

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1761 Session of 2007

INTRODUCED BY BELFANTI, CASORIO, M. O'BRIEN, PASHINSKI, KOTIK, COHEN, KORTZ, MAHONEY, PALLONE, PETRONE, JAMES, BRENNAN, SHIMKUS, MCGEEHAN AND CALTAGIRONE, JULY 17, 2007

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 23, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for law  
3 enforcement officers of limited jurisdiction.

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 chapter to read:

8 CHAPTER 50

9 LAW ENFORCEMENT OFFICERS OF LIMITED JURISDICTION

10 Sec.

11 5001. Scope of chapter.

12 5002. Definitions.

13 5003. Rights.

14 § 5001. Scope of chapter.

15 This chapter shall apply to law enforcement officers of  
16 limited jurisdiction in this Commonwealth.

17 § 5002. Definitions.

1       The following words and phrases when used in this chapter  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4       "Law enforcement officer of limited jurisdiction." Any of  
5 the following:

6           (1) A public employee who has the power and duty to  
7 arrest under:

8                   (i) section 27 of the act of August 6, 1941  
9                   (P.L.861, No.323), referred to as the Pennsylvania Board  
10                   of Probation and Parole Law; or

11                   (ii) section 211 of the act of April 12, 1951  
12                   (P.L.90, No.21), known as the Liquor Code.

13           (2) A public employee:

14                   (i) whose principal duty is to enforce the drug laws  
15 of this Commonwealth; and

16                   (ii) whose power and duty to arrest is authorized by  
17 the Attorney General under section 201(c) of the act of  
18 October 15, 1980 (P.L.950, No.164), known as the  
19 Commonwealth Attorneys Act.

20       "Public employee." Any individual employed by a public  
21 employer. The term does not include elected officials,  
22 appointees of the Governor with the advice and consent of the  
23 Senate as required by law, management level employees,  
24 confidential employees, clergymen or other persons in a  
25 religious profession, employees or personnel at church offices  
26 or facilities when utilized primarily for religious purposes and  
27 those employees covered under the act of June 24, 1968 (P.L.237,  
28 No.111), referred to as the Policemen and Firemen Collective  
29 Bargaining Act.

30       "Public employer." The Commonwealth of Pennsylvania, its

1 political subdivisions including school districts and any  
2 officer, board, commission, agency, authority or other  
3 instrumentality thereof and any nonprofit organization or  
4 institution and any charitable, religious, scientific, literary,  
5 recreational, health, educational or welfare institution  
6 receiving grants or appropriations from Federal, State or local  
7 governments. The term does not include employers covered or  
8 presently subject to coverage under the act of June 1, 1937  
9 (P.L.1168, No.294), known as the Pennsylvania Labor Relations  
10 Act, or the National Labor Relations Act (49 Stat. 449, 29  
11 U.S.C. § 151 et seq.).

12 § 5003. Rights.

13 Notwithstanding any other provision of law, a law enforcement  
14 officer of limited jurisdiction shall be subject to the act of  
15 July 23, 1970 (P.L.563, No.195), known as the Public Employe  
16 Relations Act, in the same manner and receive the same rights as  
17 units of guards at prisons or mental hospitals or units of  
18 employees directly involved with and necessary to the  
19 functioning of the courts of this Commonwealth.

20 Section 2. This act shall take effect ~~immediately~~ JULY 1, ←  
21 2008, OR IMMEDIATELY, WHICHEVER IS LATER.