

AN ACT

1 Providing for the training and licensing of watch guards,  
2 protective patrolmen, detectives and criminal investigators,  
3 carrying and using lethal weapons in their employment;  
4 imposing powers and duties on the Commissioner of the  
5 Pennsylvania State Police; and providing penalties.  
6 The General Assembly of the Commonwealth of Pennsylvania

7 hereby enacts as follows:

8 Section 1. Short Title.--This act shall be known and may be  
9 cited as the "Lethal Weapons Training Act."

10 Section 2. Legislative Findings and Purpose.--(a) The  
11 General Assembly finds that there are private detectives,  
12 investigators, watchmen, security guards and patrolmen,  
13 privately employed within this Commonwealth who carry and use  
14 lethal weapons including firearms as an incidence of their  
15 employment and that there have been various tragic incidents  
16 involving these individuals which occurred because of  
17 unfamiliarity with the handling of weapons. The General Assembly  
18 also finds that there is presently no training required for such  
19 privately employed agents in the handling of lethal weapons or  
20 in the knowledge of law enforcement and the protection of rights  
21 of citizens, and that such training would be beneficial to the  
22 safety of the citizens of this Commonwealth.

23 (b) It is the purpose of this act to provide for the  
24 education, training and certification of such privately employed  
25 agents who, as an incidence to their employment, carry lethal  
26 weapons through a program administered or approved by the  
27 Commissioner of the Pennsylvania State Police.

28 Section 3. Definitions.--As used in this act:

29 "Commissioner" means the Commissioner of the Pennsylvania  
30 State Police.

1 "Lethal weapons" include but are not limited to firearms,  
2 mace and other weapons calculated to produce death or serious  
3 bodily harm. A concealed billy club is a lethal weapon.

4 "Privately employed agents" include any person employed for  
5 the purpose of providing watch guard, protective patrol,  
6 detective or criminal investigative services either for another  
7 for a fee or for his employer. Privately employed agents do not  
8 include local, State or Federal Government employees.

9 "Program" means the education and training program  
10 established and administered or approved by the commissioner in  
11 accordance with this act.

12 Section 4. Education and Training Program.--(a) An education  
13 and training program in the handling of lethal weapons, law  
14 enforcement and protection of rights of citizens shall be  
15 established and administered or approved by the commissioner in  
16 accordance with the provisions of this act.

17 (b) All privately employed agents who, as an incidence to  
18 their employment, carry a lethal weapon shall be required to  
19 attend the program established by subsection (a) of this section  
20 in accordance with the requirements or regulations established  
21 by the commissioner and, upon satisfactory completion of such  
22 program, shall be entitled to certification by the commissioner.

23 (c) Except for colleges and universities, no nongovernment  
24 employer of a privately employed agent who, as an incidence to  
25 his employment, carries a lethal weapon, shall own, operate, or  
26 otherwise participate in, directly or indirectly, the  
27 establishment or administration of the program established by  
28 subsection (a) of this section.

29 Section 5. Power and Duties of Commissioner.--The  
30 commissioner shall have the power and duty:

1 (1) To implement and administer or approve the minimum  
2 courses of study and training for the program in the handling of  
3 lethal weapons, law enforcement and protection of the rights of  
4 citizens.

5 (2) To implement and administer or approve physical and  
6 psychological testing and screening of the candidate for the  
7 purpose of barring from the program those not physically or  
8 mentally fit to handle lethal weapons.

9 (3) To issue certificates of approval to schools approved by  
10 the commissioner and to withdraw certificates of approval from  
11 those schools disapproved by the commissioner.

12 (4) To certify instructors pursuant to the minimum  
13 qualifications established by the commissioner.

14 (5) To consult and cooperate with universities, colleges,  
15 community colleges and institutes for the development of  
16 specialized courses in handling lethal weapons, law enforcement  
17 and protection of the rights of citizens.

18 (6) To consult and cooperate with departments and agencies  
19 of this Commonwealth and other states and the Federal Government  
20 concerned with similar training.

21 (7) To certify those individuals who have satisfactorily  
22 completed basic educational and training requirements as  
23 established by the commissioner and to issue appropriate  
24 certificates to such persons.

25 (8) To visit and inspect approved schools at least once a  
26 year.

27 (9) In the event that the commissioner implements and  
28 administers a program, to collect reasonable charges from the  
29 students enrolled therein to pay for the costs of the program.

30 (10) To make such rules and regulations and to perform such

1 other duties as may be reasonably necessary or appropriate to  
2 implement the education and training program.

3 Section 6. Certificate of Qualification.--(a) Any person  
4 desiring to enroll in such program shall make application to the  
5 commissioner, on a form to be prescribed by the commissioner.

6 (b) The application shall be signed and verified by the  
7 applicant. It shall include his full name, age, residence,  
8 present and previous occupations and such other information that  
9 may be required by the commissioner to show the good character,  
10 competency and integrity of the applicant.

11 (c) The application shall be personally presented by the  
12 applicant at an office of the Pennsylvania State Police where  
13 his fingerprints shall be affixed thereto. The application shall  
14 be accompanied by two current photographs of the applicant of a  
15 size and nature to be prescribed by the commissioner and a  
16 thirty-five dollar (\$35) application fee. Thereafter the  
17 application shall be forwarded to the commissioner.

18 (d) The fingerprints of the applicant shall be examined by  
19 the Pennsylvania State Police and the Federal Bureau of  
20 Investigation to determine if he has been convicted of or has  
21 pleaded guilty or nolo contendere to a crime of violence.

22 (e) No application shall be accepted if the applicant is  
23 under the age of eighteen.

24 (f) After the application has been processed and if the  
25 commissioner determines that the applicant is eighteen years of  
26 age and has not been convicted of or has not pleaded guilty or  
27 nolo contendere to a crime of violence, and has satisfied any  
28 other requirements prescribed by him under his powers and duties  
29 pursuant to section 5, he shall issue a certificate of  
30 qualification which shall entitle the applicant to enroll in an

1 approved program.

2 Section 7. Certification and Fee.--(a) A certification fee  
3 of not more than fifteen dollars (\$15) shall be paid by each  
4 individual satisfactorily completing the program prior to the  
5 receipt of a certificate.

6 (b) The commissioner shall furnish to each individual  
7 satisfactorily completing the program, an appropriate wallet or  
8 billfold size copy of the certificate, which shall include a  
9 photograph of the individual thereon.

10 (c) Every certified individual shall carry his wallet or  
11 billfold size certificate on his person as identification during  
12 the time when he is on duty or going to and from duty and  
13 carrying a lethal weapon.

14 (d) Certification shall be for a period of five years.

15 (e) Privately employed agents who, as an incidence to their  
16 employment, carry a lethal weapon shall be required to renew  
17 their certification within six months prior to the expiration of  
18 their certificate. The commissioner shall prescribe the manner  
19 in which the certification shall be renewed, and may charge a  
20 nominal renewal fee therefore, not to exceed fifteen dollars  
21 (\$15).

22 Section 8. Good Standing.--(a) Privately employed agents  
23 must possess a valid certificate whenever on duty or going to  
24 and from duty and carrying a lethal weapon.

25 (b) Whenever an employer of a privately employed agent  
26 subject to the provisions of this act discharges him for cause,  
27 the employer shall notify the commissioner of such within five  
28 days of the discharge.

29 (c) The commissioner may revoke and invalidate any  
30 certificate issued to a privately employed agent under this act

1 whenever he learns that false, fraudulent or misstated  
2 information appears on the original or renewal application or  
3 whenever he learns of a change of circumstances that would  
4 render an employee ineligible for original certification.

5 Section 9. Penalties.--(a) Any privately employed agent who  
6 in the course of his employ carries a lethal weapon, and who  
7 fails to comply with subsection (b) of section 4 or with  
8 subsection (a) of section 8 of this act, shall be guilty of a  
9 misdemeanor and upon conviction shall be subject to imprisonment  
10 of not more than one year or payment of a fine not exceeding one  
11 thousand dollars (\$1,000), or both.

12 (b) Any privately employed agent who in the course of his  
13 employ carries a lethal weapon, and who violates subsection (c)  
14 of section 7 of this act shall be guilty of a summary offense,  
15 and, upon conviction, shall pay a fine not exceeding fifty  
16 dollars (\$50).

17 Section 10. Prohibited Act.--No individual certified under  
18 this act shall carry an inoperative or model firearm while  
19 employed and he shall carry only a powder actuated firearm  
20 approved by the commissioner.

21 Section 11. Effective Date.--(a) Sections 1, 2, 3,  
22 subsections (a) and (c) of section 4, sections 5, 6, 7,  
23 subsections (b) and (c) of section 8, and sections 9 and 10 of  
24 this act shall take effect in six months.

25 (b) Subsection (b) of section 4 and subsection (a) of  
26 section 8 of this act shall take effect in nine months.