency, a State-affiliated entity or the General Assembly.

17 "Conviction." An adjudication of guilt including the

1 imposition of a sentence.

2 "Executive agency." The Governor and each department, board,  
3 commission, authority and other officer and agency of the  
4 Commonwealth. The term does not include a court or other officer  
5 or agency of the unified judicial system, the General Assembly  
6 and its officers and agencies or an independent agency or State-  
7 affiliated entity.

8 "Independent agency." A board, commission or other agency or  
9 officer of the Commonwealth which is not subject to the policy  
10 supervision and control of the Governor. The term does not  
11 include a State-affiliated entity, a court or other officer or  
12 agency of the unified judicial system, the General Assembly and  
13 its officers and agencies, a State-related institution,  
14 political subdivision or a local, regional or metropolitan  
15 transportation authority.

16 "Law enforcement officer." A member of the Pennsylvania  
17 State Police Force or an individual employed in a position  
18 requiring certification pursuant to 53 Pa.C.S. Ch. 21 (relating  
19 to employees).

20 "Serious misdemeanor." A criminal offense for which more  
21 than one year in prison can be imposed as a punishment.

22 "State-affiliated entity." A Commonwealth authority or a  
23 Commonwealth entity. The term includes the Pennsylvania Turnpike  
24 Commission, the Pennsylvania Housing Finance Agency, the  
25 Pennsylvania Municipal Retirement System, the Pennsylvania  
26 Infrastructure Investment Authority, the State Public School  
27 Building Authority, the Pennsylvania Higher Educational  
28 Facilities Authority and the State System of Higher Education.  
29 The term does not include a court or other officer or agency of  
30 the unified judicial system, the General Assembly and its

1 officers and agencies, a State-related institution, political  
2 subdivision or a local, regional or metropolitan transportation  
3 authority.

4 "State-related institution." The Pennsylvania State  
5 University, the University of Pittsburgh, Lincoln University or  
6 Temple University.

7 Section 3. Prohibition against employing certain persons.

8 A Commonwealth agency, State-related institution, political  
9 subdivision, municipal authority, local, regional or  
10 metropolitan transportation authority or any other person shall  
11 not employ or continue to employ an individual as a law  
12 enforcement officer when the individual has been CONVICTED OF <—  
13 ANY OF THE FOLLOWING:

14 (1) ~~Convicted of an~~ AN offense graded a felony or a <—  
15 serious misdemeanor.

16 (2) ~~Convicted of an~~ AN offense in another jurisdiction, <—  
17 state, territory or country in accordance with the laws of  
18 that jurisdiction, state, territory or country, and the  
19 offense is equivalent to an offense specified in paragraph  
20 (1) regardless of its grading in that jurisdiction, state,  
21 territory or country.

22 Section 4. Suspension.

23 Except in the case of a member of the Pennsylvania State  
24 Police, a law enforcement officer charged with an offense that  
25 would prohibit employment under section 3 shall be immediately  
26 suspended from employment ~~in law enforcement~~ AS A LAW <—

27 ENFORCEMENT OFFICER until final disposition of the charge or  
28 upon acceptance into a program of Accelerated Rehabilitative  
29 Disposition, whichever occurs first. In the case of a member of  
30 the Pennsylvania State Police, a law enforcement officer CHARGED <—

1 WITH AN OFFENSE THAT WOULD PROHIBIT EMPLOYMENT AS SUCH UNDER  
2 SECTION 3 shall immediately be suspended from employment until  
3 final disposition of the charge or upon acceptance into a  
4 program of Accelerated Rehabilitative Disposition, whichever  
5 occurs first. If a judge terminates the PARTICIPATION OF A LAW <—  
6 ENFORCEMENT OFFICER IN A program of Accelerated Rehabilitative  
7 Disposition FOR AN OFFENSE THAT WOULD PROHIBIT EMPLOYMENT UNDER <—  
8 SECTION 3 prior to completion in accordance with Pa.R.Crim.P.  
9 No.318 (relating to procedure on charge of violation of  
10 conditions), the suspension PREVIOUSLY IMPOSED shall be <—  
11 reinstated until final disposition of the charge.

12 Section 5. Termination of employment.

13 (a) General rule.--An employer of an individual who is a law  
14 enforcement officer and who is or becomes ineligible for  
15 employment as a law enforcement officer pursuant to section 3  
16 shall immediately terminate the employment of the individual as  
17 a law enforcement officer.

18 (b) ~~Termination proceeding~~ CERTIFIED COPY OF CONVICTION.-- <—  
19 ~~The~~ AT ANY TERMINATION PROCEEDING, THE introduction of a <—  
20 certified copy of a conviction ~~for~~ INDICATING THAT A LAW <—  
21 ENFORCEMENT OFFICER HAS BEEN CONVICTED OF an offense that would  
22 prohibit employment under section 3 shall IN AND OF ITSELF be <—  
23 sufficient evidence to ~~terminate a~~ SUPPORT JUSTIFY THE <—  
24 TERMINATION OF THE law enforcement officer.

25 Section 6. Repeal.

26 All acts and parts of acts are repealed insofar as they are  
27 inconsistent with this act.

28 Section 7. Construction.

29 This act may not be modified or supplemented unless by order  
30 of a court or an act of the General Assembly.

1 Section 8. Applicability.

2 ~~Section 5 is applicable to law enforcement officers who are~~ <—  
3 ~~convicted on or after July 1, 2004. Section 5 does not apply to~~  
4 ~~convictions occurring before July 1, 2004.~~

5 THIS ACT DOES NOT APPLY TO CONVICTIONS OCCURRING BEFORE THE <—  
6 EFFECTIVE DATE OF THIS ACT.

7 Section 9. Effective date.

8 This act shall take effect ~~in 60 days~~ JULY 1, 2004, OR <—  
9 IMMEDIATELY, WHICHEVER IS LATER.