

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1434 Session of
2001

INTRODUCED BY BUTKOVITZ, KELLER, McGEEHAN, LEDERER, WATERS,
THOMAS AND J. TAYLOR, APRIL 25, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, DECEMBER 10, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for the
3 verification of identity in summary offense cases.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8903. Verification of identity in ~~certain~~ summary offense <—
9 cases.

10 (a) General rule.--Any police officer may ~~arrest or detain~~ <—
11 DETAIN OR TAKE INTO CUSTODY an offender who commits a ~~serious~~ <—
12 summary offense for purposes of determining the identity of the
13 offender if the officer views the commission of the offense and
14 the officer is unable to determine the offender's identity. This
15 subsection shall not apply in any case where the police officer
16 or the police department can reasonably verify or confirm the
17 offender's identity without ~~arresting or detaining the offender~~ <—

1 DETAINING OR TAKING THE OFFENDER INTO CUSTODY. The offender <—
2 shall be released from detention and issued a citation as soon
3 as the police department obtains reasonable verification or
4 confirmation of the offender's identity, or, in cases where the
5 police department is unable to obtain reasonable verification or
6 confirmation of the offender's identity, after the offender has
7 been fingerprinted and photographed. No arrest shall be made <—
8 pursuant to this section if the offender is cooperating with the
9 police officer or the police department in obtaining reasonable
10 verification or confirmation of the offender's identity.

11 (b) Construction.--Nothing in this section shall be
12 construed to:

13 (1) require the release of an offender who is being
14 detained pursuant to the authority of any other law or court
15 rule; or

16 (2) limit any authority to arrest or detain an offender
17 pursuant to the provisions of any other law or court rule.

18 (c) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection:

21 "Confirmation" or "confirm." Information establishing the
22 identity of the offender which is received from a person or
23 source that the police officer or the police department believes
24 to be credible.

25 "Offender." A person who the police officer has viewed
26 committing a serious summary offense. <—

27 "Reasonable verification" or "reasonably verify."

28 (1) A photo driver's license or photo identification
29 card issued by the Department of Transportation or any other
30 state.

1 (2) An armed forces identification card.

2 (3) A valid passport or a travel visa issued by a
3 foreign country that contains the holder's photograph.

4 (4) A photo identification card issued by any other
5 government agency of the Commonwealth, of any other state or
6 of the Federal Government.

7 (5) A photo identification card issued by an accredited
8 college or university.

9 ~~"Serious summary offense." Any summary offense for which:~~ <—

10 ~~(1) a police officer is authorized to make an arrest~~
11 ~~under the provisions of any other law or court rule; or~~

12 ~~(2) the sentencing authority is authorized to impose a~~
13 ~~term of imprisonment as part of the sentence.~~

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