

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 933 Session of 2009

INTRODUCED BY SWANGER, ADOLPH, BAKER, BEAR, BELFANTI, BEYER, BOBACK, BOYD, BROOKS, BUXTON, CIVERA, CLYMER, CONKLIN, COX, CUTLER, DALLY, EVERETT, FLECK, GABIG, GEIST, GILLESPIE, GINGRICH, GOODMAN, HARPER, HELM, KAUFFMAN, M. KELLER, KILLION, MAJOR, MARSHALL, MCILVAINE SMITH, MELIO, MILLER, MURT, MUSTIO, PAYNE, PYLE, RAPP, ROAE, ROCK, SCAVELLO, SEIP, SIPTROTH, STERN, TALLMAN, TURZAI AND VULAKOVICH, MARCH 13, 2009

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, MARCH 13, 2009

AN ACT

1 Amending Title 51 (Military Affairs) of the Pennsylvania
2 Consolidated Statutes, providing for the offense of violation
3 of Fort Indiantown Gap regulations and for the powers and
4 duties of police officers employed at State military
5 installations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 708 of Title 51 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:

10 § 708. Fort Indiantown Gap.

11 * * *

12 (e) Offense.--A person who violates a rule or regulation
13 promulgated under this section and designated by the Adjutant
14 General as being for the protection of persons or property at
15 Fort Indiantown Gap commits a summary offense.

16 Section 2. Title 51 is amended by adding a section to read:

1 § 711. Installation of police officers for Fort Indiantown Gap
2 and other designated Commonwealth military
3 installations and facilities.

4 (a) Appointment.--The Adjutant General may issue commissions
5 to Commonwealth employees of the Department of Military and
6 Veterans Affairs to act as installation police officers at Fort
7 Indiantown Gap and other Commonwealth military installations and
8 facilities designated by the Adjutant General.

9 (b) Training.--Any employee commissioned under this section
10 shall, prior to exercising the powers and duties described in
11 this section, have successfully completed a course of training
12 approved under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal
13 police education and training). Installation police will, during
14 the course of their employment, undertake and complete such
15 periodic training as is required under 53 Pa.C.S. Ch.21 Subch.
16 D.

17 (c) Powers and duties.--Subject to such administrative
18 limitations or restrictions as the Adjutant General may
19 prescribe, installation police employed under this section shall
20 have the power and duty to:

21 (1) enforce good order on the grounds and in the
22 buildings of Fort Indiantown Gap or other designated military
23 installation or facility;

24 (2) protect the grounds and buildings of Fort Indiantown
25 Gap or other designated military installation or facility;

26 (3) exclude disorderly persons from the grounds and
27 buildings of Fort Indiantown Gap or other designated military
28 installation or facility;

29 (4) adopt whatever means necessary for the performance
30 of their duties;

1 (5) exercise the same powers as are now or may hereafter
2 be exercised under authority of law or ordinance by the
3 police officers of municipalities within this Commonwealth,
4 including, but not limited to, those powers conferred
5 pursuant to 42 Pa.C.S. Ch. 89. Subch. D (relating to
6 municipal police jurisdiction);

7 (6) prevent crime, investigate criminal acts, apprehend,
8 arrest and charge criminal offenders and issue summary
9 citations for offenses committed on the grounds and in the
10 buildings at Fort Indiantown Gap or other designated military
11 installation or facility and prefer charges against offenders
12 under the laws and procedures of this Commonwealth. For the
13 purposes of applying the provisions of 42 Pa.C.S. Ch. 89
14 Subch. D, the grounds and within 500 yards of the boundary of
15 Fort Indiantown Gap or other designated military installation
16 or facility shall constitute the primary jurisdiction of the
17 installation police;

18 (7) order off the grounds and out of the buildings of
19 Fort Indiantown Gap or other designated military installation
20 or facility all vagrants, loafers, trespassers and persons
21 under the influence of liquor and, if necessary, remove them
22 by force and, in case of resistance, arrest such offender in
23 accordance with the laws and procedures of this Commonwealth;
24 and

25 (8) arrest any person who damages, mutilates or destroys
26 the trees, plants, shrubbery, turf, grass plots, benches,
27 buildings and structures or commits any other offense on the
28 grounds and in the buildings of Fort Indiantown Gap or other
29 designated military installation or facility and prefer
30 charges against such offender under the laws and procedures

1 of this Commonwealth.

2 (d) Municipal agreements.--The Adjutant General and
3 municipalities where Fort Indiantown Gap and other designated
4 military installations or facilities are located are authorized
5 to enter into agreements for the concurrent exercise of those
6 powers and duties conferred pursuant to a cooperative police
7 service agreement in accordance with 42 Pa.C.S. § 8953 (relating
8 to Statewide municipal police jurisdiction). When so acting, the
9 installation police shall have the same powers and immunities
10 granted to police officers in 42 Pa.C.S. Ch. 89 Subch. D.

11 (e) Status.--When acting within the scope of the authority
12 of this section, installation police are at all times employees
13 of the Commonwealth and shall be entitled to all of the rights
14 and benefits accruing therefrom. Installation police
15 commissioned under this section are "peace officers" for the
16 purposes of 18 Pa.C.S. Ch. 5 (relating to general principles of
17 justification). This section does not change the status of
18 installation police officers for the purposes of the act of July
19 23, 1970 (P.L.563, No.195), known as the Public Employe
20 Relations Act, or cause installation police officers to be
21 considered policemen for the purposes of the act of June 24,
22 1968 (P.L.237, No.111), referred to as the Policemen and Firemen
23 Collective Bargaining Act.

24 Section 3. This act shall take effect in 60 days.