

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# HOUSE BILL

  

## No. 1538 Session of 2015

---

INTRODUCED BY WHITE, READSHAW, BAKER, BARRAR, BENNINGHOFF,  
BLOOM, CORBIN, DAY, DIGIROLAMO, EVERETT, FARRY, FEE,  
GINGRICH, GREINER, GROVE, HEFFLEY, IRVIN, JOZWIAK, KAUFFMAN,  
MARSHALL, MILNE, MURT, O'NEILL, D. PARKER, PETRI, QUIGLEY,  
M. QUINN, RADER, REGAN, SANTORA, SAYLOR, SONNEY, TALLMAN,  
TAYLOR, TOEPEL, TOOHIL, VEREB, WARD, WARNER, ZIMMERMAN,  
BIZZARRO, BOYLE, D. COSTA, DAVIS, DRISCOLL, KORTZ, NEILSON,  
YOUNGBLOOD, SACCONI, FLYNN, WHEELAND, GABLER, DELOZIER, ROAE,  
CUTLER, HARPER, BARBIN AND RAPP, SEPTEMBER 11, 2015

---

SENATOR McILHINNEY, LAW AND JUSTICE, IN SENATE, AS AMENDED,  
OCTOBER 17, 2016

---

## AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, adding provisions for law enforcement  
3 activities by providing for release of law enforcement  
4 officer information when firearm discharged or use of force.

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

7 Section 1. Part I of Title 44 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a chapter to read:

9 CHAPTER 5

10 LAW ENFORCEMENT ACTIVITIES

11 Subchapter A

12 Preliminary Provisions

13 (Reserved)

14 Subchapter B

General Provisions

Sec.

511. Release of law enforcement officer information when  
firearm discharged or use of force.

§ 511. Release of law enforcement officer information when  
firearm discharged or use of force.

~~(a) General rule. Pending the conclusion of an official~~ <--  
~~investigation that involves the discharge of a firearm or use of~~  
~~force by a law enforcement officer during the performance of the~~  
~~law enforcement officer's official duties, the name and~~  
~~identifying information of the law enforcement officer may not~~  
~~be released to the public by any public official or public~~  
~~employee conducting or participating in the official~~  
~~investigation or any person acting on behalf of such public~~  
~~official or public employee.~~

~~(b) Conclusion of official investigation. After the~~  
~~official investigation concludes:~~

~~(1) The law enforcement officer's name and identifying~~  
~~information shall be released to the public if the law~~  
~~enforcement officer is charged with a criminal offense~~  
~~relating to the discharge of the firearm or use of force. The~~  
~~release of the information must occur in accordance with~~  
~~applicable law.~~

~~(2) If the law enforcement officer is not charged with a~~  
~~criminal offense relating to the discharge of the firearm or~~  
~~the use of force, the law enforcement officer's name and~~  
~~identifying information may not be released to the public, if~~  
~~the release of the information can reasonably be expected to~~  
~~create a risk of harm to the person or property of the law~~  
~~enforcement officer or an immediate family member of the law~~

enforcement officer.

(c) Definitions. The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Immediate family member." The spouse, child, parent or sibling of a law enforcement officer.

"Law enforcement officer." The term shall have the meaning given to the term "peace officer" in section 501 (relating to definitions).

(A) GENERAL RULE.--

<--

(1) EXCEPT AS PROVIDED UNDER PARAGRAPHS (2), (3) AND (4), IF AN OFFICIAL INVESTIGATION HAS BEEN INITIATED INTO THE DISCHARGE OF A FIREARM OR USE OF FORCE BY A LAW ENFORCEMENT OFFICER DURING THE PERFORMANCE OF THE LAW ENFORCEMENT OFFICER'S OFFICIAL DUTIES THAT RESULTS IN DEATH OR SERIOUS BODILY INJURY OF AN INDIVIDUAL, THE NAME AND IDENTIFYING INFORMATION OF THE LAW ENFORCEMENT OFFICER MAY NOT BE RELEASED TO THE PUBLIC BY:

(I) A PUBLIC EMPLOYEE OF THE LAW ENFORCEMENT OFFICER'S EMPLOYING AGENCY.

(II) THE AGENCY CONDUCTING OR PARTICIPATING IN THE OFFICIAL INVESTIGATION.

(III) A PERSON ACTING ON BEHALF OF A PUBLIC EMPLOYEE UNDER SUBPARAGRAPH (I) OR AN AGENCY UNDER SUBPARAGRAPH (II).

(2) A PUBLIC EMPLOYEE OF THE OFFICER'S EMPLOYING AGENCY, THE AGENCY CONDUCTING OR PARTICIPATING IN THE OFFICIAL INVESTIGATION OR A PERSON ACTING ON BEHALF OF THE PUBLIC EMPLOYEE OR AGENCY SHALL RELEASE THE NAME OR IDENTIFYING INFORMATION OF THE LAW ENFORCEMENT OFFICER AT THE CONCLUSION

1 OF THE INVESTIGATION IF THE LAW ENFORCEMENT OFFICER IS  
2 CHARGED WITH A CRIMINAL OFFENSE ARISING OUT OF THE DISCHARGE  
3 OF THE FIREARM OR USE OF FORCE.

4 (3) EXCEPT DURING ANY PERIOD IN WHICH THE RELEASE OF THE  
5 INFORMATION CAN REASONABLY BE EXPECTED TO CREATE A RISK OF  
6 HARM TO THE PERSON OR PROPERTY OF THE LAW ENFORCEMENT OFFICER  
7 OR AN IMMEDIATE FAMILY MEMBER OF THE LAW ENFORCEMENT OFFICER,  
8 A PUBLIC EMPLOYEE OF THE OFFICER'S EMPLOYING AGENCY, THE  
9 AGENCY CONDUCTING OR PARTICIPATING IN THE OFFICIAL  
10 INVESTIGATION OR A PERSON ACTING ON BEHALF OF THE PUBLIC  
11 EMPLOYEE OR AGENCY MAY RELEASE THE NAME OR IDENTIFYING  
12 INFORMATION OF THE LAW ENFORCEMENT OFFICER:

13 (I) THIRTY DAYS AFTER THE DISCHARGE OF THE FIREARM  
14 OR USE OF FORCE; OR

15 (II) AFTER COMPLETION OF THE OFFICIAL INVESTIGATION.

16 (4) THE NAME OR IDENTIFYING INFORMATION OF THE LAW  
17 ENFORCEMENT OFFICER MAY BE RELEASED IF:

18 (I) THE LAW ENFORCEMENT OFFICER CONSENTS IN WRITING  
19 TO THE RELEASE OF THE INFORMATION.

20 (II) DISCLOSURE IS MADE PURSUANT TO COURT RULES.

21 (B) PENALTY.--A PERSON WHO VIOLATES THIS SECTION COMMITS A  
22 MISDEMEANOR OF THE SECOND DEGREE.

23 (C) EXCEPTION.--THIS SECTION SHALL NOT APPLY TO THE OFFICE  
24 OF THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY'S OFFICE.

25 (D) DEFINITION.--AS USED IN THIS SECTION, THE TERM "LAW  
26 ENFORCEMENT OFFICER" HAS THE MEANING GIVEN TO THE TERM "PEACE  
27 OFFICER" IN 18 PA.C.S. § 501 (RELATING TO DEFINITIONS).

28 Section 2. This act shall take effect in 60 days.