

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1446 Session of
2000

INTRODUCED BY THOMPSON, GREENLEAF, TOMLINSON, COSTA, WAUGH,
MADIGAN, KUKOVICH, LEMMOND, HOLL, KITCHEN, HART, BRIGHTBILL,
GERLACH, EARLL, CONTI, DENT, PICCOLA, WHITE, RHOADES, BELL,
ARMSTRONG, BOSCOLA, PUNT, ROBBINS, WAGNER, MELLOW AND
WOZNIAK, MAY 15, 2000

REFERRED TO LAW AND JUSTICE, MAY 15, 2000

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 "Convicted." A finding of guilt by a court of law, a plea of
18 guilty or a plea of nolo contendere.

1 "Executive agency." The Governor and the departments,
2 boards, commissions, authorities and other officers and agencies
3 of the Commonwealth. The term does not include any court or
4 other officer or agency of the unified judicial system, the
5 General Assembly and its officers and agencies or any
6 independent agency or State-affiliated entity.

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

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

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

1 "State-related institution." The Pennsylvania State
2 University, the University of Pittsburgh, Lincoln University or
3 Temple University.

4 Section 3. Prohibitions.

5 No Commonwealth agency, State-related institution, political
6 subdivision, local authority or local, regional or metropolitan
7 transportation authority shall employ or continue to employ an
8 individual as a law enforcement officer when the individual has
9 been convicted of:

10 (1) A felony or a misdemeanor of the first or second
11 degree.

12 (2) An offense involving dishonesty or a false statement
13 if the offense is either:

14 (i) A misdemeanor of the third degree.

15 (ii) A summary offense.

16 Section 4. Suspension.

17 A law enforcement officer charged with a crime as described
18 under section 3 shall be immediately suspended from all duties
19 pending disposition of the criminal charges.

20 Section 5. Dismissal.

21 (a) General rule.--An employer of a law enforcement officer
22 who is or becomes ineligible to be employed as a law enforcement
23 officer pursuant to this act shall immediately dismiss the
24 individual.

25 (b) Pennsylvania State Police Force.--The Commissioner of
26 the Pennsylvania State Police shall dismiss a member of the
27 Pennsylvania State Police Force who is or becomes ineligible to
28 be employed as a law enforcement officer pursuant to this act in
29 accordance with the court martial procedures of section 711 of
30 the act of April 9, 1929 (P.L.177, No.175), known as The

1 Administrative Code of 1929. Dismissals of these law enforcement
2 officers shall be conducted solely pursuant to section 711
3 procedures and these procedures shall not be modified or
4 supplemented by agreement or arbitration. No election or
5 substitution of procedures by the commissioner or a law
6 enforcement officer is permitted.

7 Section 6. Repeal.

8 All acts and parts of acts are repealed insofar as they are
9 inconsistent with this act.

10 Section 7. Applicability.

11 Section 5(b) is inapplicable to dismissal proceedings
12 occurring before July 1, 2004.

13 Section 8. Effective date.

14 This act shall take effect in 60 days.