

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 164 Session of 2015

INTRODUCED BY GREENLEAF, BREWSTER, BROWNE, TARTAGLIONE AND HUGHES, JANUARY 15, 2015

REFERRED TO JUDICIARY, JANUARY 15, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in commencement of
 3 proceedings, requiring municipal police department policies
 4 relating to strip and body cavity searches.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 8903. Strip and body cavity searches.

10 (a) Policy required.--A municipal law enforcement agency
 11 shall adopt and implement a written policy that governs
 12 procedures for strip searches and body cavity searches. The
 13 policy shall:

14 (1) Be consistent with the law on strip searches and
 15 body cavity searches.

16 (2) Specify when under the law a strip or body cavity
 17 search is allowed and under what constraints.

18 (3) Include:

19 (i) The authority necessary for conducting a strip

1 or body cavity search, with or without a search warrant.

2 (ii) Privacy provisions, including a strip or body
3 cavity search by a person of the same gender.

4 (iii) Reporting requirements when a strip or body
5 cavity search is conducted.

6 (b) Witness required.--Except for exigent circumstances, the
7 person conducting a strip or body cavity search shall ensure
8 that another person is present as a witness to the search.

9 (c) Condition of body cavity search.--A body cavity search
10 shall be conducted by qualified medical personnel in a hygienic
11 setting.

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