

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of  
1993

INTRODUCED BY CORMAN, STOUT, SHUMAKER, HOLL, SCHWARTZ, HART,  
GREENLEAF, RHOADES AND LEMMOND, FEBRUARY 1, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 21, 1994

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 75  
2 (Vehicles) of the Pennsylvania Consolidated Statutes, further  
3 providing for distribution of fines, etc. AND FOR <—  
4 FORFEITURES; ~~and~~ regulating pursuit of vehicles by police; <—  
5 AND FURTHER PROVIDING FOR THE DISPOSITION OF FINES IMPOSED  
6 FOR VIOLATIONS OF TITLE 75 INVOLVING SNOWMOBILES.

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

9 Section 1. Sections 3571(a), (b) and (e), 3572 ~~and 3573~~, <—  
10 3573 AND 6801(H) AND (I) of Title 42 of the Pennsylvania  
11 Consolidated Statutes are amended to read:

12 § 3571. Commonwealth portion of fines, etc.

13 (a) General rule.--Except as otherwise provided by statute,  
14 the Commonwealth shall be entitled to receive all fines,  
15 forfeited[, ] recognizances and other forfeitures imposed, lost  
16 or forfeited, fees and costs which by law have heretofore been  
17 paid or credited to, or which by statute are payable or  
18 creditable to, the Commonwealth. Fees and charges in an

1 appellate court fixed pursuant to section 1725 (relating to  
2 establishment of fees and charges) shall be paid into the State  
3 Treasury. Unless otherwise expressly provided by the General  
4 Appropriation Act, such fees and charges shall be credited to  
5 the appropriation of the appellate court in which they were  
6 received.

7 (b) Vehicle offenses.--

8 (1) All fines, forfeited[, ] recognizances and other  
9 forfeitures imposed, lost or forfeited in connection with  
10 matters arising under Chapter 77 of Title 75 (relating to  
11 snowmobiles) shall UNLESS OTHERWISE PROVIDED IN CHAPTER 77 OF <—  
12 TITLE 75 be payable to the Commonwealth.

13 (2) Except as provided in ~~{paragraph (4)}~~ ~~paragraphs (4)~~ <—  
14 ~~and (5)~~, when prosecution under any other provision of Title  
15 75 (relating to vehicles) is the result of State Police  
16 action, all fines, forfeited[, ] recognizances and other  
17 forfeitures imposed, lost or forfeited shall be payable to  
18 the Commonwealth, for credit to the Motor License Fund. One-  
19 half of the revenue shall be paid to municipalities in the  
20 same ratio provided in section 4 of the act of June 1, 1956  
21 (P.L.1944, No.655), relating to partial allocation of liquid  
22 fuels and fuel use tax proceeds.

23 (3) Except as provided in section 3573 (relating to  
24 municipal corporation portion of fines, etc.) ~~and paragraph~~ <—  
25 ~~(6)~~, when prosecution under any other provision of Title 75  
26 is the result of local police action, one-half of all fines,  
27 forfeited[, ] recognizances and other forfeitures imposed,  
28 lost or forfeited shall be payable to the Commonwealth, for  
29 credit to the Motor License Fund.

30 (4) When prosecution under 75 Pa.C.S. § 3731 (relating

1 to driving under influence of alcohol or controlled  
2 substance) is the result of State Police action, 50% of all  
3 fines, forfeited[, ] recognizances and other forfeitures  
4 imposed, lost or forfeited shall be payable to the  
5 Commonwealth, for credit to the Motor License Fund, and 50%  
6 shall be payable to the county which shall be further divided  
7 as follows:

8 (i) Fifty percent of the moneys received shall be  
9 allocated to the appropriate county authority which  
10 implements the county drug and alcohol program to be used  
11 solely for the purposes of aiding programs promoting DRUG <—  
12 ABUSE AND alcoholism prevention, education, treatment and  
13 research. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE <—  
14 PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION).

15 (ii) Fifty percent of the moneys received shall be  
16 used for expenditures incurred for county jails, prisons,  
17 workhouses and detention centers.

18 ~~(5) When prosecution under 75 Pa.C.S. § 3733 (relating~~ <—  
19 ~~to fleeing or attempting to elude police officer) is the~~  
20 ~~result of Pennsylvania State Police action, 50% of all fines,~~  
21 ~~forfeited recognizances and other forfeitures imposed, lost~~  
22 ~~or forfeited shall be payable to the Commonwealth for credit~~  
23 ~~to the Motor License Fund, and 50% shall be payable to the~~  
24 ~~Commonwealth for distribution to the Municipal Police~~  
25 ~~Officers' Education and Training Commission established under~~  
26 ~~the act of June 18, 1974 (P.L.359, No.120), referred to as~~  
27 ~~the Municipal Police Education and Training Law. The~~  
28 ~~Municipal Police Officers' Education and Training Commission~~  
29 ~~shall use these funds for the purposes of training police~~  
30 ~~officers in the area of vehicular pursuit, except that the~~

~~commission shall be permitted to allocate not more than 10% of the funds collected under this section to the Pennsylvania State Police to carry out the provisions of 75 Pa.C.S. § 6343(c) (relating to pursuit record).~~

~~(6) When prosecution under 75 Pa.C.S. § 3733 is the result of local police action, 50% of all fines, forfeited recognizances and other forfeitures imposed, lost or forfeited shall be payable to the municipal corporation under which the local police are organized and 50% shall be payable to the Commonwealth for distribution to the Municipal Police Officers' Education and Training Commission. The commission shall use these funds for the purposes of training law enforcement officers in the area of vehicular pursuit, except that the commission shall be permitted to allocate not more than 10% of the funds collected under this section to the Pennsylvania State Police to carry out the provisions of 75 Pa.C.S. § 6343(c).~~

~~(7) The Municipal Police Officers' Education and Training Commission shall make an annual report to the General Assembly which shall include the amount of funds it received under paragraphs (5) and (6) and how the funds were used.~~

\* \* \*

(e) Other offenses.--Fines, forfeited[, ] recognizances and other forfeitures imposed, lost or forfeited under the following provisions of law shall be payable to the Commonwealth:

18 Pa.C.S. § 7361 (relating to worldly employment or business).

ACT OF DECEMBER 1, 1965 (P.L.988, NO.368), KNOWN AS THE WEIGHTS AND MEASURES ACT OF 1965, WHEN THE PROCEEDING IS

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1 INSTITUTED BY AN AGENT OR EMPLOYEE OF THE DEPARTMENT OF  
2 AGRICULTURE.

3 Act of November 26, 1978 (P.L.1375, No.325), known as the  
4 ~~["]~~Dam Safety and Encroachments Act.~~["]~~ <—

5 § 3572. County portion of fines, etc.

6 Except as otherwise provided in this subchapter, all fines,  
7 forfeited[, ] recognizances and other forfeitures imposed, lost  
8 or forfeited and fees and costs collected in the court of common  
9 pleas, or community court established for a judicial district  
10 embracing a county, or in a magisterial district within the  
11 county, or in the Philadelphia Municipal Court, shall be payable  
12 to such county.

13 § 3573. Municipal corporation portion of fines, etc.

14 (a) General rule.--Except as otherwise provided by this  
15 subchapter, all fines, forfeited[, ] recognizances and other  
16 forfeitures imposed, lost or forfeited for violation of any  
17 ordinance of any municipal corporation, or which under any other  
18 statute are to be paid to any specified municipal corporation,  
19 shall be payable to such municipal corporation.

20 (b) Vehicle offenses.--

21 (1) When prosecution under the provisions of Title 75  
22 (relating to vehicles) for parking is the result of local  
23 police action, all fines, forfeited[, ] recognizances and  
24 other forfeitures imposed, lost or forfeited shall be payable  
25 to the municipal corporation under which the local police are  
26 organized.

27 (2) Except as provided in paragraph (3), when  
28 prosecution under any other provision of Title 75 (except  
29 Chapter 77 (relating to snowmobiles)) is the result of local  
30 police action, one-half of all fines, forfeited[, ]

1 recognizances and other forfeitures imposed, lost or  
2 forfeited shall be payable to the municipal corporation under  
3 which the local police are organized.

4 (3) When prosecution under 75 Pa.C.S. § 3731 (relating  
5 to driving under influence of alcohol or controlled  
6 substance) is the result of local police action, 50% of all  
7 fines, forfeited[,] recognizances and other forfeitures  
8 imposed, lost or forfeited shall be payable to the municipal  
9 corporation under which the local police are organized, and  
10 50% shall be payable to the county which shall be further  
11 divided as follows:

12 (i) Fifty percent of the moneys received shall be  
13 allocated to the appropriate county authority which  
14 implements the county drug and alcohol program to be used  
15 solely for the purposes of aiding programs promoting DRUG <—  
16 ABUSE AND alcoholism prevention, education, treatment and  
17 research. PROGRAMS UNDER THIS SUBPARAGRAPH INCLUDE <—  
18 PROJECT DARE (DRUG AND ALCOHOL RESISTANCE EDUCATION).

19 (ii) Fifty percent of the moneys received shall be  
20 used for expenditures incurred for county jails, prisons,  
21 workhouses and detention centers.

22 (c) Summary offenses.--Fines, forfeited[,] recognizances and  
23 other forfeitures imposed, lost or forfeited under the following  
24 provisions of law shall, when any such offense is committed in a  
25 municipal corporation, be payable to such municipal corporation:

26 (1) Under the following provisions of Title 18 (relating  
27 to crimes and offenses):

28 Section 2709 (relating to harassment).

29 Section 3304 (relating to criminal mischief).

30 Section 3503 (relating to criminal trespass).

1           Section 3929 (relating to retail theft).  
2           Section 4105 (relating to bad checks).  
3           Section 5503 (relating to disorderly conduct).  
4           Section 5505 (relating to public drunkenness).  
5           Section 5511 (relating to cruelty to animals).  
6           Section 6308 (relating to purchase, consumption,  
7 possession or transportation of intoxicating beverages).  
8           Section 6501 (relating to scattering rubbish).

9           (2) Section 13, act of January 24, 1966 (1965 P.L.1535,  
10 No.537), known as the ["]Pennsylvania Sewage Facilities  
11 Act.["]

12       (d) Pittsburgh.--Except as otherwise provided in this  
13 subchapter, all fines, forfeited[, ] recognizances and other  
14 forfeitures imposed, lost or forfeited in the Pittsburgh  
15 Magistrates Court or the Pittsburgh Traffic Court shall be  
16 payable to the City of Pittsburgh.

17 § 6801. LOSS OF PROPERTY RIGHTS TO COMMONWEALTH.

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18       \* \* \*

19       (H) AUTHORIZATION TO UTILIZE PROPERTY.--THE DISTRICT  
20 ATTORNEY AND THE ATTORNEY GENERAL SHALL UTILIZE FORFEITED  
21 PROPERTY OR PROCEEDS THEREOF FOR THE PURPOSE OF ENFORCING THE  
22 PROVISIONS OF THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND  
23 COSMETIC ACT. IN APPROPRIATE CASES, THE DISTRICT ATTORNEY AND  
24 THE ATTORNEY GENERAL MAY DESIGNATE PROCEEDS FROM FORFEITED  
25 PROPERTY TO BE UTILIZED BY COMMUNITY-BASED DRUG AND CRIME-  
26 FIGHTING PROGRAMS AND FOR RELOCATION AND PROTECTION OF WITNESSES  
27 IN CRIMINAL CASES.

28       (I) ANNUAL AUDIT OF FORFEITED PROPERTY.--IT SHALL BE THE  
29 RESPONSIBILITY OF EVERY COUNTY IN THIS COMMONWEALTH TO PROVIDE,  
30 THROUGH THE CONTROLLER, BOARD OF AUDITORS OR OTHER APPROPRIATE

1 AUDITOR AND THE DISTRICT ATTORNEY, AN ANNUAL AUDIT OF ALL  
2 FORFEITED PROPERTY AND PROCEEDS OBTAINED UNDER THIS SECTION. THE  
3 AUDIT SHALL NOT BE MADE PUBLIC BUT SHALL BE SUBMITTED TO THE  
4 OFFICE OF ATTORNEY GENERAL. THE COUNTY SHALL REPORT ALL  
5 FORFEITED PROPERTY AND PROCEEDS OBTAINED UNDER THIS SECTION AND  
6 THE DISPOSITION THEREOF TO THE ATTORNEY GENERAL BY SEPTEMBER 30  
7 OF EACH YEAR.

8 \* \* \*

9 Section 2. Section 1508 of Title 75 is amended by adding a  
10 subsection to read:

11 § 1508. Examination of applicant for driver's license.

12 \* \* \*

13 (d) Police pursuit awareness.--The driver's manual shall  
14 include a section summarizing the risks involved in fleeing or  
15 attempting to elude a police officer. The section shall also  
16 summarize the related penalties for a violation of section 3733  
17 (relating to fleeing or attempting to elude police officer).

18 Section 3. Sections 1532(b)(1) and (3) and 3733 of Title 75  
19 are amended to read:

20 § 1532. Revocation or suspension of operating privilege.

21 \* \* \*

22 (b) Suspension.--

23 (1) The department shall suspend the operating privilege  
24 of any driver for six months upon receiving a certified  
25 record of the driver's conviction of or an adjudication of  
26 delinquency based on any offense under the following  
27 provisions:

28 Section 3367 (relating to racing on highways).

29 [Section 3733 (relating to fleeing or attempting to  
30 elude police officer).]



Section 3734 (relating to driving without lights to avoid identification or arrest).

Section 3736 (relating to reckless driving).

Section 3743 (relating to accidents involving damage to attended vehicle or property).

\* \* \*

(3) The department shall suspend the operating privilege of any driver for 12 months upon receiving a certified record of the driver's conviction of section 3731 (relating to driving under influence of alcohol or controlled substance) or 3733 (relating to fleeing or attempting to elude police officer) or an adjudication of delinquency based on section 3731 or 3733. The department shall suspend the operating privilege of any driver for six months upon receiving a certified record of a consent decree granted under 42 Pa.C.S. Ch. 63 (relating to juvenile matters) based on section 3731 or 3733.

\* \* \*

§ 3733. Fleeing or attempting to elude police officer.

(a) Offense defined.--Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing {police [vehicle] officer, when given visual or audible signal to bring the vehicle to a stop, [is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$200.]

commits a misdemeanor of the second degree. ANY DRIVER UPON CONVICTION SHALL PAY AN ADDITIONAL FINE OF \$500. THIS FINE SHALL BE IN ADDITION TO AND NOT IN LIEU OF ALL OTHER FINES, COURT EXPENSES, JAIL SENTENCES OR PENALTIES.

(A.1) DISPOSITION OF FINES, ETC.--THE FINES IMPOSED AND

1 COLLECTED UNDER SUBSECTION (A) SHALL NOT BE SUBJECT TO 42  
2 PA.C.S. § 3733 (RELATING TO DEPOSITS INTO ACCOUNT). THE FINES  
3 IMPOSED AND COLLECTED UNDER SUBSECTION (A) SHALL BE DISTRIBUTED  
4 IN THE MANNER PROVIDED IN 42 PA.C.S. § 3571(B)(2) AND (3)  
5 (RELATING TO COMMONWEALTH PORTION OF FINES, ETC.).

6 (b) Signal by police officer.--The signal given by the  
7 police officer may be by hand, voice, emergency lights or siren.

8 (c) Defenses.--It is a defense to a prosecution under this  
9 section that the pursuing police vehicle was not clearly  
10 identifiable by its markings or, if unmarked, was not occupied  
11 by a police officer who was in uniform and displaying a badge or  
12 other sign of authority.

13 Section 4. Chapter 63 of Title 75 is amended by adding a  
14 subchapter to read:

15 CHAPTER 63

16 ENFORCEMENT

17 \* \* \*

18 SUBCHAPTER C

19 PURSUIT OF VEHICLES

20 Sec.

21 6341. Definitions.

22 6342. Written policies required.

23 6343. Pursuit ~~record~~ RECORDS.

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24 6344. Pennsylvania State Police report.

25 6345. Liability.

26 § 6341. Definitions.

27 The following words and phrases when used in this subchapter  
28 shall have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:

30 "COMMISSION." THE MUNICIPAL POLICE OFFICERS' EDUCATION AND

<—

1 TRAINING COMMISSION ESTABLISHED UNDER THE ACT OF JUNE 18, 1974  
2 (P.L.359, NO.120), REFERRED TO AS THE MUNICIPAL POLICE EDUCATION  
3 AND TRAINING LAW.

4 "COMMISSIONER." THE COMMISSIONER OF THE PENNSYLVANIA STATE  
5 POLICE.

6 "Motor vehicle pursuit." An active attempt by a police  
7 officer operating a motor vehicle to apprehend ~~a suspect in a~~ <—  
8 ~~moving vehicle who refuses to voluntarily comply with a police~~  
9 ~~officer's visual or audible signal to stop.~~ ONE OR MORE <—  
10 OCCUPANTS OF A MOTOR VEHICLE WHEN THE DRIVER OF THE VEHICLE IS  
11 RESISTING THE APPREHENSION BY MAINTAINING OR INCREASING HIS  
12 SPEED OR BY IGNORING THE POLICE OFFICER'S AUDIBLE OR VISUAL  
13 SIGNAL TO STOP.

14 § 6342. Written policies required.

15 (a) General rule.--Each police department shall develop and  
16 implement a written emergency vehicle response policy governing  
17 the procedures under which a police officer should initiate,  
18 continue and terminate a motor vehicle pursuit. THIS POLICY MAY <—  
19 BE THE MODEL POLICY ENDORSED BY A NATIONAL OR STATE ORGANIZATION  
20 OR ASSOCIATION OF POLICE CHIEFS OR POLICE OFFICERS. The written  
21 policy shall incorporate the guidelines under this section. ~~and~~ <—  
22 ~~section 3105 (relating to drivers of emergency vehicles).~~

23 (b) Intent of guidelines.--The ~~operation policy~~ guidelines <—  
24 under this section are solely intended to direct police  
25 departments to maintain pursuit policies and outline the content  
26 of those pursuit policies. The guidelines contained in this  
27 section are not intended to mandate the actions of individual  
28 police officers during any particular pursuit.

29 ~~(c) Operational policy guidelines. Each police department~~ <—  
30 ~~policy shall include, but not be limited to, the following~~

1 guidelines:

2 ~~(1) The use of emergency equipment, including audible~~  
3 ~~and visual signals, is mandatory.~~

4 ~~(2) As soon as possible and prudent, an officer, upon~~  
5 ~~initiation of a motor vehicle pursuit, shall provide to the~~  
6 ~~radio dispatcher, and when possible a supervisor on duty, the~~  
7 ~~following information:~~

8 ~~(i) Location and description of travel.~~

9 ~~(ii) Description of pursued vehicle and occupant if~~  
10 ~~possible.~~

11 ~~(iii) Reason for pursuit.~~

12 ~~(iv) Information which would aid in apprehension of~~  
13 ~~the suspect.~~

14 ~~(v) Any other information which may be useful in~~  
15 ~~evaluating the risks of the pursuit.~~

16 ~~(3) The criteria to be considered by the pursuing~~  
17 ~~officer and available supervisor in determining whether a~~  
18 ~~pursuit should be initiated, continued or terminated. This~~  
19 ~~criteria may include, but not be limited to:~~

20 ~~(i) The safety risk to police officers, other~~  
21 ~~motorists, pedestrians and persons in the fleeing~~  
22 ~~vehicle.~~

23 ~~(ii) The seriousness of the offense committed or~~  
24 ~~believed to have been committed by the individual or~~  
25 ~~individuals attempting to flee.~~

26 ~~(iii) The potential for harm to others if the~~  
27 ~~fleeing individual or individuals escape.~~

28 ~~(iv) Road, weather, traffic and other environmental~~  
29 ~~conditions.~~

30 ~~(v) Police vehicle type and condition.~~

~~(vi) Time of day, visibility and illumination.~~

~~(vii) Familiarity of the officer with the location of the pursuit.~~

~~(viii) Location of the pursuit, including nearby school zones or residential areas.~~

~~(ix) Speed of vehicles involved in the pursuit.~~

~~(x) Likelihood of successful apprehension of the fleeing individual or individuals.~~

~~(4) Whenever an officer in an unmarked emergency vehicle is engaged in a motor vehicle pursuit, the officer in the unmarked emergency vehicle shall relinquish the pursuit to an officer in a marked emergency vehicle as soon as it is prudent and possible.~~

~~(5) Specifically informing affected officers that ramming, firing weapons at moving vehicles or occupants of moving vehicles, roadblocks or other means of stopping a vehicle which involve the use or potential use of deadly force are governed by the provisions of 18 Pa.C.S. § 508 (relating to use of force in law enforcement).~~

~~(6) Vehicles transporting persons other than sworn officers should not become directly involved in a pursuit.~~

~~(7) The maximum number of police vehicles that may be directly involved in a pursuit. Only the ranking officer who is available and on duty may authorize units in addition to a department's limit as may be appropriate or necessary to conduct an effective pursuit and ensure the safety of officers and the general public.~~

~~(8) As soon as possible and prudent, officers should ensure medical assistance to persons injured during the course of a vehicular pursuit.~~

~~(9) An officer should not conduct a pursuit on a limited access highway or ramp in the wrong direction, except in exigent circumstances or if authorized by an available supervisor.~~

~~(10) A requirement that as a pursuit travels into a neighboring jurisdiction, communication should be made as soon as possible with the police department of that jurisdiction as to the status and reason for the pursuit, a description of travel of the pursuit and any other information that may be useful to the officers in the neighboring jurisdiction.~~

~~(d) Policy to be forwarded to Pennsylvania State Police. — Each police department shall send a written copy of its pursuit policy to the Pennsylvania State Police who shall keep the policies of all police departments on record.~~

~~§ 6343. Pursuit record.~~

~~(a) General rule. — All police departments shall maintain a written record of all motor vehicle pursuits.~~

~~(b) Contents. — Each written pursuit record shall include the following information:~~

~~(1) Reason the pursuit was initiated.~~

~~(2) Injuries of police officers.~~

~~(3) Injuries of other motorists and pedestrians.~~

~~(4) Injuries of individuals in fleeing vehicle.~~

~~(5) Deaths of police officers.~~

~~(6) Deaths of other motorists and pedestrians.~~

~~(7) Deaths of individuals in fleeing vehicle.~~

~~(8) The number of police vehicles involved.~~

~~(9) A detailed description of the route covered by the pursuit.~~

~~(10) Approximate distance covered by pursuit.~~

~~(11) Approximate time elapsed during the pursuit.~~

~~(12) Identification numbers of officers involved in the  
pursuit.~~

~~(13) Description of damage to property and any vehicles,  
including police vehicles, during the pursuit.~~

~~(14) A list of pursuit related offenses with which  
fleeing individual or individuals were charged.~~

~~(15) A list of any other nonpursuit related offenses  
with which fleeing individual or individuals were charged.~~

~~(16) Whether the pursuit was voluntarily terminated by  
the police department.~~

~~(c) Annual report. Each police department shall compile  
pursuit records, as required by this section, for the previous  
year starting in January and send the compiled information to  
the Pennsylvania State Police by February 1. The Pennsylvania  
State Police shall specify the form or format which local police  
departments shall use when submitting the annual report.~~

(C) POLICY GUIDELINES.--EACH POLICE DEPARTMENT POLICY SHALL <—  
INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING PROCEDURAL  
ELEMENTS:

(1) DECISION MAKING CRITERIA OR PRINCIPLES FOR  
INITIATION OF PURSUIT. THESE CRITERIA OR PRINCIPLES MAY  
INCLUDE, BUT NOT BE LIMITED TO:

(I) THE POTENTIAL FOR HARM OR IMMEDIATE OR POTENTIAL  
DANGER TO OTHERS IF THE FLEEING INDIVIDUAL OR INDIVIDUALS  
ESCAPE.

(II) THE SERIOUSNESS OF THE OFFENSE COMMITTED OR  
BELIEVED TO HAVE BEEN COMMITTED BY THE INDIVIDUAL OR  
INDIVIDUALS ATTEMPTING TO FLEE.

(III) SAFETY FACTORS THAT POSE A RISK TO POLICE  
OFFICERS, OTHER MOTORISTS, PEDESTRIANS AND OTHER PERSONS.

(2) RESPONSIBILITIES OF THE PURSUING OFFICERS.

(3) RESPONSIBILITIES FOR THE COMMUNICATIONS CENTER.

(4) RESPONSIBILITIES OF THE FIELD SUPERVISOR.

(5) TRAFFIC REGULATIONS DURING PURSUIT, INCLUDING, BUT  
NOT LIMITED TO, THE USE OF EMERGENCY EQUIPMENT, AUDIO SIGNALS  
AND VISUAL SIGNALS.

(6) PURSUIT TACTICS.

(7) ROADBLOCK USAGE.

(8) COMMUNICATION AND COORDINATION OF PURSUIT PROTOCOL  
FOR INTERJURISDICTIONAL PURSUIT.

(9) DECISION MAKING CRITERIA OR PRINCIPLES FOR  
TERMINATION OF PURSUIT. THESE CRITERIA OR PRINCIPLES MAY  
INCLUDE, BUT NOT BE LIMITED TO, SAFETY FACTORS THAT POSE A  
RISK TO POLICE OFFICERS, OTHER MOTORISTS, PEDESTRIANS AND  
OTHER PERSONS.

(D) BIENNIAL CERTIFICATION.--THE COMMISSION SHALL CERTIFY  
EVERY OTHER YEAR WHETHER EACH DEPARTMENT HAS A PURSUIT POLICY IN  
FORCE. THE COMMISSION SHALL PROVIDE TO THE PENNSYLVANIA STATE  
POLICE A LIST OF THOSE MUNICIPAL POLICE DEPARTMENTS THAT HAVE  
AND HAVE NOT NOTIFIED OR CERTIFIED TO THE COMMISSION THAT THAT  
DEPARTMENT HAS A PURSUIT POLICY. THE BIENNIAL CERTIFICATION MAY  
BE IMPLEMENTED SIMULTANEOUSLY WITH OTHER CERTIFICATIONS  
CONDUCTED BY THE COMMISSION.

(E) POLICY CONFIDENTIAL.--A POLICY ADOPTED UNDER THIS  
SECTION SHALL BE CONFIDENTIAL AND SHALL NOT BE MADE AVAILABLE TO  
THE GENERAL PUBLIC.

(F) LIMITATIONS.--NO POLICE DEPARTMENTAL POLICY MAY VIOLATE  
OR SUPERSEDE THE REQUIREMENTS OF 75 PA.C.S. § 3105 (RELATING TO



1 DRIVERS OF EMERGENCY VEHICLES).

2 § 6343. PURSUIT RECORDS.

3 (A) GENERAL RULE.--ALL POLICE DEPARTMENTS SHALL MAINTAIN  
4 RECORDS OF ALL MOTOR VEHICLE PURSUITS.

5 (B) PROCEDURE.--THE COMMISSIONER, IN CONSULTATION WITH THE  
6 PENNSYLVANIA CHIEFS OF POLICE ASSOCIATION AND THE FRATERNAL  
7 ORDER OF POLICE, SHALL DEVELOP A REPORTING MECHANISM FOR WHICH  
8 ALL POLICE DEPARTMENTS MUST COMPLY AND SUBMIT RECORDS OF ALL  
9 ~~VEHICULAR~~ MOTOR VEHICLE PURSUITS. THE COMMISSIONER, WITH THE <—  
10 APPROVAL OF THE COMMISSION, SHALL DETERMINE THE MOST EFFICIENT  
11 AND LEAST BURDENSOME PROCEDURE FOR WHICH THIS REPORTING  
12 REQUIREMENT SHALL BE CARRIED OUT. THIS PROCEDURE MAY BE  
13 INCORPORATED, AT THE DISCRETION OF THE COMMISSIONER, WITHIN  
14 EXISTING OR FORTHCOMING UNIFORM CRIME REPORTING FUNCTIONS,  
15 INCLUDING A NATIONAL INCIDENT-BASED REPORTING SYSTEM.

16 (C) CONTENT.--THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED  
17 TO, THE FOLLOWING INFORMATION:

18 (1) REASON FOR PURSUIT.

19 (2) INJURIES, IF ANY, AND TO WHAT PERSONS.

20 (3) PROPERTY DAMAGE, IF ANY.

21 (4) DEATHS, IF ANY.

22 (5) SUSPECT INFORMATION, INCLUDING STATUTE VIOLATIONS  
23 AND APPREHENSION STATUS OF THE SUSPECT.

24 (6) ANY OTHER INFORMATION DEEMED NECESSARY BY THE  
25 COMMISSIONER TO EVALUATE AND IMPROVE PURSUIT POLICIES.

26 (D) IMPLEMENTATION.--THE COMMISSIONER MAY IMPLEMENT THE  
27 REPORTING REQUIREMENTS TO COINCIDE WITH THE TIMING OF THE  
28 IMPLEMENTATION OF A NATIONAL INCIDENT-BASED REPORTING SYSTEM  
29 WITHIN THIS COMMONWEALTH.

30 § 6344. Pennsylvania State Police report.

1 (a) Annual report.--The Pennsylvania State Police shall  
2 compile pursuit data sent to it by individual police departments  
3 on an annual basis. The Pennsylvania State Police shall make an  
4 annual report based on Statewide data to the APPROPRIATIONS <—  
5 COMMITTEE, THE Transportation Committee and the Judiciary  
6 Committee of the Senate, the APPROPRIATIONS COMMITTEE, THE <—  
7 Transportation Committee and the Judiciary Committee of the  
8 House of Representatives, the Department of Transportation, the  
9 Office of Attorney General, the Law and Justice Committee of the  
10 Senate and to all police departments which contribute to the  
11 report.

12 (b) Contents.--The Statewide report shall include, but not  
13 be limited to, the following information:

14 (1) Statewide totals or averages of information  
15 collected under section 6343(b) (relating to pursuit record).

16 (2) The total number and percentage of pursuits  
17 involving accidents.

18 (3) The total number and percentage of pursuits  
19 involving injuries.

20 (4) The total number and percentage of pursuits  
21 involving deaths.

22 (5) The percentage of fleeing individuals who are  
23 charged with nonpursuit-related offenses and a numerically  
24 totaled breakdown of those nonpursuit-related charges.

25 ~~(6) A list of police departments which do not comply <—~~  
26 ~~with the requirements of section 6342 (relating to written~~  
27 ~~policies required).~~

28 ~~(7) A list of police departments which do not comply~~  
29 ~~with the requirements of section 6343.~~

30 (6) A LIST OF POLICE DEPARTMENTS WHICH HAVE NOT NOTIFIED <—

OR CERTIFIED TO THE COMMISSION THAT THEY HAVE A PURSUIT  
POLICY AS REQUIRED BY SECTION 6342 (RELATING TO WRITTEN  
POLICIES REQUIRED).

(C) SUBMISSION OF ANNUAL REPORT.--THE PENNSYLVANIA STATE  
POLICE SHALL SUBMIT THE FIRST ANNUAL REPORT AFTER THE FIRST FULL  
CALENDAR YEAR OF DATA COLLECTION.

§ 6345. Liability.

This subchapter does not increase the liability nor decrease  
the protection afforded municipalities and their employees under  
42 Pa.C.S. Ch. 85 Subch. C (relating to matters affecting  
government units).

~~Section 5. This act shall take effect in 180 days.~~ <—

SECTION 5. THE FIRST \$200,000 OF THE FINES COLLECTED UNDER  
75 PA.C.S. § 3733 WHICH ARE NOT THE SUBJECT OF DISTRIBUTION TO  
MUNICIPALITIES UNDER 42 PA.C.S. § 3571(B)(2) OR (3) ARE HEREBY  
APPROPRIATED FROM THE MOTOR LICENSE FUND TO THE PENNSYLVANIA  
STATE POLICE FOR THE IMPLEMENTATION OF 75 PA.C.S. § 6343.

SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

(1) THE AMENDMENT OF 42 PA.C.S. § 6801(H) AND (I) SHALL  
TAKE EFFECT IN 60 DAYS. <—

~~(1)~~ (2) THE AMENDMENT OF 75 PA.C.S. § 1508(D) SHALL TAKE  
EFFECT UPON THE DATE OF NOTICE PUBLISHED IN THE PENNSYLVANIA  
BULLETIN BY THE DEPARTMENT OF TRANSPORTATION THAT THE  
PENNSYLVANIA DRIVER'S MANUAL HAS BEEN REPRINTED FOR  
DISTRIBUTION TO THE GENERAL PUBLIC. IF THIS NOTICE IS NOT  
PUBLISHED ON OR BEFORE THE DATE OCCURRING ONE YEAR FROM THE  
DATE OF FINAL ENACTMENT OF THIS ACT, SECTION 1508(D) SHALL  
TAKE EFFECT ONE YEAR FROM THE DATE OF FINAL ENACTMENT OF THIS  
ACT. <—

~~(2)~~ (3) THE ADDITION OF 75 PA.C.S. § 6343 SHALL TAKE <—

1 EFFECT JANUARY 1, 1996.

2 (4) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY. <—

3 ~~(3)~~ (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN <—

4 180 DAYS.