

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 485 Session of 2003

INTRODUCED BY GORDNER, BAKER, BROWNE, CAPPELLI, CAWLEY, CIVERA, CLYMER, CREIGHTON, DeWEESE, FEESE, GODSHALL, HARHAI, HARPER, HENNESSEY, HERMAN, HORSEY, KELLER, LEWIS, R. MILLER, S. MILLER, SHANER, STABACK, E. Z. TAYLOR, TIGUE, TURZAI, WEBER, YOUNGBLOOD, ZUG AND WASHINGTON, FEBRUARY 25, 2003

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 12, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 municipal corporation portion of fines, FOR IMMUNITY OF STATE <—
4 PAROLE OFFICERS AND FOR IMMUNITY OF COUNTY PROBATION
5 OFFICERS.

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

8 Section 1. Section 3573(c)(1) of Title 42 of the
9 Pennsylvania Consolidated Statutes, amended December 9, 2002
10 (P.L.1759, No.218), is amended to read:

11 § 3573. Municipal corporation portion of fines, etc.

12 * * *

13 (c) Summary offenses.--Fines, forfeited recognizances and
14 other forfeitures imposed, lost or forfeited under the following
15 provisions of law shall, when any such offense is committed in a
16 municipal corporation, be payable to such municipal corporation:

17 (1) Under the following provisions of Title 18 (relating

1 to crimes and offenses):

2 Section 2709(a)(1), (2) and (3) (relating to
3 harassment).

4 Section 3304 (relating to criminal mischief).

5 Section 3503 (relating to criminal trespass).

6 Section 3929 (relating to retail theft).

7 Section 4105 (relating to bad checks).

8 Section 5503 (relating to disorderly conduct).

9 Section 5505 (relating to public drunkenness).

10 Section 5511 (relating to cruelty to animals).

11 Section 6308 (relating to purchase, consumption,
12 possession or transportation of intoxicating beverages).

13 Section 6501 (relating to scattering rubbish).

14 * * *

15 ~~Section 2. This act shall take effect in 60 days.~~ <—

16 SECTION 2. SECTIONS 8332.7 AND 8332.8 OF TITLE 42, ADDED <—

17 DECEMBER 9, 2002 (P.L.1705, NO.215), ARE AMENDED TO READ:

18 § 8332.7. IMMUNITY OF STATE PAROLE OFFICERS.

19 (A) ASSISTANCE OF LAW ENFORCEMENT PERSONNEL.--IN ADDITION TO

20 THE PROVISIONS OF SECTION 27 OF THE ACT OF AUGUST 6, 1941

21 (P.L.861, NO.323), REFERRED TO AS THE PENNSYLVANIA BOARD OF

22 PROBATION AND PAROLE LAW, OR ANY OTHER LAW, ANY PAROLE OFFICER

23 APPOINTED BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE WHO,

24 AFTER OBTAINING PERMISSION IN ADVANCE FROM A PERSON AUTHORIZED

25 BY THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE, ASSISTS

26 FEDERAL, STATE OR LOCAL [POLICE] LAW ENFORCEMENT OFFICERS OR

27 AGENTS OR COUNTY PROBATION OFFICERS IN THE LAWFUL PERFORMANCE OF

28 THEIR DUTIES SHALL BE CONSIDERED TO BE ACTING WITHIN THE SCOPE

29 OF HIS OFFICIAL DUTY FOR ALL PURPOSES OF LAW AND SHALL ENJOY ANY

30 BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THE

1 COMMONWEALTH.

2 (B) ASSISTANCE OF CRIMINAL VICTIMS.--IN ADDITION TO ANY
3 OTHER IMMUNITY PROVIDED BY LAW, ANY PAROLE OFFICER APPOINTED BY
4 THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE WHO IS ENTITLED
5 TO IMMUNITY UNDER SECTION 8331.3 (RELATING TO CRIMINAL VICTIM
6 AID GOOD SAMARITAN CIVIL IMMUNITY) AS A RESULT OF PROVIDING
7 ASSISTANCE TO A VICTIM OF A CRIME SHALL BE CONSIDERED TO BE
8 ACTING WITHIN THE SCOPE OF HIS OFFICIAL DUTY WHILE PROVIDING
9 ASSISTANCE TO THE VICTIM FOR ALL PURPOSES OF LAW AND SHALL ENJOY
10 ANY BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THE
11 COMMONWEALTH.

12 § 8332.8. IMMUNITY OF COUNTY PROBATION OFFICERS.

13 (A) ASSISTANCE OF LAW ENFORCEMENT PERSONNEL.--IN ADDITION TO
14 THE PROVISIONS OF SECTION 1 OF THE ACT OF AUGUST 6, 1963
15 (P.L.521, NO.277), ENTITLED "AN ACT PROVIDING THAT PROBATION
16 OFFICERS SHALL HAVE THE POWER OF PEACE OFFICERS IN THE
17 PERFORMANCE OF THEIR DUTIES," OR ANY OTHER LAW, ANY PROBATION
18 OFFICER APPOINTED BY ANY COURT OF RECORD OF THIS COMMONWEALTH
19 WHO, AFTER OBTAINING PERMISSION IN ADVANCE FROM A PERSON
20 AUTHORIZED BY THE APPOINTING COURT, ASSISTS FEDERAL, STATE OR
21 LOCAL [POLICE] LAW ENFORCEMENT OFFICERS OR AGENTS, STATE PAROLE
22 AGENTS OR COUNTY PROBATION OFFICERS IN THE LAWFUL PERFORMANCE OF
23 THEIR DUTIES SHALL BE CONSIDERED TO BE ACTING WITHIN THE SCOPE
24 OF HIS OFFICIAL DUTY FOR ALL PURPOSES OF LAW AND SHALL ENJOY ANY
25 BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THAT COUNTY.

26 (B) ASSISTANCE OF CRIMINAL VICTIMS.--IN ADDITION TO ANY
27 OTHER IMMUNITY PROVIDED BY LAW, ANY PROBATION OFFICER APPOINTED
28 BY ANY COURT OF RECORD OF THIS COMMONWEALTH WHO IS ENTITLED TO
29 IMMUNITY UNDER SECTION 8331.3 (RELATING TO CRIMINAL VICTIM AID
30 GOOD SAMARITAN CIVIL IMMUNITY) AS A RESULT OF PROVIDING

1 ASSISTANCE TO A VICTIM OF A CRIME SHALL BE CONSIDERED TO BE
2 ACTING WITHIN THE SCOPE OF HIS OFFICIAL DUTY WHILE PROVIDING
3 ASSISTANCE TO THE VICTIM FOR ALL PURPOSES OF LAW AND SHALL ENJOY
4 ANY BENEFIT OR IMMUNITY CONFERRED UPON AN EMPLOYEE OF THAT
5 COUNTY.

6 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.