
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1772 Session of
2013

INTRODUCED BY HARPER, ROSS, GINGRICH, FREEMAN AND M. DALEY,
OCTOBER 17, 2013

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 17, 2013

AN ACT

1 Amending the act of February 9, 1984 (P.L.3, No.2), entitled "An
2 act providing for the education and training of deputy
3 sheriffs; creating the Deputy Sheriffs' Education and
4 Training Board under the Pennsylvania Commission on Crime and
5 Delinquency; providing for the powers and duties of the board
6 and the Attorney General; establishing the Deputy Sheriffs'
7 Education and Training Account; providing for a surcharge on
8 sheriffs' fees; and providing penalties," further providing
9 for title and short title of act and for definitions;
10 renaming the Deputy Sheriffs' Education and Training Board
11 and further providing for its duties; further providing for
12 the training program and for continuing education; providing
13 for sheriff training requirement; further providing for
14 deputy sheriff training requirement; providing for revocation
15 of certification; renaming the Deputy Sheriffs' Education and
16 Training Account; and further providing for reimbursement to
17 counties.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. The title and section 1 of the act of February 9,
21 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and
22 Training Act, are amended to read:

23 AN ACT

24 Providing for the education and training of sheriffs and deputy
25 sheriffs; creating the [Deputy Sheriffs'] Sheriff and Deputy

1 Sheriff Education and Training Board under the Pennsylvania
2 Commission on Crime and Delinquency; providing for the powers
3 and duties of the board and the Attorney General;
4 establishing the [Deputy Sheriffs'] Sheriff and Deputy
5 Sheriff Education and Training Account; providing for a
6 surcharge on sheriffs' fees; and providing penalties.

7 Section 1. Short title.

8 This act shall be known and may be cited as the [Deputy
9 Sheriffs'] Sheriff and Deputy Sheriff Education and Training
10 Act.

11 Section 2. The definitions of "account" and "board" in
12 section 2 of the act are amended to read:

13 Section 2. Definitions.

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

17 "Account." The [Deputy Sheriffs'] Sheriff and Deputy Sheriff
18 Education and Training Account.

19 "Board." The [Deputy Sheriffs'] Sheriff and Deputy Sheriff
20 Education and Training Board.

21 * * *

22 Section 3. Section 3 heading, (a), (b), (d), (g) and (h) of
23 the act, amended June 15, 1994 (P.L.262, No.43) and January 29,
24 1998 (P.L.38, No.10), are amended to read:

25 Section 3. The [Deputy Sheriffs'] Sheriff and Deputy Sheriff
26 Education and Training Board.

27 (a) Establishment.--There is hereby established within the
28 commission [an advisory] a board to be known as the [Deputy
29 Sheriffs'] Sheriff and Deputy Sheriff Education and Training
30 Board.

1 (b) Composition.--The board shall be composed of ten members
2 as follows:

3 (1) The Attorney General.

4 (2) Two judges of the courts of common pleas from
5 different counties.

6 (3) Two sheriffs [or chief deputies] from different
7 counties with a minimum of six years experience as a sheriff
8 or chief deputy.

9 (4) Three individuals from different counties with a
10 minimum of eight years experience each as a deputy sheriff.
11 One of the three shall be currently employed in the capacity
12 of deputy sheriff with the rank of sergeant or deputy
13 sheriff.

14 (5) One educator qualified in the field of curriculum
15 design.

16 (6) One county commissioner.

17 * * *

18 (d) Vacancies.--A member appointed to fill a vacancy created
19 by any reason other than expiration of a term shall be appointed
20 for the unexpired term of the member [whom he is to succeed] who
21 the appointee succeeds in the same manner as the original
22 appointment.

23 * * *

24 (g) [Chairman] Chair.--The members of the board shall elect
25 a [chairman] chair from among the members to serve for a period
26 of one year. A [chairman] chair may be elected to serve
27 successive terms. The Governor shall designate the first
28 [chairman] chair for organizational purposes only.

29 (h) Meetings and quorum.--The [chairman] chair shall summon
30 the members of the board to the first meeting within 120 days of

1 the effective date of this act. The board shall meet at least
2 four times each year. Special meetings may be called by the
3 [chairman] chair of the board or upon written request of three
4 members. A quorum shall consist of five members.

5 Section 4. Section 4 of the act is amended to read:

6 Section 4. Powers and duties of the board.

7 The board, with the review and approval of the commission,
8 shall:

9 (1) Establish, implement and administer the [Deputy
10 Sheriffs'] Sheriff and Deputy Sheriff Education and Training
11 Program according to the minimum requirements set forth in
12 this act.

13 (2) Establish, implement and administer requirements for
14 the minimum courses of study and training for sheriffs and
15 deputy sheriffs.

16 (3) Establish, implement and administer requirements for
17 courses of study and in-service training for sheriffs holding
18 office and deputy sheriffs appointed prior to the effective
19 date of this act.

20 (4) Establish, implement and administer requirements for
21 a continuing education program for all sheriffs and deputy
22 sheriffs concerning subjects the board may deem necessary and
23 appropriate for the continued education and training of
24 sheriffs and deputy sheriffs.

25 (5) Approve or revoke the approval of any school which
26 may be utilized to comply with the educational and training
27 requirements of this act.

28 (6) Establish the minimum qualifications for instructors
29 and certify instructors.

30 (7) Consult and cooperate with universities, colleges,

1 law schools, community colleges and institutes for the
2 development of specialized courses for sheriffs and deputy
3 sheriffs.

4 (8) Promote the most efficient and economical program
5 for sheriffs and deputy sheriff training by utilizing
6 existing facilities, programs and qualified State and local
7 personnel.

8 (9) Certify sheriffs and deputy sheriffs who have
9 satisfactorily completed the basic education and training
10 requirements of this act and issue appropriate certificates
11 to them.

12 (9.1) Revoke the certification of sheriffs and deputy
13 sheriffs in accordance with section 7.1.

14 (9.2) Reinstate previously revoked certifications of
15 sheriffs and deputy sheriffs where the board finds that the
16 circumstances which led to the revocation of certification
17 are no longer an impediment to certification.

18 (10) Make rules and regulations and perform other duties
19 as may be reasonably necessary or appropriate to administer
20 [the education and training program for deputy sheriffs] this
21 act.

22 (11) Make an annual report to the Governor and to the
23 General Assembly concerning:

24 (i) The administration of the [Deputy Sheriffs']
25 Sheriff and Deputy Sheriff Education and Training
26 Program.

27 (ii) The activities of the board.

28 (iii) The costs of the program.

29 Section 5. Sections 5 and 6 of the act, amended January 29,
30 1998 (P.L.38, No.10), are amended to read:

1 Section 5. Training program.

2 The [Deputy Sheriffs'] Sheriff and Deputy Sheriff Education
3 and Training Program shall include appropriate training for not
4 less than 160 hours which content and hours of instruction shall
5 be determined by the board, subject to the review and approval
6 of the commission.

7 Section 6. Continuing education.

8 The board, with the review and approval of the commission,
9 shall establish a continuing education program for all sheriffs
10 and deputy sheriffs, which shall include not less than 20 hours
11 of continuing education every two years, concerning subjects the
12 board may deem necessary and appropriate for the continued
13 education and training of sheriffs and deputy sheriffs.

14 Section 6. The act is amended by adding a section to read:

15 Section 6.1. Sheriff training requirement.

16 (a) Certification required.--

17 (1) It shall be the duty of any sheriff elected after
18 the effective date of this section and not holding
19 certification as either a deputy sheriff or sheriff on the
20 first Monday in January next following the election, during
21 the sheriff's term of office:

22 (i) To obtain the education and training as provided
23 in section 5, subject to any reduction in hours as
24 provided in subsection (c).

25 (ii) To meet the requirements for continuing
26 education after certification.

27 (iii) To obtain reinstatement of a previously
28 revoked certification, if applicable.

29 (2) In the case of a county which has adopted a home
30 rule charter which provides for the appointment of the

1 sheriff, a sheriff appointed after the effective date of this
2 section shall obtain certification under this section within
3 18 months of appointment.

4 (b) Continuing education.--Every sheriff shall, while in
5 office, meet the requirements for continuing education
6 established by the board, with the review and approval of the
7 commission.

8 (c) Prior education, training or experience.--The board,
9 with the review and approval of the commission, shall have the
10 authority and the discretion to reduce the hours of education
11 and training required in section 5 for those sheriffs required
12 to receive education and training who, because of prior
13 education, training or experience, have acquired knowledge or
14 skill equivalent to that provided by the program.

15 (d) Sheriffs in office.--Any sheriff holding office on the
16 effective date of this section shall be deemed to have satisfied
17 the requirements for training under section 5 and shall receive
18 certification from the board. From the date of the certification
19 under this subsection, sheriffs shall be subject to continuing
20 education as provided in subsection (b).

21 (e) Ineligibility.--Any sheriff failing to receive and
22 maintain certification as provided in this section shall be
23 ineligible to be on the ballot for the office of sheriff for any
24 term subsequent to that referred to in subsection (a).

25 (f) Vacancies.--

26 (1) Any person appointed to fill a vacancy in the office
27 of sheriff shall be certified or, in the alternative, obtain
28 and maintain certification during the term for which the
29 person is appointed in accordance with subsection (a). Any
30 person appointed to fill a vacancy in the office of sheriff

1 who does not fulfill the requirements of subsection (a) shall
2 be ineligible for subsequent election as provided in
3 subsection (e).

4 (2) No person appointed to fill a vacancy in the office
5 of sheriff where the balance of the unexpired term is less
6 than one year shall be subject to the requirements of
7 paragraph (1). However, a person who is elected to a term as
8 sheriff immediately following the person's previously
9 appointed term of less than one year is subject to the
10 requirements of subsection (a).

11 (g) Purpose and legislative intent.--It is hereby declared
12 to be a public policy of this Commonwealth that sheriffs receive
13 and maintain education and training equivalent to that required
14 by law of deputy sheriffs in order to preserve the safety of
15 county facilities, employees and residents. It is further
16 declared that a newly elected sheriff have an opportunity to
17 satisfy the requirements of this act during the sheriff's first
18 term, notwithstanding past training and experience.

19 Section 7. Section 7 heading, (a), (c) and (d) of the act
20 are amended to read:

21 Section 7. [Training] Deputy sheriff training requirement.

22 (a) Application of act.--Every sheriff of this Commonwealth
23 shall assure that each full-time or part-time deputy employed by
24 [him] the sheriff who has less than five years of experience on
25 the effective date of this act receives the training provided
26 for in sections 5 and 6.

27 * * *

28 (c) Certification requirement for continued compensation.--
29 Any person hired as a full-time or part-time deputy sheriff who
30 has less than five years of experience on the effective date of

1 this act shall, at the end of two years from the effective date
2 of this act, be ineligible to receive any salary, compensation
3 or other consideration or thing of value for the performance of
4 [his] duties as a deputy sheriff unless [he] the deputy sheriff
5 has met all of the requirements established pursuant to this act
6 and has been duly certified as having met those requirements by
7 the board, with the review and approval of the commission,
8 unless the deputy sheriff is granted additional time to complete
9 [his] training by the board, with the review and approval of the
10 commission. Any new deputy hired by the sheriff after July 1,
11 1985 shall have one year in which to complete [his or her]
12 training.

13 (d) Continuing education.--Any full-time or part-time deputy
14 sheriff who fails to meet and fails to be certified as having
15 met the requirements for continuing education established by the
16 board, with the review and approval of the commission, shall be
17 ineligible to receive any salary, compensation or other
18 consideration or thing of value for the performance of [his]
19 duties as a deputy sheriff.

20 * * *

21 Section 8. The act is amended by adding a section to read:
22 Section 7.1. Revocation of certification.

23 (a) Revocation of deputy sheriff certification.--The board
24 shall revoke the certification of any deputy sheriff for one or
25 more of the following:

26 (1) Conviction for a felony or misdemeanor of the first
27 or second degree.

28 (2) Where the board determines the person was dismissed
29 for cause from employment as a deputy sheriff.

30 (3) Where the board determines the person is physically

1 or psychologically unfit to perform the duties of the office.

2 (4) Where the board determines the person has committed
3 misconduct which makes the person unfit to perform the duties
4 of the office including:

5 (i) Submission to the board of a document that the
6 deputy knows contains false information, including
7 fraudulent application.

8 (ii) Cheating on board examinations or skill tests.

9 (b) Revocation of sheriff certification.--The board shall
10 revoke the certification of a sheriff only after the sheriff is
11 removed from office. Nothing in this act shall be interpreted as
12 providing grounds for removal of a sheriff from office, except
13 as provided for by Article VI of the Constitution of
14 Pennsylvania.

15 (c) Notification by sheriff.--In the case of a deputy
16 sheriff, it shall be the responsibility of the sheriff to notify
17 the board within 15 days of the occurrence of an event described
18 under subsection (a).

19 (d) Notification by county commissioners.--In the case of a
20 sheriff, it shall be the responsibility of the county
21 commissioners to notify the board within 15 days of a sheriff's
22 removal from office.

23 (e) Regulations.--The board shall establish, with the
24 approval of the commission, regulations providing for the
25 following:

26 (1) Notice of a revocation and the right of sheriffs and
27 deputy sheriffs to request a hearing.

28 (2) Standards and guidelines for application for
29 recertification following revocation.

30 Section 9. Section 8 heading, (a), (c) and (e) of the act

1 are amended to read:

2 Section 8. [Deputy Sheriffs'] Sheriff and Deputy Sheriff
3 Education and Training Account.

4 (a) Establishment.--There is hereby established a special
5 restricted receipts account within the General Fund of the State
6 Treasury, which shall be known as the [Deputy Sheriffs'] Sheriff
7 and Deputy Sheriff Education and Training Account, for the
8 purpose of financing training program expenses, the costs of
9 administering the program, reimbursements to counties and all
10 other costs associated with the activities of the board and the
11 implementation of this act.

12 * * *

13 (c) Disposition of moneys collected.--The moneys collected
14 under subsection (b) shall be forwarded semiannually by the
15 sheriff of an individual county to the State Treasurer for
16 deposit into the account[. All moneys received by the treasurer
17 in excess of the amount necessary] and used exclusively to cover
18 the costs and expenses of the [training program shall be
19 transferred from the special restricted receipts account to the
20 General Fund of the Commonwealth on an annual basis with such
21 reserve maintained as will be adequate to assure the continued
22 operation of the Deputy Sheriffs'] Sheriff and Deputy Sheriff
23 Education and Training Program.

24 * * *

25 (e) Audit.--The Auditor General shall conduct an audit of
26 the account as [he] the Auditor General may deem necessary or
27 advisable from time to time but no less often than once every
28 three years.

29 Section 10. Section 9 of the act, amended December 9, 2002
30 (P.L.1442, No.184), is amended to read:

1 Section 9. Reimbursement to counties.

2 Each county shall pay the ordinary and necessary living and
3 travel expenses and the regular salary of their sheriff and
4 deputy sheriffs while attending approved schools. The commission
5 shall provide for reimbursement to each county of 100% of the
6 regular salaries of their sheriff and deputy sheriffs and 100%
7 of the ordinary and necessary living and travel expenses
8 incurred by their sheriff and deputy sheriffs while attending
9 certified [deputy sheriffs'] sheriff and deputy sheriff basic
10 training or continuing education schools if the county adheres
11 to the training standards set forth in this act and established
12 by the board with the review and approval of the commission. The
13 commission shall provide for 100% of the tuition incurred by
14 sheriff and deputy sheriffs while attending certified [deputy
15 sheriffs'] sheriff and deputy sheriff basic training or
16 continuing education schools.

17 Section 11. This act shall take effect in 60 days.