

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 28 Session of 2013

INTRODUCED BY MARSICO, MALONEY, GINGRICH, BOBACK, MILLARD, BAKER, KORTZ, BARRAR, HAGGERTY, SCHLOSSBERG, KNOWLES, SWANGER, D. COSTA, MAJOR, GROVE, BENNINGHOFF, HESS, PETRI, READSHAW, MOUL, CALTAGIRONE, GIBBONS, R. MILLER, GILLEN, MURT, M. K. KELLER, MILNE AND EVERETT, JANUARY 4, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 18, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the<--
3 definition of "municipal police officer" DEFINITIONS; AND <--
4 PROVIDING FOR NONMUNICIPAL POLICE EXTRATERRITORIAL
5 JURISDICTION for purposes of municipal police jurisdiction.

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

8 Section 1. The definition of "municipal police officer" in <--
9 section 8951 of Title 42 of the Pennsylvania Consolidated-
10 Statutes is amended to read:

11 SECTION 1. SECTION 8951 OF TITLE 42 OF THE PENNSYLVANIA <--
12 CONSOLIDATED STATUTES IS AMENDED BY ADDING DEFINITIONS TO READ:
13 § 8951. Definitions.

14 The following words and phrases when used in this subchapter
15 shall have, unless the context clearly indicates otherwise, the
16 meanings given to them in this section:

17 \* \* \*

1       ~~"Municipal police officer." Any natural person who is~~       <--  
2       ~~properly employed by a municipality, including a home rule~~  
3       ~~municipality, or a police department as defined in 53 Pa.C.S. §~~  
4       ~~2162 (relating to definitions) as a regular full time or part~~  
5       ~~time police officer.~~

6       "NONMUNICIPAL POLICE DEPARTMENT." THE TERM SHALL HAVE THE       <--  
7       SAME MEANING AS PARAGRAPHS (2), (3), (4), (5) AND (6) IN THE  
8       DEFINITION OF "POLICE DEPARTMENT" IN 53 PA.C.S. § 2162 (RELATING  
9       TO DEFINITIONS).

10       "NONMUNICIPAL POLICE OFFICER." A POLICE OFFICER EMPLOYED BY  
11       A NONMUNICIPAL POLICE DEPARTMENT AS A REGULAR FULL-TIME OR PART-  
12       TIME POLICE OFFICER.

13       \* \* \*

14       SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:       <--  
15       § 8953.1. NONMUNICIPAL POLICE EXTRATERRITORIAL JURISDICTION.

16       (A) POWER AND AUTHORITY.--IN ADDITION TO A POWER AND  
17       AUTHORITY VESTED BY LAW, A NONMUNICIPAL POLICE OFFICER WHO IS  
18       WITHIN THIS COMMONWEALTH, BUT BEYOND THE TERRITORIAL LIMIT OF  
19       THE JURISDICTION ESTABLISHED FOR THE OFFICER'S NONMUNICIPAL  
20       POLICE DEPARTMENT BY LAW, SHALL HAVE THE POWER AND AUTHORITY TO  
21       ENFORCE THE LAWS OF THIS COMMONWEALTH OR TO PERFORM A FUNCTION  
22       OF A MUNICIPAL POLICE OFFICER IN THE FOLLOWING CIRCUMSTANCES:

23       (1) IF THE OFFICER IS IN HOT PURSUIT OF A PERSON FOR AN  
24       OFFENSE WHICH WAS COMMITTED, OR WHICH THE OFFICER HAS  
25       PROBABLE CAUSE TO BELIEVE WAS COMMITTED, WITHIN THE OFFICER'S  
26       JURISDICTION AND FOR WHICH THE OFFICER CONTINUES IN FRESH  
27       PURSUIT OF THE PERSON AFTER THE COMMISSION OF THE OFFENSE.

28       (2) IF THE OFFICER HAS BEEN REQUESTED TO AID OR ASSIST A  
29       FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICER OR PARK  
30       POLICE OFFICER OR HAS PROBABLE CAUSE TO BELIEVE THAT THE

1 OTHER OFFICER IS IN NEED OF AID OR ASSISTANCE.

2 (3) IF, WHILE ON OFFICIAL BUSINESS, THE OFFICER VIEWS AN  
3 OFFENSE, MAKES A REASONABLE EFFORT TO IDENTIFY HIMSELF OR  
4 HERSELF AS A POLICE OFFICER AND THE OFFENSE IS:

5 (I) A FELONY.

6 (II) A MISDEMEANOR.

7 (III) A BREACH OF THE PEACE OR OTHER ACT WHICH  
8 PRESENTS AN IMMEDIATE CLEAR AND PRESENT DANGER TO A  
9 PERSON OR PROPERTY.

10 (4) IF THE OFFICER VIEWS AN OFFENSE WHICH IS A FELONY  
11 AND MAKES A REASONABLE EFFORT TO IDENTIFY HIMSELF AS A POLICE  
12 OFFICER.

13 (B) APPLICABILITY.--A NONMUNICIPAL POLICE OFFICER ACTING  
14 PURSUANT TO THE AUTHORITY GRANTED UNDER THIS SECTION SHALL BE  
15 SUBJECT TO SECTION 8953(B), (C) AND (D) (RELATING TO STATEWIDE  
16 MUNICIPAL POLICE JURISDICTION) TO THE SAME EXTENT AS WOULD A  
17 MUNICIPAL POLICE OFFICER.

18 Section 2 3. This act shall take effect in 60 days.

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