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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1158 Session of  
2013

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INTRODUCED BY ROBBINS, EICHELBERGER, ERICKSON, WOZNIAK AND  
BLAKE, NOVEMBER 15, 2013

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REFERRED TO JUDICIARY, NOVEMBER 15, 2013

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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.