

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, WASHINGTON AND REICHLEY, FEBRUARY 25, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 6, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, IMPOSING SURCHARGES ON <—
3 CRIMINAL CONVICTIONS TO FUND START-UP COSTS FOR
4 MUNICIPALITIES DESIRING TO CREATE POLICE DEPARTMENTS;
5 ESTABLISHING THE MUNICIPAL POLICE START-UP FEE FUND; AND
6 further providing for municipal corporation portion of fines,
7 for immunity of State parole officers and for immunity of
8 county probation officers.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Section 3573(c)(1) of Title 42 of the <—
12 Pennsylvania Consolidated Statutes, amended December 9, 2002
13 (P.L.1759, No.218), is amended to read:~~

14 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—
15 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

16 § 1725.5. MUNICIPAL POLICE START-UP FEE.

17 (A) IMPOSITION OF MUNICIPAL POLICE START-UP FEE.--A PERSON
18 WHO IS PLACED ON PROBATION WITHOUT VERDICT PURSUANT TO SECTION

1 17 OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
2 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR WHO
3 RECEIVES ACCELERATED REHABILITATIVE DISPOSITION OR WHO PLEADS
4 GUILTY TO OR NOLO CONTENDERE TO OR WHO IS CONVICTED OF A CRIME
5 AS DEFINED IN 18 PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES)
6 OR 75 PA.C.S. § 3731 (RELATING TO DRIVING UNDER INFLUENCE OF
7 ALCOHOL OR CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE
8 BY VEHICLE WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE
9 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT SHALL, IN
10 ADDITION TO ANY FINES, PENALTIES OR COSTS, IN EVERY CASE BE
11 SENTENCED TO PAY A MUNICIPAL POLICE START-UP FEE.

12 (B) AMOUNT OF MUNICIPAL POLICE START-UP FEE.--WHERE, IN
13 ACCORDANCE WITH SUBSECTION (A), PROBATION IS IMPOSED, A PLEA IS
14 ENTERED, OR CONVICTION OBTAINED FOR A FELONY, THE FEE SHALL BE
15 \$50; AND WHERE, IN ACCORDANCE WITH SUBSECTION (A), PROBATION IS
16 IMPOSED, A PLEA IS ENTERED, OR CONVICTION IS OBTAINED FOR
17 MISDEMEANOR, THE FEE SHALL BE \$25.

18 (C) DISPOSITION OF MUNICIPAL POLICE START-UP FEE.--THE
19 MUNICIPAL POLICE START-UP FEE SHALL BE PAID INTO A SPECIAL
20 NONLAPSING FUND OF THE STATE TREASURY, WHICH IS HEREBY
21 ESTABLISHED AND SHALL BE KNOWN AS THE MUNICIPAL POLICE START-UP
22 FEE FUND. MONEY IN THE MUNICIPAL POLICE START-UP FEE FUND IS
23 HEREBY APPROPRIATED TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC
24 DEVELOPMENT AND SHALL BE USED SOLELY FOR PROVIDING GRANTS TO
25 MUNICIPALITIES WHICH DO NOT HAVE A MUNICIPAL POLICE DEPARTMENT,
26 DO NOT PARTICIPATE IN A REGIONAL POLICE DEPARTMENT, AND DO NOT
27 PURCHASE POLICE SERVICES FROM ANOTHER MUNICIPAL OR REGIONAL
28 ENTITY, WHICH GRANTS ARE TO BE USED FOR THE PURPOSE OF PROVIDING
29 START-UP OR SEED MONEY TO QUALIFYING MUNICIPALITIES THAT WISH TO
30 ESTABLISH A MUNICIPAL POLICE DEPARTMENT, JOIN A REGIONAL POLICE

1 DEPARTMENT, OR PURCHASE POLICE SERVICES FROM ANOTHER MUNICIPAL
2 OR REGIONAL ENTITY.

3 (D) OTHER LAWS.--THE MUNICIPAL POLICE START-UP FEE SHALL BE
4 IMPOSED NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
5 CONTRARY.

6 SECTION 2. SECTION 3573(C)(1) OF TITLE 42, AMENDED DECEMBER
7 9, 2002 (P.L.1759, NO.218), IS AMENDED TO READ:

8 § 3573. Municipal corporation portion of fines, etc.

9 * * *

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

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

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

18 Section 3304 (relating to criminal mischief).

19 Section 3503 (relating to criminal trespass).

20 Section 3929 (relating to retail theft).

21 Section 4105 (relating to bad checks).

22 Section 5503 (relating to disorderly conduct).

23 Section 5505 (relating to public drunkenness).

24 Section 5511 (relating to cruelty to animals).

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

27 Section 6501 (relating to scattering rubbish).

28 * * *

29 Section ~~2~~ 3. Sections 8332.7 and 8332.8 of Title 42, added
30 December 9, 2002 (P.L.1705, No.215), are amended to read:

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1 § 8332.7. Immunity of State parole officers.

2 (a) Assistance of law enforcement personnel.--In addition to
3 the provisions of section 27 of the act of August 6, 1941
4 (P.L.861, No.323), referred to as the Pennsylvania Board of
5 Probation and Parole Law, or any other law, any parole officer
6 appointed by the Pennsylvania Board of Probation and Parole who,
7 after obtaining permission in advance from a person authorized
8 by the Pennsylvania Board of Probation and Parole, assists
9 Federal, State or local [police] law enforcement officers or
10 agents or county probation officers in the lawful performance of
11 their duties shall be considered to be acting within the scope
12 of his official duty for all purposes of law and shall enjoy any
13 benefit or immunity conferred upon an employee of the
14 Commonwealth.

15 (b) Assistance of criminal victims.--In addition to any
16 other immunity provided by law, any parole officer appointed by
17 the Pennsylvania Board of Probation and Parole who is entitled
18 to immunity under section 8331.3 (relating to criminal victim
19 aid good Samaritan civil immunity) as a result of providing
20 assistance to a victim of a crime shall be considered to be
21 acting within the scope of his official duty while providing
22 assistance to the victim for all purposes of law and shall enjoy
23 any benefit or immunity conferred upon an employee of the
24 Commonwealth.

25 § 8332.8. Immunity of county probation officers.

26 (a) Assistance of law enforcement personnel.--In addition to
27 the provisions of section 1 of the act of August 6, 1963
28 (P.L.521, No.277), entitled "An act providing that probation
29 officers shall have the power of peace officers in the
30 performance of their duties," or any other law, any probation

1 officer appointed by any court of record of this Commonwealth
2 who, after obtaining permission in advance from a person
3 authorized by the appointing court, assists Federal, State or
4 local [police] law enforcement officers or agents, State parole
5 agents or county probation officers in the lawful performance of
6 their duties shall be considered to be acting within the scope
7 of his official duty for all purposes of law and shall enjoy any
8 benefit or immunity conferred upon an employee of that county.

9 (b) Assistance of criminal victims.--In addition to any
10 other immunity provided by law, any probation officer appointed
11 by any court of record of this Commonwealth who is entitled to
12 immunity under section 8331.3 (relating to criminal victim aid
13 good Samaritan civil immunity) as a result of providing
14 assistance to a victim of a crime shall be considered to be
15 acting within the scope of his official duty while providing
16 assistance to the victim for all purposes of law and shall enjoy
17 any benefit or immunity conferred upon an employee of that
18 county.

19 Section 3 4. This act shall take effect in 60 days.

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