

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1775 Session of
1997

INTRODUCED BY HANNA, WASHINGTON, KREBS, ROBINSON, SERAFINI,
TRELLO, HALUSKA, JAMES, STABACK, WOJNAROSKI, MELIO AND
M. COHEN, SEPTEMBER 23, 1997

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 23, 1997

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for school police
6 officers' powers.

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

9 Section 1. Section 778 of the act of March 10, 1949 (P.L.30,
10 No.14), known as the Public School Code of 1949, amended June
11 25, 1997, (P.L. , No.30) is amended to read:

12 Section 778. School Police Officers.--(a) Any school
13 district may apply to any judge of the court of common pleas of
14 the county within which the school district is situated to
15 appoint such person or persons as the board of directors of the
16 school district may designate to act as school police officer
17 for said school district. The judge, upon such application, may
18 appoint such person, or so many of them as he may deem proper,
19 to be such school police officer, and shall note the fact of

1 such appointment to be entered upon the records of the court.
2 The judge may, at the request of the school district, grant the
3 school police officer the power to arrest as provided in
4 subsection (c)(2), the authority to issue citations for summary
5 offenses, or the authority to detain students until the arrival
6 of local law enforcement, or any combination thereof.

7 (b) Every school police officer so appointed shall, before
8 entering upon the duties of his office, take and subscribe to
9 the oath required by the seventh article of the Constitution,
10 before an alderman or justice of the peace or prothonotary. Such
11 oath shall be filed by the justice of the peace, alderman, or
12 prothonotary among his papers, and a note made upon his docket
13 of the fact of the oath having been taken.

14 (c) Such school police officer so appointed shall severally
15 possess and exercise all the following powers and duties:

16 (1) To enforce good order in school buildings, on school
17 buses and on school grounds in their respective school
18 districts. For purposes of this paragraph, the term "school bus"
19 shall include vehicles leased by the school district to
20 transport students and vehicles of mass transit used by students
21 to go to and from school when the school police officer is
22 responding to a report of an incident involving a breach of good
23 order or violation of law.

24 (2) To protect the property of the county located in school
25 grounds and buildings in their respective school districts.

26 (3) To exclude all disorderly persons from the premises of
27 the school district.

28 (4) In the performance of their duties, to adopt whatever
29 means may be necessary.

30 (5) To exercise the same powers as are now or may hereafter

be exercised under authority of law or ordinance by the police
of the city or municipality wherein school property is located.

(6) To exercise those powers conferred under 42 Pa.C.S. Ch.
89 Subch. D (relating to municipal police jurisdiction).

(7) To prevent crime, investigate criminal acts, apprehend,
arrest and charge criminal offenders and issue summary citations
for acts committed on the school grounds and in the school
buildings and carry the offender before the proper district
justice, magistrate or bail commissioner and prefer charges
against him under the laws of this Commonwealth.

(8) To order off school grounds and out of school buildings
all vagrants, loafers, trespassers, and persons under the
influence of alcohol or controlled substances, and, if
necessary, remove them by force, and, in case of resistance,
carry such offenders before a district justice, bail
commissioner or magistrate, and prefer charges against him under
the laws of this Commonwealth.

(9) To arrest any person who damages, mutilates or destroys
the trees, plants, shrubbery, turf, grass-plots, benches,
buildings or structures, or commits any other offense within
school buildings on school grounds and carry the offender before
the proper district justice, bail commissioner or magistrate and
prefer charges against him under the laws of this Commonwealth.

[(2)] (10) If authorized by the court, to exercise the same
powers as are now or may hereafter be exercised under authority
of law or ordinance by the police of the municipality wherein
the school property is located.

[(3)] (11) If authorized by the court, to issue summary
citations or to detain individuals until local law enforcement
is notified.

1 (d) Except when acting pursuant to 42 Pa.C.S. Ch. 89, Subch.
2 D, school police shall exercise their powers and perform their
3 duties only on the grounds or within one thousand (1,000) yards
4 of grounds of the school district. When so acting, the school
5 police shall have the same powers, immunities and benefits
6 granted to police officers in 42 Pa.C.S. Ch. 89, Subch. D. For
7 the purposes of applying the provisions of 42 Pa.C.S. Ch. 89,
8 Subch. D, the grounds and within one thousand (1,000) yards of
9 the grounds of the school district shall constitute the primary
10 jurisdiction of the school police. When acting within the scope
11 of the authority of this act, school police are at all times
12 employees of the local school district and shall be entitled to
13 all of the rights and benefits accruing therefrom.

14 (e) School police shall exercise their powers and perform
15 their duties only after they have completed a course of training
16 including crisis intervention training and riot control approved
17 by the Department of Education or completed a course of training
18 under 53 Pa.C.S. Ch. 21, Subch. D (relating to municipal police
19 education and training).

20 (f) School police employed by school districts other than in
21 cities of the first class or cities of the second class are
22 authorized, in emergency situations occurring within the
23 municipality, upon the request of the mayor or other executive
24 authority and under the direction of the local law enforcement
25 authorities, to exercise those powers and perform those duties
26 conferred pursuant to this section within the municipality for
27 the limited purpose of aiding local authorities in emergencies.
28 When so acting, the school police shall be acting within the
29 scope of the authority of this section and are, at all times,
30 employees of this Commonwealth and entitled to all the rights and

1 benefits accruing therefrom.

2 [(d)] (g) Such school police officer shall, when on duty,
3 severally wear a metallic shield or badge with the words "School
4 Police," and the name of the district for which appointed. Such
5 shield shall always be worn in plain view when on duty except
6 when employed as detective.

7 [(e)] (h) The compensation of such school police officers
8 shall be paid by the school district for which the school police
9 officers are respectively appointed, as may be agreed upon
10 between the board of school directors and the school police
11 officer.

12 [(f)] (i) School districts and municipalities may enter into
13 cooperative police service agreements pursuant to 42 Pa.C.S. §
14 8953(e) (relating to Statewide municipal police jurisdiction) to
15 authorize the exercise of concurrent jurisdiction with local law
16 enforcement within the municipality where the school or school
17 district is located, or within the municipality in which a
18 school event or activity will take place.

19 [(g)] (j) When acting within the scope of this section,
20 school police officers shall, at all times, be employes of the
21 school district and shall be entitled to all of the rights and
22 benefits accruing therefrom.

23 [(h)] (k) Nothing in this section shall be construed to
24 preclude a school district from employing other security
25 personnel as the school district deems necessary.

26 (l) As used in this section, "grounds" shall include all
27 lands and buildings owned, controlled, leased or managed by the
28 school district.

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