

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1293 Session of
2008

INTRODUCED BY GREENLEAF, PILEGGI, RAFFERTY, FERLO, FONTANA,
WASHINGTON, BOSCOLA, O'PAKE AND C. WILLIAMS,
FEBRUARY 26, 2008

REFERRED TO JUDICIARY, FEBRUARY 26, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, requiring municipal
3 police department policies relating to searches.

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. Strip and body cavity searches.

9 (a) Policy required.--A municipal law enforcement agency
10 shall adopt and implement a written policy that governs
11 procedures for strip searches and body cavity searches. The
12 policy shall:

13 (1) Be consistent with the law on strip searches and
14 body cavity searches.

15 (2) Specify when under the law a strip or body cavity
16 search is allowed and under what constraints.

17 (3) Include:

18 (i) The authority necessary for conducting a strip

1 or body cavity search, with or without a search warrant.

2 (ii) Privacy provisions, including a strip or body
3 cavity search by a person of the same gender.

4 (iii) Reporting requirements when a strip or body
5 cavity search is conducted.

6 (b) Witness required.--Except for exigent circumstances, the
7 person conducting a strip or body cavity search shall ensure
8 that another person is present as a witness to the search.

9 (c) Condition of body cavity search.--A body cavity search
10 shall be conducted in a hygienic setting and by qualified
11 medical personnel.

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