

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 105 Session of 2009

INTRODUCED BY BEYER, BAKER, BARRAR, BOYD, BRENNAN, CLYMER, DALLY, FAIRCHILD, FLECK, FRANKEL, FREEMAN, GEIST, GODSHALL, GRELL, GROVE, GRUCELA, HARHAI, HARHART, HARKINS, HARRIS, HENNESSEY, HESS, HORNAMAN, M. KELLER, KORTZ, KOTIK, MANN, MARSICO, MELIO, MENSCH, MICCARELLI, MILLARD, MURT, O'NEILL, PASHINSKI, PAYNE, PEIFER, PICKETT, READSHAW, ROSS, SCAVELLO, SIPTROTH, STERN, SWANGER, VEREB, VULAKOVICH AND WATSON, JANUARY 28, 2009

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2009

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

1 and food sold therein, and the construction, protection and
2 repair of buildings erected for police and fire purposes, shall
3 be in charge of this department.

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

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

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

30 The city councils may provide by ordinance a fund for the

1 care, maintenance, and relief of aged, retired, disabled, or
2 injured policemen or firemen, and the families of such as may be
3 injured or killed in the service.

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

22 Such charges may be of disability for service, in which case
23 the court shall be one of inquiry, whose decision may be for the
24 honorable discharge from the service of the person concerned;
25 or, of neglect or violation of law or duty, inefficiency,
26 intemperance, disobedience of orders, or unbecoming official or
27 personal conduct, in which cases the court shall be one of
28 trial, and its decision may authorize the director of the
29 department of public safety to impose fines and pecuniary
30 penalties, to be stopped from pay, or to suspend from pay or

1 duty, or both, for a period fixed by them, not exceeding one
2 year, or to dismiss from the service. The right of appeal of the
3 decision of the trial board shall be made within five days to
4 the civil service board.

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

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

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

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