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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 97 Session of 2015

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INTRODUCED BY D. COSTA, YOUNGBLOOD, CALTAGIRONE, MATZIE, LONGIETTI, FRANKEL, THOMAS, KOTIK, BARRAR, V. BROWN, O'BRIEN, KNOWLES, GRELL, TALLMAN, HARKINS, DAVIS, O'NEILL, GOODMAN, DEASY, WATSON, DeLUCA, JAMES, DRISCOLL, BOBACK, MURT, A. HARRIS, READSHAW AND GILLEN, JANUARY 21, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 21, 2015

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AN ACT

1 Providing for the Pennsylvania Officer Down Advisory;  
 2 authorizing and directing the Pennsylvania State Police to  
 3 establish and maintain the Pennsylvania Officer Down  
 4 Advisory; assessing costs; and providing for immunity and  
 5 penalties.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania  
 10 Officer Down Advisory Act.

11 Section 2. Definitions.

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

15 "Law enforcement officer." A Federal, State or local law  
 16 enforcement officer.

17 Section 3. Pennsylvania Officer Down Advisory established.

18 The Pennsylvania State Police shall establish and maintain

1 the Pennsylvania Officer Down Advisory to assist, through prompt  
2 notification to the general public and appropriate law  
3 enforcement authorities, in the apprehension of those suspected  
4 of killing or seriously injuring law enforcement officers. The  
5 Pennsylvania State Police shall establish such protocols and  
6 procedures as are necessary for the effective operation of this  
7 advisory and shall educate and inform local law enforcement  
8 agencies and the public with regard to its availability. At a  
9 minimum the following criteria must be met to activate the  
10 advisory:

11 (1) A law enforcement officer must have been killed or  
12 seriously injured by a suspect.

13 (2) The investigating law enforcement agency must  
14 determine that the suspect poses a serious risk or threat to  
15 the public or other law enforcement personnel.

16 (3) A detailed description of the make and model of the  
17 suspect's vehicle or a complete or partial registration plate  
18 number of the suspect's vehicle must be available for  
19 broadcast to the public.

20 (4) The investigating law enforcement agency having  
21 jurisdiction must recommend activation of the advisory.

22 Section 4. Prohibited use.

23 The transmission, broadcast or other communication of a  
24 public alert, other than through the Pennsylvania Officer Down  
25 Advisory, intentionally, knowingly, recklessly or negligently  
26 purporting to be made by, with or through the authority of the  
27 Pennsylvania Officer Down Advisory is prohibited and shall be  
28 subject to a civil penalty of not more than \$5,000.

29 Section 5. Coordination with other jurisdictions.

30 The Pennsylvania State Police shall coordinate with the

1 authorities of the Federal Government and the various states  
2 that are responsible within their respective jurisdictions for  
3 the apprehension of those suspected of killing or seriously  
4 injuring law enforcement officers to establish and execute the  
5 procedures appropriate to the effective fulfillment of its  
6 responsibilities under section 3.

7 Section 6. Assessment of cost.

8 Unless a court finds that undue hardship would result, in  
9 addition to any other cost imposed by law, a cost of \$25 shall  
10 be assessed against each person convicted, adjudicated  
11 delinquent or granted accelerated rehabilitative disposition  
12 (ARD) of the offenses named in this section. The cost shall be  
13 forwarded to the Commonwealth and used by the Pennsylvania State  
14 Police to establish and maintain the Pennsylvania Officer Down  
15 Advisory and shall apply to the following offenses:

16 18 Pa.C.S. § 2507 (relating to criminal homicide of law  
17 enforcement officer).

18 18 Pa.C.S. § 2702.1 (relating to assault of law  
19 enforcement officer).

20 18 Pa.C.S. § 5104 (relating to resisting arrest or other  
21 law enforcement).

22 18 Pa.C.S. § 5104.1 (relating to disarming law  
23 enforcement officer).

24 18 Pa.C.S. § 5511.2 (relating to police animals).

25 Section 7. Immunity.

26 Owners, licensees, operators and employees of a communication  
27 medium, including, but not limited to, telephone, radio,  
28 television, newspaper, digital communications network, wireless  
29 communications network or global communications network, shall  
30 be immune from civil liability for their good faith conduct

- 1 while participating in accordance with this act.
- 2 Section 8. Effective date.
- 3 This act shall take effect in 30 days.