

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 448 Session of
2007

INTRODUCED BY BEYER, BAKER, BARRAR, BOYD, CAPPELLI, DALLY,
FABRIZIO, FAIRCHILD, GEIST, GIBBONS, GINGRICH, GODSHALL,
GRELL, HARHAI, HARHART, HARPER, HARRIS, HENNESSEY, HERSHEY,
KENNEY, KILLION, KOTIK, MANN, MARSHALL, MARSICO, MENSCH,
MILLARD, MUSTIO, O'NEILL, PETRI, PHILLIPS, PICKETT, QUIGLEY,
ROSS, SCAVELLO, SIPTROTH, STERN, SWANGER, THOMAS, WOJNAROSKI,
YOUNGBLOOD AND VEREB, FEBRUARY 26, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 26, 2007

AN ACT

1 Amending the act of March 7, 1901 (P.L.20, No.14), entitled "An
2 act for the government of cities of the second class,"
3 further providing for penalty for false personification.

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

6 Section 1. Section 1 of Article III of the act of March 7,
7 1901 (P.L.20, No.14), referred to as the Second Class City Law,
8 amended September 26, 1951 (P.L.1528, No.383) and July 17, 1953
9 (P.L.473, No.119), is amended to read:

10 Section 1. The department of public safety shall be under
11 the charge of one director, who shall be the head thereof. The
12 care, management, administration and supervision of the police
13 affairs, and all matters relating to the public health, to the
14 fire and police force, fire alarm telegraph, erection of fire-
15 escapes, and the inspection of buildings and boilers, markets
16 and food sold therein, and the construction, protection and

1 repair of buildings erected for police and fire purposes, shall
2 be in charge of this department.

3 No person shall be employed in this department as a policeman
4 or fireman who is not a citizen of the United States, or who has
5 been convicted of crime, unless pardoned, or who cannot read and
6 write understandingly in the English language, or who shall not
7 have resided within the State at least one year preceding his
8 appointment.

9 No policeman shall be required to be on duty for more than
10 nine out of any twenty-four consecutive hours, nor for more than
11 forty-four hours in any calendar week, and every policeman shall
12 be allowed to have at least forty-eight consecutive hours off
13 duty in every calendar week, except in emergency cases for the
14 suppression of riots or tumults or the preservation of the
15 public peace in times of riot, conflagration, or public
16 celebrations; and in such cases, council shall provide for the
17 payment of extra compensation or time off at the same rate as
18 paid for regular service. The existing salary or compensation of
19 any policeman shall not be diminished because of the reduced
20 number of hours of duty prescribed by this amendment.

21 The department shall make suitable regulations, under which
22 the officers and members of the fire, telegraph and police force
23 shall be required to wear an appropriate uniform. [It shall be a
24 misdemeanor, punishable by a fine not exceeding five hundred
25 (\$500) dollars and imprisonment not exceeding six (6) months, or
26 either or both, in the discretion of the court, for any person
27 to falsely personate by uniform, insignia or otherwise any
28 officer or member of the department.]

29 The city councils may provide by ordinance a fund for the
30 care, maintenance, and relief of aged, retired, disabled, or

1 injured policemen or firemen, and the families of such as may be
2 injured or killed in the service.

3 No policeman appointed under this act shall be dismissed
4 without his written consent, except by the decision of a court
5 either of trial or inquiry, duly determined and certified in
6 writing to the mayor, which court shall be composed of not less
7 than three and not more than five persons belonging to the
8 police force, equal or superior in official position therein to
9 the accused. Such decision shall only be determined by trial of
10 charges, with plain specifications made by or lodged with the
11 director of the department of public safety, of which trial the
12 accused shall have due notice, and at which he shall have the
13 right to be present in person. The persons composing such court
14 shall be appointed and sworn by the director of the department
15 of public safety to perform their duties impartially and without
16 fear or favor; and the person of highest rank in such court
17 shall have the same authority to issue and enforce process to
18 secure the attendance of witnesses, and to administer oaths to
19 witnesses, as is possessed by any justice of the peace of this
20 Commonwealth.

21 Such charges may be of disability for service, in which case
22 the court shall be one of inquiry, whose decision may be for the
23 honorable discharge from the service of the person concerned;
24 or, of neglect or violation of law or duty, inefficiency,
25 intemperance, disobedience of orders, or unbecoming official or
26 personal conduct, in which cases the court shall be one of
27 trial, and its decision may authorize the director of the
28 department of public safety to impose fines and pecuniary
29 penalties, to be stopped from pay, or to suspend from pay or
30 duty, or both, for a period fixed by them, not exceeding one

1 year, or to dismiss from the service. The right of appeal of the
2 decision of the trial board shall be made within five days to
3 the civil service board.

4 It shall be lawful for the director of the department of
5 public safety, at his discretion, to suspend from duty before
6 trial any person charged, as aforesaid, until such trial can be
7 had, with or without pay as such court shall afterward
8 determine, but no trial shall be delayed for more than one month
9 after charge has been made.

10 The finding of the court of trial or inquiry, as aforesaid,
11 shall be of no effect until approved by the mayor.

12 The laws in relation to health, buildings and building
13 inspection, remain unaffected by any of the provisions thereof,
14 and the board of health and the building inspectors shall remain
15 as heretofore, and shall be attached to the Department of Public
16 Safety.

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