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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. **374** Session of  
2013

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INTRODUCED BY KRIEGER, KORTZ, DUNBAR, EVANKOVICH, D. COSTA, MURT  
AND REESE, JANUARY 29, 2013

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SENATOR ALLOWAY, LAW AND JUSTICE, IN SENATE, AS AMENDED, JANUARY  
29, 2014

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## AN ACT

1 Amending ~~Title~~ TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND <--  
 2 53 (Municipalities Generally) of the Pennsylvania  
 3 Consolidated Statutes, ~~in municipal police education and~~ <--  
 4 ~~training, further defining "police department" and "police~~  
 5 ~~officer"; and further providing for reimbursement of expenses~~  
 6 ~~and for payment of certain county costs.~~ FURTHER PROVIDING <--  
 7 FOR JURISDICTION, EDUCATION AND EDUCATIONAL COSTS OF COUNTY  
 8 PARK POLICE OFFICERS.

9 The General Assembly of the Commonwealth of Pennsylvania  
 10 hereby enacts as follows:

11 ~~Section 1. The definitions of "police department" and~~ <--  
 12 ~~"police officer" in section 2162 of Title 53 of the Pennsylvania~~  
 13 ~~Consolidated Statutes are amended to read:~~

14 SECTION 1. THE GENERAL ASSEMBLY FINDS AND DECLARES AS <--  
 15 FOLLOWS:

16 (1) THE COUNTY PARK POLICE FORCE ESTABLISHED BY A COUNTY  
 17 OF THE THIRD CLASS UNDER SECTION 2511 OF THE ACT OF AUGUST 9,  
 18 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, HAS BEEN  
 19 GRANTED THE POWER TO ENFORCE THE LAWS OF THIS COMMONWEALTH  
 20 AND OTHERWISE PERFORM THE FUNCTIONS OF THAT OFFICE ANYWHERE

1           WITHIN THE PRIMARY JURISDICTION OF THAT FORCE.

2           (2) BY PARTICIPATING IN THE PROGRAM UNDER 53 PA.C.S. CH.  
3           21 SUBCH. D (RELATING TO MUNICIPAL POLICE EDUCATION AND  
4           TRAINING), THE OFFICERS OF THE COUNTY PARK POLICE FORCE WILL  
5           RECEIVE CERTIFICATION AND TRAINING TO ENHANCE THE PERFORMANCE  
6           OF THE POWERS OF THE OFFICE.

7           SECTION 1.1. THE DEFINITION OF "PRIMARY JURISDICTION" IN  
8           SECTION 8951 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED  
9           STATUTES, AMENDED NOVEMBER 24, 2004 (P.L.1243, NO.152),  
10          AMENDMENT DECLARED UNCONSTITUTIONAL SUBJECT TO A 90-DAY STAY  
11          EFFECTIVE DECEMBER 16, 2013, *COMMONWEALTH V. NEIMAN*, NO.74 MAP  
12          2011 (PA. 2013), IS REENACTED 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           \* \* \*

18           "PRIMARY JURISDICTION." THE GEOGRAPHICAL AREA WITHIN THE  
19          TERRITORIAL LIMITS OF A MUNICIPALITY OR ANY LAWFUL COMBINATION  
20          OF MUNICIPALITIES WHICH EMPLOYS A MUNICIPAL POLICE OFFICER AND,  
21          IN THE CASE OF A COUNTY OF THE THIRD CLASS THAT HAS ESTABLISHED  
22          A COUNTY PARK POLICE FORCE IN ACCORDANCE WITH THE PROVISIONS OF  
23          SECTION 2511 OF THE ACT OF AUGUST 9, 1955 (P.L.323, NO.130),  
24          KNOWN AS THE COUNTY CODE, THE GEOGRAPHICAL AREA DESIGNATED BY  
25          ORDINANCE OF ITS BOARD OF COUNTY COMMISSIONERS AS THE  
26          JURISDICTIONAL AREA FOR THE COUNTY PARK POLICE.

27           \* \* \*

28           SECTION 1.2. THE DEFINITIONS OF "POLICE DEPARTMENT" AND  
29          "POLICE OFFICER" IN SECTION 2162 OF TITLE 53 ARE AMENDED TO  
30          READ:

1 § 2162. Definitions.

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

5 \* \* \*

6 "Police department." Any of the following:

7 (1) A public agency of a political subdivision having  
8 general police powers and charged with making arrests in  
9 connection with the enforcement of the criminal or traffic  
10 laws. This paragraph includes the sheriff's office in a  
11 county of the second class.

12 (2) A campus police or university police department, as  
13 used in section 2416 of the act of April 9, 1929 (P.L.177,  
14 No.175), known as The Administrative Code of 1929, certified  
15 by the Office of Attorney General as a criminal justice  
16 agency under the definition of "criminal justice agency" in  
17 18 Pa.C.S. § 9102 (relating to definitions). This paragraph  
18 does not include a campus police or university police  
19 department of the State System of Higher Education and its  
20 member institutions.

21 (3) A railroad or street railway police department  
22 formed with officers commissioned under 22 Pa.C.S. Ch. 33  
23 (relating to railroad and street railway police) or any prior  
24 statute providing for such commissioning.

25 (4) The Capitol Police.

26 (5) The Harrisburg International Airport Police.

27 (6) An airport authority police department.

28 (7) A county park police force under section 2511(b) of  
29 the act of August 9, 1955 (P.L.323, No.130), known as The  
30 County Code.

1 "Police officer." Any of the following:

2 (1) A full-time or part-time employee assigned to  
3 criminal or traffic law enforcement duties of any of the  
4 following:

5 (i) A police department of a county, city, borough,  
6 town or township.

7 (ii) Any railroad or street railway police.

8 (iii) Any campus or university police department.

9 (iv) The Capitol Police.

10 (v) The Harrisburg International Airport Police.

11 (vi) An airport authority police department.

12 (2) A deputy sheriff of a county of the second class.

13 (3) A security officer of a first class city housing  
14 authority or a police officer of a second class city housing  
15 authority.

16 (4) A county park police officer.

17 The term excludes persons employed to check parking meters or to  
18 perform only administrative duties and auxiliary and fire  
19 police.

20 \* \* \*

21 Section 2. Section 2170 of Title 53 is amended by adding a  
22 subsection to read:

23 § 2170. Reimbursement of expenses.

24 \* \* \*

25 (a.1) County park police.--A municipality shall be  
26 ineligible for reimbursement for tuition and expenses for the  
27 certified basic training of county park police.

28 \* \* \*

29 Section 3. Section 2171 of Title 53 is amended to read:

30 § 2171. Payment of certain county costs.

1     (a) Second class counties.--Counties of the second class  
2 shall be liable for costs incurred for the certification of  
3 deputy sheriffs. The costs shall not exceed the sum per police  
4 officer assessed against municipalities.

5     (b) Counties generally.--Counties shall be liable for the  
6 costs incurred for any training required for the certification  
7 of county park police officers.

8     Section 4. This act shall take effect ~~in 90 days.~~ AS                   <--  
9 FOLLOWS:

10           (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
11 IMMEDIATELY:

12                 (I) SECTION 1 OF THIS ACT.

13                 (II) THE REENACTMENT OF THE DEFINITION OF "PRIMARY  
14 JURISDICTION" IN 42 PA.C.S. § 8951.

15                 (III) THIS SECTION.

16           (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90  
17 DAYS.