
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1812 Session of
2019

INTRODUCED BY WHEATLEY, FRANKEL, HILL-EVANS, LEE, KINSEY,
A. DAVIS, HARRIS, DAVIDSON, BULLOCK, GAINNEY, KENYATTA,
KIRKLAND, RABB AND SCHWEYER, SEPTEMBER 16, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 16, 2019

AN ACT

1 Establishing the Employment Certification and Decertification
2 Training Council; providing for qualifications and training
3 requirements for peace officers, for speed detection device
4 operators, for probation officers, for duties of law
5 enforcement agencies, for civil actions, for agency heads and
6 chief administrators, for training costs and remedies, for
7 communications officers and for jail officers and juvenile
8 correctional officers; and imposing duties on law enforcement
9 agencies.

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

6 CHAPTER 1

7 PRELIMINARY PROVISIONS

8 Section 101. Short title.

9 This act shall be known and may be cited as the Employment
10 Certification and Decertification Training for Peace Officers
11 Act.

12 Section 102. Definitions.

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

16 "Agency head." As follows:

17 (1) The secretary, chief executive or head of a State,
18 county or municipal agency who is a peace officer and
19 responsible for the supervision and assignment of employees
20 to a law enforcement agency or the performance of
21 administrative and managerial duties of a law enforcement
22 agency.

23 (2) The term does not include any of the following:

24 (i) The Attorney General.

25 (ii) The director of the Bureau of Narcotics
26 Investigation and Drug Control.

27 (iii) A district attorney.

28 (iv) A county or municipal fire chief.

29 (v) A peace officer employed exclusively as an
30 investigator for an individual specified under

1 subparagraphs (i), (ii), (iii) and (iv) who does not
2 exercise any law enforcement supervisory or managerial
3 duties.

4 (vi) A sheriff or head of a law enforcement agency
5 within the office of sheriff.

6 "Applicant." A prospective peace officer who has not
7 commenced employment or service with a law enforcement agency.

8 "Candidate." A peace officer who, having satisfied
9 preemployment requirements, has commenced employment with a law
10 enforcement agency but has not satisfied the training
11 requirements specified under this act.

12 "Chief administrator." The warden, superintendent or other
13 officer in charge of a detention facility.

14 "Communications officer." An individual employed by a State
15 or local governmental agency to receive, process or transmit
16 public safety information and dispatch law enforcement officers,
17 firefighters, medical personnel or emergency management
18 personnel.

19 "Council." The Employment Certification and Decertification
20 Training Council.

21 "Detention facility." A county correctional institution or
22 municipal facility used for the detention of inmates. The term
23 shall not include a facility customarily used to hold an
24 individual for a period of not more than eight hours while the
25 individual awaits processing, booking, court appearance or
26 release.

27 "Emergency peace officer." An individual on active State
28 duty under 51 Pa.C.S. § 508 (relating to active duty for
29 emergency).

30 "Institution of higher education." An institution as defined

1 in section 118(c) of the act of March 10, 1949 (P.L.30, No.14),
2 known as the Public School Code of 1949, which offers basic law
3 enforcement training, including a course curriculum, instructors
4 and designated facilities.

5 "Jail officer." A person who is employed or appointed by a
6 county or municipality and who has the responsibility of
7 supervising inmates who are confined in a detention facility.

8 "Juvenile correctional facility." A facility operated by the
9 Department of Corrections and used for the detention of a
10 delinquent child as defined in 42 Pa.C.S. § 6302 (relating to
11 definitions) or a facility operated by the department and used
12 for the care, treatment and rehabilitation of a juvenile
13 offender.

14 "Juvenile correctional officer." An individual employed by
15 the Department of Corrections who has the primary responsibility
16 for the supervision and control of an individual confined in a
17 juvenile correctional facility.

18 "Law enforcement agency." An agency that employs a law
19 enforcement officer.

20 "Law enforcement officer." A member of the Pennsylvania
21 State Police or an individual employed as a police officer who
22 is required to be trained under 53 Pa.C.S. Ch. 21 Subch. D
23 (relating to municipal police education and training).

24 "Law enforcement support personnel." An individual, other
25 than a peace officer, whose primary employment with a law
26 enforcement agency consists of performing functions directly
27 related to the prevention, detection or investigation of a
28 crime.

29 "Peace officer." An individual who by virtue of the
30 individual's office or public employment is vested by the laws

1 of this Commonwealth with a duty to maintain public order or
2 make arrests for offenses, whether that duty extends to all
3 offenses or is limited to specific offenses.

4 "Probation officer." A probation officer appointed or
5 employed by a court or by a county probation department.

6 "Retired peace officer." A retired law enforcement officer
7 who, prior to his or her retirement from service, was a peace
8 officer.

9 "School entity." Any public school, including a charter
10 school or cyber charter school, private school, nonpublic
11 school, intermediate unit or area vocational-technical school
12 operating within this Commonwealth, which offers basic law
13 enforcement training, including a course curriculum, instructors
14 and designated facilities.

15 "School resource officer." A law enforcement officer whose
16 duty station is located in a school entity or an institution of
17 higher education and whose stationing is established by an
18 agreement between the law enforcement agency and the school
19 entity or institution of higher education.

20 "Trauma." An experience from any event, series of events or
21 set of circumstances that is physically or emotionally harmful
22 or threatening to an individual and that has lasting adverse
23 effects on the individual's cognitive functioning and physical,
24 social, emotional, mental or spiritual well-being.

25 "Trauma-informed approach." An approach that recognizes the
26 signs and symptoms of trauma in individuals and responds by
27 fully integrating knowledge about trauma into policies,
28 professional learning, procedures and practices for the purposes
29 of recognizing the presence and onset of trauma, resisting the
30 reoccurrence of trauma and promoting resiliency tailored to a

1 community's culture, climate and demographics.

2 CHAPTER 2

3 EMPLOYMENT CERTIFICATION AND DECERTIFICATION

4 TRAINING COUNCIL

5 Section 201. Establishment and composition of council.

6 (a) Establishment.--The Employment Certification and
7 Decertification Training Council is established.

8 (b) Voting members.--The voting members of the council shall
9 consist of all of the following:

10 (1) The Lieutenant Governor or a designee from the Board
11 of Pardons.

12 (2) The Commissioner of Pennsylvania State Police or a
13 designee.

14 (3) One member of the Senate appointed by the President
15 pro tempore of the Senate.

16 (4) One member of the Senate appointed by the Minority
17 Leader of the Senate.

18 (5) One member of the House of Representatives appointed
19 by the Speaker of the House of Representatives.

20 (6) One member of the House of Representatives appointed
21 by the Minority Leader of the House of Representatives.

22 (7) The Executive Director of the Municipal Police
23 Officers' Education and Training Commission.

24 (8) The president of the Pennsylvania Sheriffs'
25 Association or a designee.

26 (9) The president of the Pennsylvania Prison Wardens
27 Association or a designee.

28 (10) As follows:

29 (i) The following members appointed by the Governor:

30 (A) Five members who shall serve an initial term

1 of four years.

2 (B) Six members who shall serve an initial term
3 of three years.

4 (ii) After expiration of the initial terms under
5 subparagraph (i), the subsequent terms of the members
6 appointed under subparagraph (i) shall be four years.

7 (iii) The members appointed under subparagraph (i)
8 shall consist of the following individuals:

9 (A) One county commissioner.

10 (B) One city manager or mayor.

11 (C) One chief of police.

12 (D) An active attorney of the Pennsylvania Bar
13 Association.

14 (E) Two individuals representing community
15 policing organizations.

16 (F) One member of the American Civil Liberties
17 Union.

18 (G) One public defender of a county.

19 (H) Two members of the Youth Sentencing and
20 Reentry Project.

21 (I) One member of the Pennsylvania Prison
22 Society.

23 (c) Vacancies.--Vacancies shall be filled for the remainder
24 of an unexpired term in the same manner as original
25 appointments. A member, upon expiration of a term, shall
26 continue to hold office until a successor is appointed.

27 (d) Compensation and expenses.--Members of the council shall
28 receive no compensation for their services, but shall receive
29 reimbursement for their necessary and proper expenses for
30 attendance at meetings.

1 (e) Donations.--The council is authorized to accept and use
2 gifts, grants, donations, real and personal property and
3 services to administer the provisions of this act. Any funds
4 received under this subsection shall be kept separate and apart
5 from any funds appropriated to the council.

6 Section 202. Officers, quorum, minutes and reports of council.

7 The council shall conduct its affairs in the following
8 manner:

9 (1) The officers of the council, who shall consist of a
10 chairperson, vice chairperson and secretary-treasurer, shall
11 be elected at the first meeting of the council in each
12 calendar year.

13 (2) Eleven members of the council shall constitute a
14 quorum for the transaction of business.

15 (3) The council shall maintain the minutes of the
16 council's meetings and other records as the council deems
17 necessary.

18 (4) The council shall report at least annually to the
19 Governor and the General Assembly regarding the council's
20 activities.

21 Section 203. Executive director of council.

22 (a) Appointment.--The council may appoint an executive
23 director who shall serve at the pleasure of the council. The
24 executive director shall meet the training and employment
25 requirements of a peace officer as required under this chapter
26 and shall have authority of a peace officer as specified under
27 this chapter. The council shall establish the compensation for
28 the executive director.

29 (b) Contract services.--The executive director may contract
30 for services and employ professional, technical and clerical

1 personnel as may be necessary for the council to administer the
2 provisions of this chapter.

3 (c) Investigators.--

4 (1) The executive director may employ investigators to
5 administer the provisions of this chapter. An investigator
6 shall meet the training and employment requirements of a
7 peace officer as required under this chapter and shall have
8 authority of a peace officer as specified under this chapter.
9 The council shall establish the compensation for an
10 investigator.

11 (2) An investigator shall have access to and may examine
12 a writing, document or other material which is deemed by the
13 chairperson of the council to be related to the fitness of a
14 peace officer or an applicant to practice as a peace officer.
15 The chairperson or executive director of the council may
16 issue subpoenas to compel access to the writing, document or
17 other material. If a subpoena is disobeyed, the council may
18 petition the court of common pleas of the county where the
19 person to whom the subpoena is issued resides for an order
20 requiring compliance with the subpoena. Failure to comply
21 with such an order shall be punishable as a contempt of
22 court.

23 Section 204. Duties of council.

24 The council shall have the following duties:

25 (1) Meet at such times and places as the council deems
26 necessary.

27 (2) Contract with State agencies and other entities as
28 the council deems necessary for the rendering and affording
29 of services, facilities, studies and reports to the council
30 that will assist the council in carrying out its duties.

1 (3) Cooperate with State agencies and political
2 subdivisions to administer the provisions of this chapter.

3 (4) Establish criteria to be used by school entities and
4 and institutions of higher education authorized to conduct
5 the training required under this chapter.

6 (5) Certify school entities and institutions of higher
7 education as authorized to conduct training required under
8 this chapter.

9 (6) Establish minimum qualifications for school
10 directors of school entities and administrative staff at
11 institutions of higher education to achieve the certification
12 required to conduct the training required under this chapter.

13 (7) Establish minimum qualifications for instructors at
14 school entities and institutions of higher education to
15 achieve the certification required to conduct the training
16 required under this chapter.

17 (8) Reevaluate certified school entities and
18 institutions of higher education annually to determine if the
19 school entities and institutions of higher education shall
20 continue to be certified.

21 (9) Withdraw or suspend the certification of school
22 entities, institutions of higher education, school directors,
23 administrative staff and instructors who fail to continue to
24 meet or maintain qualifications to conduct the training
25 required under this chapter.

26 (10) Determine whether a candidate has met the
27 requirements and is qualified to be employed as a peace
28 officer and issue a certificate to a candidate who is
29 qualified.

30 (11) Certify to a designated law enforcement agency of a

1 candidate's successful completion of the course required to
2 be a peace officer.

3 (12) Refuse to grant a certificate to a candidate who
4 fails to meet the requirements to be a peace officer.

5 (13) Discipline a certified peace officer or an exempt
6 peace officer from the provisions of this chapter.

7 (14) Establish and modify the curriculum to become a
8 peace officer, including the methods of instruction, basic
9 training courses and minimum number of hours required to
10 complete the curriculum.

11 (15) Establish and recommend curriculum for advanced,
12 in-service and specialized training courses as the council
13 deems advisable and recognize the completion of the courses
14 by the issuance of certificates.

15 (16) Provide technical assistance as requested by law
16 enforcement agencies.

17 (17) Provide for and administer the registration of all
18 exempt peace officers.

19 (18) Research, plan and establish policies relating to
20 peace officer training and develop and coordinate the
21 delivery of peace officer training programs through State
22 agencies or other entities as the council may deem
23 appropriate.

24 (19) Establish basic and in-service training courses for
25 all peace officers training on organized criminal activity
26 and criminal street gangs as part of the curriculum.

27 (20) Develop, adopt and issue advanced or professional
28 peace officer certificates based upon the attainment of
29 specified education, advanced or specialized training and
30 experience as determined by the council.

1 (21) Provide and administer the certification of
2 individuals qualified to operate speedometers and withdraw or
3 suspend the certification as provided under this chapter.

4 (22) Impose administrative fees, as determined by the
5 council, for services provided under this chapter.

6 (23) Promulgate regulations as necessary to implement
7 the provisions of this chapter.

8 Section 205. Refusal to grant certification and disciplinary
9 measures.

10 (a) Refusal or discipline.--The council shall refuse to
11 grant a certificate to an applicant, discipline a peace officer
12 or exempt a peace officer from the provisions of this chapter if
13 the applicant or peace officer:

14 (1) Fails to demonstrate the qualifications or standards
15 for a certificate provided under this chapter or the
16 regulations promulgated by the council. The applicant shall
17 be responsible for demonstrating to the satisfaction of the
18 council that the applicant meets all the standards for a
19 certificate.

20 (2) Knowingly makes misleading, deceptive, untrue or
21 fraudulent representations in the practice of being a peace
22 officer or practices fraud or deceit or intentionally makes a
23 false statement in obtaining a certificate to practice as a
24 peace officer.

25 (3) Has been convicted of a felony or pled guilty or
26 nolo contendere to a felony in this Commonwealth or any other
27 state.

28 (4) Commits a crime involving moral turpitude.

29 (5) Had his or her certificate or license to practice as
30 a peace officer revoked, suspended or annulled by a law

1 enforcement agency or the council.

2 (6) Engages in any unprofessional, unethical, deceptive
3 or deleterious conduct or practice harmful to the public,
4 including any departure from, or failure to conform to, the
5 minimal standards of acceptable and prevailing practice of a
6 peace officer.

7 (7) Violates or attempts to violate a Federal or State
8 law or a law of another state or a regulation promulgated by
9 the council without regard to whether the violation is
10 criminally punishable if the law or regulation relates to the
11 practice of a peace officer.

12 (8) Commits any act or omission which is indicative of
13 bad moral character or untrustworthiness.

14 (9) Been adjudged as mentally incompetent by a court of
15 competent jurisdiction in this Commonwealth or another state.

16 (10) Is unable to perform as a peace officer with
17 reasonable skill and safety to residents of this Commonwealth
18 by reason of illness, or use of alcohol, drugs or narcotics
19 or a mental or physical condition.

20 (11) Has been suspended or discharged by the peace
21 officer's employing law enforcement agency for disciplinary
22 reasons.

23 (b) Disciplinary actions.--

24 (1) If the council finds that an applicant or a peace
25 officer commits an action specified under subsection (a), the
26 council may, as appropriate, take any of the following
27 actions:

28 (i) Refuse to grant a certificate to an applicant.

29 (ii) Administer a public or private reprimand.

30 (iii) Suspend the peace officer's certificate for a

1 definite period.

2 (iv) Limit or restrict the peace officer's
3 certificate.

4 (v) Revoke the peace officer's certificate.

5 (vi) Condition the penalty, or withhold formal
6 disposition, upon the peace officer's completing
7 counseling or treatment as directed by the council.

8 (2) In addition to or in lieu of an action taken under
9 paragraph (1), the council may make findings adverse to the
10 applicant or peace officer and withhold taking an action
11 under paragraph (1) and place the applicant or peace officer
12 on probation, which may be vacated upon noncompliance with
13 such reasonable terms as the council may impose on the
14 applicant or peace officer.

15 (c) Reissuance.--In the council's discretion, the council
16 may reissue a certificate to a peace officer after revocation
17 under subsection (b) (1) (v), if the peace officer complies with
18 disciplinary or corrective measures imposed by the council.

19 (d) Emergency suspension.--

20 (1) Upon arrest or indictment of a peace officer for a
21 crime which is punishable as a felony, the executive director
22 of the council shall order the emergency suspension of the
23 peace officer's certification upon the executive director's
24 determination that the suspension is in the best interest of
25 the health, safety or welfare of the public.

26 (2) The order of emergency suspension shall be made in
27 writing and shall specify the basis for the executive
28 director's determination. After the issuance of an emergency
29 suspension order, proceedings of the council in the exercise
30 of its authority to discipline a peace officer shall be

1 promptly scheduled as provided under section 206. The
2 emergency suspension order of the executive director shall
3 continue in effect until issuance of the final decision of
4 the council or the emergency suspension order is withdrawn by
5 the executive director.

6 (e) Notice.--

7 (1) Upon initiating an investigation of a peace officer
8 for possible disciplinary action or upon disciplining the
9 peace officer under this section, the council shall notify
10 the head of the law enforcement agency that employs the peace
11 officer of the investigation or disciplinary action.

12 (2) In the case of an investigation under paragraph (1),
13 the notice shall identify the peace officer and state that a
14 disciplinary investigation has been opened. Notice of the
15 initiation of an investigation shall be sent by first class
16 mail. If the investigation is completed without any further
17 action, the council shall provide a notice of the termination
18 of the investigation to the head of the employing agency.

19 (3) In the case of disciplinary action under paragraph
20 (1), the notice shall identify the peace officer and state
21 the nature of the disciplinary action taken. The notice of
22 disposition shall be sent only after the council deems the
23 disciplinary action to be final. The notice under this
24 paragraph shall be sent by first class mail.

25 (4) If the certification of a peace officer is suspended
26 or revoked by the council or executive director, the council
27 shall notify the head of the law enforcement agency that
28 employs the peace officer and the district attorney in the
29 jurisdiction where the law enforcement agency is located.

30 The notice shall identify the peace officer and state the

1 length of time, if known, that the peace officer will not
2 have authority to arrest. The notice under this paragraph
3 shall be sent by first class mail.

4 Section 206. Council hearings.

5 (a) Authorization.--

6 (1) In conducting a hearing for the purpose of issuing a
7 certificate to an applicant or disciplining a peace officer
8 in accordance with this chapter, the council may compel the
9 attendance of witnesses and the production of any book,
10 writing or document by subpoena.

11 (2) In a hearing in which the fitness of a peace officer
12 or applicant is in question, the council may exclude any
13 individual from the council's deliberations of the
14 appropriate action. The council may, when the council deems
15 necessary, speak to the peace officer or applicant in private
16 about a matter before the council.

17 (b) Petition for review.--An individual may file a petition
18 to review a final decision of the council within 30 days after
19 the service of the decision of the council or, if a rehearing is
20 requested, within 30 days after the decision at the rehearing.
21 The individual must file the petition in the court of common
22 pleas in the county of residence of the petitioner.

23 CHAPTER 3

24 PEACE OFFICERS

25 Section 301. Qualifications for peace officers.

26 (a) Qualifications.--An individual employed or certified as
27 a peace officer shall:

28 (1) Be at least 18 years of age.

29 (2) Be a citizen of the United States.

30 (3) Have a high school diploma or its recognized

1 equivalent.

2 (4) Have not been convicted of a Federal or State crime
3 punishable by imprisonment or multiple misdemeanors that
4 establish a pattern of disregard for the law. A violation of
5 a traffic law and other offense involving the operation of
6 motor vehicles shall not be used to establish a pattern of
7 disregard for the law if the violation has been expunged or
8 sealed.

9 (5) Be fingerprinted by the Pennsylvania State Police to
10 determine the existence of a criminal record.

11 (6) Possess good moral character as determined by an
12 investigation in accordance with the procedures established
13 by the council and fully cooperate during the course of such
14 investigation.

15 (7) Be found, after examination by a licensed physician
16 or surgeon, to be free from any physical, emotional or mental
17 conditions which might adversely affect the individual's
18 exercise of the powers or duties of a peace officer.

19 (8) Successfully complete a job-related entrance
20 examination administered by the council in conformity with
21 Federal and State law. The council may change or modify the
22 examination and shall establish the criteria for determining
23 satisfactory performance on the examination. Nothing in this
24 paragraph shall be construed to prohibit a law enforcement
25 agency from providing additional entrance requirements on a
26 peace officer, including a preemployment examination, as the
27 law enforcement agency deems necessary and appropriate. An
28 individual with a degree from an institution of higher
29 education shall be exempt from the examination under this
30 paragraph.

1 (b) Basic training.--An individual who is authorized to
2 attend the basic training course administered under section 303
3 (relating to basic training course) shall meet the requirements
4 under subsection (a) before starting employment as a peace
5 officer.

6 Section 302. Employment-related information.

7 (a) Disclosure requirement.--If an investigation is
8 conducted for the purpose of hiring, certifying or continuing
9 the certification of a peace officer, a prior employer of the
10 applicant, candidate or peace officer shall disclose employment-
11 related information to the investigating law enforcement agency
12 upon receiving a written request from the law enforcement
13 agency. Disclosure of employment-related information shall only
14 be required under this subsection if the law enforcement
15 agency's request is accompanied by a copy of a signed, notarized
16 statement from the applicant, candidate or peace officer
17 exempting the employer from any civil liability for disclosing
18 complete and accurate information to the law enforcement agency
19 as specified under subsection (d).

20 (b) Fees.--An employer may charge a reasonable fee to cover
21 actual costs incurred in copying and furnishing documents under
22 subsection (a) to the law enforcement agency, including
23 retrieving and redacting costs. A fee charged under this
24 paragraph shall not exceed \$25.00 or 25¢ per page, whichever is
25 greater. An employer shall not be required to prepare or create
26 a document not already in the employer's possession at the time
27 the request for employment-related information is received.

28 (c) Public disclosure.--Employment-related information
29 provided under this section shall not be subject to public
30 disclosure by the employer or law enforcement agency and shall

1 not be subject to the act of February 14, 2008 (P.L.6, No.3),
2 known as the Right-to-Know Law.

3 (d) Civil liability.--An employer shall not be subject to
4 any civil liability for a cause of action for disclosing
5 complete and accurate information to a law enforcement agency in
6 good faith and without malice in accordance with this section.
7 In such cause of action, malice or bad faith shall only be
8 demonstrated by clear and convincing evidence. Nothing in this
9 subsection shall be construed to affect or limit rights or
10 remedies provided by Federal law.

11 (e) Duties of law enforcement agencies.--

12 (1) Before taking a final action on an application for
13 employment based, in whole or in part, on any unfavorable
14 employment-related information received from an employer, a
15 law enforcement agency shall inform the applicant, candidate
16 or peace officer that the law enforcement agency has received
17 the employment-related information and that the applicant,
18 candidate or peace officer may inspect and respond in writing
19 to the information.

20 (2) Upon the request of an applicant, a candidate or a
21 peace officer, a law enforcement agency shall allow him or
22 her to inspect the employment-related information and to
23 submit a written response to the information. The request for
24 inspection shall be made within five business days from the
25 date that the applicant, candidate or peace officer is
26 notified that the law enforcement agency has received the
27 employment-related information under paragraph (1). An
28 inspection shall be made by the applicant, candidate or peace
29 officer no later 10 business days after the request for
30 inspection. A response to the employment-related information

1 shall be made by the applicant, candidate or peace officer no
2 later than three business days after the inspection.

3 (f) Self-incriminating information.--

4 (1) Nothing in this subsection shall be construed to
5 require an individual to provide self-incriminating
6 information or otherwise compel a individual to act in
7 violation of the individual's rights guaranteed by the Fifth
8 Amendment of the Constitution of the United States.

9 (2) An individual may not refuse or fail to provide
10 information requested by a law enforcement agency under this
11 section based on a claim that the information is self-
12 incriminating in violation of the individual's rights
13 guaranteed by the Fifth Amendment of the Constitution of the
14 United States, if the individual provides notice of the claim
15 in lieu of providing the information requested by the law
16 enforcement agency. An action against the individual to
17 require disclosure on the grounds that the claim of self-
18 incrimination is not substantiated may be brought in the
19 court of common pleas in the county where the individual
20 resides or where the information requested by the law
21 enforcement agency is located.

22 (g) Definition.--As used in this subsection, the term
23 "employment-related information" means written information
24 contained in a prior employer's records or personnel files that
25 relates to performance or behavior of an applicant, a candidate
26 or a peace officer while employed by the employer, including
27 performance evaluations, records of disciplinary action and
28 eligibility for rehire. The term shall not include information
29 prohibited from disclosure by Federal law or any document not in
30 the possession of the employer at the time a request for the

1 information is received.

2 Section 303. Basic training course.

3 (a) Requirement.--A candidate shall satisfactorily complete
4 a basic training course before the candidate's appointment as a
5 peace officer.

6 (b) Equivalent instruction.--The council may accept
7 instruction received by a candidate in lieu of the basic
8 training course if, in the determination of the council, the
9 instruction is at least equivalent to the basic training course
10 required under this section.

11 (c) Failure to complete.--If a candidate fails to
12 successfully complete the basic training course or an equivalent
13 instruction under this section, the candidate shall not perform
14 any of the duties of a peace officer relating to the authority
15 to arrest until the candidate successfully completes the basic
16 training course or an equivalent instruction.

17 (d) Location.--The basic training course may be completed at
18 any institution of higher education or school entity certified
19 by the council which provides the course requirements and
20 methods of instruction established by the council.

21 (e) Prohibition.--A correctional facility or a juvenile
22 correctional facility may not have more than 10 jail officers or
23 juvenile correctional officers in any 12-month period take the
24 basic training course necessary to become a peace officer.

25 Section 304. Compliance with certification and registration
26 requirements.

27 (a) Compliance.--Except as provided under subsection (b), an
28 individual who fails to comply with the certification
29 requirements under this chapter may not be employed with a law
30 enforcement agency and a candidate may not perform any of the

1 duties of a peace officer involving the authority of arrest
2 until the certification requirements have been successfully
3 completed.

4 (b) Exception.--A peace officer who has commenced
5 employment or service before the effective date of this section
6 shall be exempt from the certification requirements under this
7 chapter as long the peace officer remains on active duty and the
8 peace officer meets the requirements specified under section
9 301(a)(2), (4), (5) and (8).

10 (c) Registration.--A peace officer who is exempt from the
11 certification requirements under this chapter as specified under
12 subsection (b) shall register with the council. The registration
13 shall remain in effect for the period of time the peace officer
14 remains on active duty. The registration shall not terminate if
15 the peace officer accepts a subsequent employment position if
16 all of the following apply:

17 (1) The duties of the subsequent employment position are
18 recognized by the council to be substantially the same or
19 similar to duties required by the peace officer in his or her
20 previous employment position.

21 (2) The peace officer begins the subsequent employment
22 position within 12 months after the peace officer terminates
23 his or her previous employment position.

24 (d) Optional certification.--

25 (1) A peace officer who is exempt from the certification
26 requirements under this chapter as specified under subsection
27 (b) may choose to be certified under this chapter. If the
28 peace officer chooses to be certified under this chapter, the
29 council may recognize the instruction received by the peace
30 officer as equivalent to all or part of the instruction

1 required for certification under this chapter.

2 (2) A retired peace officer may be voluntarily
3 registered by the council as an exempt peace officer without
4 meeting the requirements specified under section 301(a)(2),
5 (4), (5) and (8). The registration of a retired peace officer
6 shall not terminate at any time.

7 (e) Construction.--Nothing in this subsection shall be
8 deemed to grant an exemption to individuals required to be
9 certified or registered under this chapter.

10 (f) Applicability.--The imposition of the requirements for
11 certification or registration under this chapter shall be
12 determined by the council based on the applicability of this
13 chapter to particular peace officers.

14 Section 305. Emergency peace officers and out-of-State peace
15 officers.

16 (a) Emergency peace officers.--The requirement of this
17 chapter shall not apply to emergency peace officers.

18 (b) Out-of-State peace officers.--Nothing in this chapter
19 shall be construed to prohibit a law enforcement agency from
20 appointing an out-of-State individual as a peace officer if the
21 individual is qualified to serve as a peace officer in
22 accordance with this chapter.

23 Section 306. Additional training requirements.

24 (a) Requirement.--A peace officer shall annually complete 20
25 hours of training as provided under this section in sessions
26 approved by the council, including a minimum of one hour of
27 instruction on the best practices relating to trauma-informed
28 approaches.

29 (b) Exemptions.--

30 (1) A peace officer who completes the training required

1 under this section shall be excused from the minimum annual
2 training requirement for the year during which the training
3 is completed.

4 (2) An individual who is registered or certified with
5 the council as a retired peace officer shall be exempt from
6 the training required under this section. A retired peace
7 officer may voluntarily comply with the training requirements
8 under this section without payment of any fees or costs if
9 sufficient class space is available.

10 (3) Nothing in this subsection shall be construed to
11 grant an exemption to peace officers required to complete the
12 training requirements under this section.

13 (c) Waivers.--The council, in its discretion, may grant a
14 waiver of the training requirements under this section, if a
15 peace officer presents evidence to the council that he or she is
16 unable to complete the training due to a medical disability or
17 other reason deemed sufficient by the council.

18 (d) Confirmation of training.--

19 (1) A peace officer shall provide confirmation of his or
20 her training under this section for the previous year to the
21 council in a manner required by the council.

22 (2) Failure to provide the council with the confirmation
23 of training under this section in a timely manner or failure
24 to obtain the required training in a timely manner shall
25 result in an emergency suspension of the peace officer's
26 certification by the executive director. The emergency
27 suspension order issued by the executive director shall be
28 made in writing and shall specify the basis for the
29 determination. The emergency suspension order shall continue
30 in effect until the training requirements are confirmed or a

1 waiver is issued under subsection (c). An emergency
2 suspension order issued under this paragraph shall be
3 automatically withdrawn upon confirmation of the required
4 training or the issuance of a waiver by the council under
5 subsection (c).

6 (e) Penalties.--A peace officer who does not fulfill the
7 training requirements under this section shall lose his or her
8 authority to arrest.

9 CHAPTER 4

10 SPEED DETECTION DEVICE OPERATORS

11 Section 401. Certification as speed detection device operators.

12 (a) Instruction requirements.--

13 (1) A peace officer who is authorized to use speed
14 detection devices shall be required to be certified by the
15 council as a qualified speed detection device operator. A
16 peace officer operating radar speed or laser detection
17 devices shall satisfactorily complete a course of instruction
18 in the theory and application of speed detection device
19 operation as a condition for certification.

20 (2) The council shall establish and modify the
21 curriculum for the course of instruction, including the
22 minimum number of hours of instruction required for
23 certification.

24 (3) An individual authorized and qualified to conduct
25 the course of instruction shall be certified by the council
26 as a speed detection device operator instructor upon
27 complying with requirements prescribed by the council.

28 (4) The council may certify a peace officer as a
29 qualified speed detection device operator who receives
30 instruction in the theory and application of speed detection

1 device operation that is equivalent to the instruction
2 required under this section. If the instruction is recognized
3 by the council, then the council shall accept the instruction
4 in lieu of the minimum hours of instruction required to be a
5 qualified speed detection device operator under this section.

6 (5) If a peace officer fails to successfully complete
7 the instruction requirements to be a qualified speed
8 detection device operator under this section, the peace
9 officer shall not perform any functions relating to the use
10 of the devices until the instruction is successfully
11 completed and the council issues appropriate certification.

12 (6) A qualified speed detection device operator shall
13 complete a recertification training course of such duration
14 and time as may be prescribed by the council in order to
15 maintain the operator's certification.

16 (b) Withdrawal or suspension.--

17 (1) The council may withdraw or suspend the
18 certification of a peace officer to operate speed detection
19 devices for failure to meet the recertification requirements
20 under subsection (a) (6) or for a violation of any portion of
21 this chapter relating to conditions which may lead to the
22 withdrawal or suspension of the certification of the peace
23 officer to operate radar or laser speed detection devices.

24 (2) Upon the withdrawal or suspension of a peace
25 officer's certificate to operate speed detection devices
26 under paragraph (1), the executive director of the council
27 shall notify the commissioner. The notice shall contain the
28 peace officer's name and employing law enforcement agency.

29 (3) Upon receipt of the notice under paragraph (2), the
30 council shall withdraw or suspend the certification to

1 operate speed detection devices for each certified operator
2 employed by the employing law enforcement agency under
3 paragraph (2) for a period designated by the council.

4 CHAPTER 5

5 PROBATION OFFICERS

6 Section 501. Authorization to arrest.

7 (a) Authorization.--Except as provided under subsection (d),
8 an individual who is appointed or employed as a probation
9 officer on or after the effective date of this section may not
10 exercise the authority to arrest in accordance with 42 Pa.C.S. §
11 9913 (relating to peace officer power for probation officers) as
12 a probation officer unless the probation officer has
13 successfully completed a training course and received a
14 certification approved by the Pennsylvania Board of Probation
15 and Parole.

16 (b) Requirements.--

17 (1) The provisions of Chapter 3 shall apply to a
18 probation officer, except for the peace officer training
19 requirements that are only applicable to a peace officer.

20 (2) A probation officer shall register with the council.
21 The registration shall remain in effect for the period of
22 time the probation officer remains on active duty. The
23 registration shall not terminate if the probation officer
24 accepts a subsequent employment position if all of the
25 following apply:

26 (i) The duties of the subsequent employment position
27 are recognized by the council to be substantially the
28 same or similar to duties required by the probation
29 officer in his or her previous employment position.

30 (ii) The probation officer begins the subsequent

1 employment position within 12 months after the probation
2 officer terminates his or her previous employment
3 position.

4 (c) Optional certification.--A probation officer who is
5 exempt from the training and certification requirements under
6 this section may choose to be certified under this section. If
7 the probation officer chooses to be certified under this
8 section, the council may recognize the instruction received by
9 the probation officer as equivalent to all or part of the
10 training and instruction requirements under this section.

11 (d) Exception.--A peace officer may serve as a probation
12 officer without obtaining the probation officer training and
13 certification required by this section.

14 CHAPTER 6

15 DUTIES OF LAW ENFORCEMENT AGENCIES

16 Section 601. Records on candidates and peace officers.

17 (a) Duplicates.--A law enforcement agency shall prepare
18 duplicate records on a candidate or peace officer employed by
19 the law enforcement agency as may be prescribed by regulations
20 promulgated by the council. A copy of the records shall be
21 maintained in the headquarters of the law enforcement agency. A
22 second copy of the records shall be forwarded to the council and
23 shall be maintained by the council.

24 (b) Confidentiality.--The contents of the records prepared
25 under subsection (a), except for court proceedings, shall be
26 considered as confidential and shall not be subject to the act
27 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know
28 Law. The contents of the records may only be accessed by the law
29 enforcement agency, the applicable candidate or peace officer or
30 the council as specified under subsection (a).

1 Section 602. Qualification standards and training requirements.

2 A law enforcement agency may establish additional
3 requirements for peace officers that exceed the minimum
4 qualification standards and training requirements for peace
5 officers established under Chapter 2.

6 CHAPTER 7

7 CIVIL ACTIONS

8 Section 701. Injunctions to prevent violations of act.

9 The council may maintain an action for an injunction to
10 enjoin any of the following:

11 (1) A peace officer who does not comply with the
12 provisions this act from performing any functions of a peace
13 officer, including exercising the authority to arrest, until
14 the peace officer complies with the provisions of this act.

15 (2) A law enforcement agency which employs or appoints a
16 peace officer who fails to comply with the provisions of this
17 act from allowing the peace officer to perform any functions
18 of a peace officer, including exercising the authority to
19 arrest, until the peace officer complies with the provisions
20 of this act.

21 CHAPTER 8

22 AGENCY HEADS AND CHIEF ADMINISTRATORS

23 Section 801. Training requirements for current agency heads and
24 chief administrators.

25 (a) Requirements.--Beginning January 1, 2020, and each year
26 thereafter, an agency head or a chief administrator appointed
27 before the effective date of this section shall complete 20
28 hours of training as provided under this section.

29 (b) Administration.--The training required under this
30 section shall be completed in sessions as selected, provided or

1 approved by the Pennsylvania Chiefs of Police Association,
2 Pennsylvania Prison Wardens Association and the council.

3 (c) Compensation.--An agency head or a chief administrator
4 participating in the training required under this section shall
5 be reimbursed for the reasonable travel expenses incurred as a
6 result of complying with the training requirements under this
7 section.

8 (d) Waivers.--The council, in its discretion, may grant an
9 agency head or a chief administrator a waiver of the training
10 requirements under this section if the agency head or chief
11 administrator present evidence to the council of medical
12 disability or other reason deemed sufficient by the council.

13 (e) Penalties.--An agency head or a chief administrator who
14 does not satisfy the training requirements under this section
15 shall lose his or her authority to arrest.

16 Section 802. Training requirements for newly appointed agency
17 heads and chief administrators.

18 (a) Requirements.--Beginning January 1, 2020, and each year
19 thereafter, an agency head or a chief administrator, including
20 an individual acting in the capacity of an agency head or a
21 chief administrator for more than 60 days, appointed after the
22 effective date of this section shall complete 60 hours of
23 training as provided under this section. The training shall be
24 in addition to the basic training required of peace officers
25 under section 303.

26 (b) Administration.--The training required under this
27 section shall be completed in sessions as selected, provided or
28 approved by the Pennsylvania Chiefs of Police Association,
29 Pennsylvania Prison Wardens Association and the council.

30 (c) Compensation.--An agency head or a chief administrator

1 participating in the training required under this section shall
2 be reimbursed for the reasonable travel expenses incurred as a
3 result of complying with the training requirements under this
4 section.

5 (d) Exemption.--

6 (1) An agency head or a chief administrator who
7 completes the training required under this section shall be
8 exempted for the year from basic training required of peace
9 officers under section 303.

10 (2) An agency head or a chief administrator who
11 completes the training required under this section shall not
12 be required to repeat the training if the agency head or
13 chief administrator terminates an appointment and is
14 subsequently reappointed to the same or another law
15 enforcement agency or detention facility.

16 (e) Waivers.--The council, in its discretion, may grant an
17 agency head or a chief administrator a waiver of the training
18 requirements under this section if any of the following apply:

19 (1) The agency head or chief administrator presents
20 evidence to the council of a medical disability or other
21 reason deemed sufficient by the council.

22 (2) The agency head or chief administrator has been
23 appointed for more than 60 days without a break in service
24 and the agency head or chief administrator has completed
25 training or education deemed by the council to be equivalent
26 to the training under this section.

27 (f) Penalties.--An agency head or a chief administrator who
28 does not satisfy the training requirements under this section
29 shall lose his or her power of arrest.

30 CHAPTER 9

TRAINING COSTS

Section 901. Reimbursement for training costs.

(a) Reimbursement.--

(1) Except as otherwise provided under an employment contract, if the Commonwealth, a county or municipality employs a peace officer and the peace officer is hired by another agency within 15 months after completing the mandated or formalized training requirements under this act, the following shall apply total cost of the training, including salary paid during the training, shall be reimbursed by the hiring agency to the Commonwealth, county or municipality which initially paid for the training.

(2) If a peace officer is hired by another agency during a period of 15 to 24 months after the mandated or formalized training requirements under this act are completed, 50% of the total cost of the training, including salary paid during the training, shall be reimbursed by the hiring agency to the Commonwealth, county or municipality which initially paid for the training.

(3) The council shall set standards for reimbursement under this section by hiring agencies based upon actual costs incurred in providing the mandated or formalized training under this act.

(b) Statements.--The Commonwealth, a county or municipality which initially paid for the training of a peace officer shall submit an itemized, sworn statement to the new employer of a peace officer under subsection (a) and shall demand payment for the total cost of the training. The Commonwealth, county or municipality may enforce the collection of the total cost of the training under this section through civil remedies and

1 procedures in accordance with the laws of this Commonwealth.

2 (c) Acknowledgment.--In order for the Commonwealth, a county
3 or municipality to receive a reimbursement for the total cost of
4 the training under this act, a peace officer must sign an
5 acknowledgment of the provisions of this act or an employment
6 contract specifying the provisions of this act while the peace
7 officer is employed with the Commonwealth, county or
8 municipality.

9 CHAPTER 10

10 COMMUNICATIONS OFFICERS

11 Section 1001. Training requirements for communication officers.

12 (a) Requirements.--An individual who commences employment as
13 a communications officer on or after the effective date of this
14 section. An individual who commenced employment as a
15 communications officer before the effective date of this section
16 shall register with the council and may be certified as a
17 communications officer by voluntarily complying with the
18 certification process under this section. An individual who
19 fails to comply with the registration or certification process
20 of the council under this section shall not perform any duties
21 of a communications officer and may have his or her certificate
22 suspended or revoked.

23 (b) Compliance reviews.--The council shall conduct
24 administrative compliance reviews to ensure that communications
25 officers comply with this section. The council, in coordination
26 with the Pennsylvania Emergency Management Authority, may
27 promulgate regulations to facilitate the administration and
28 coordination of standards, certification and compliance reviews
29 consistent with the provisions of this section.

30 (c) Course.--The basic training course for communications

1 officers under this section shall include training in the use of
2 telecommunications devices for the deaf.

3 CHAPTER 11

4 JAIL OFFICERS AND JUVENILE CORRECTIONAL OFFICERS

5 Section 1101. Training requirements for jail officers and
6 juvenile correctional officers.

7 (a) Requirements.--

8 (1) An individual employed or appointed as a jail
9 officer on or after the effective date of this section may
10 not serve as a jail officer in a detention facility unless
11 the individual completes a training course for jail officers
12 within six months after the effective date of this section.

13 (2) An individual employed or appointed as a juvenile
14 correctional officer on or after the effective date of this
15 section may not serve as a juvenile correctional officer in a
16 juvenile correctional facility unless the individual
17 completes a training course for juvenile correctional
18 officers within six months after the effective date of this
19 section.

20 (b) Authority.--

21 (1) Except as provided under paragraph (2), an applicant
22 to be a jail officer or juvenile correctional officer and a
23 jail officer or juvenile correctional officer shall be
24 subject to the authority of the council applicable to peace
25 officers and shall satisfy the requirements of a peace
26 officer under this act.

27 (2) An applicant to be a jail officer or juvenile
28 correctional officer and a jail officer or juvenile
29 correctional officer shall not be required to comply with the
30 requirements under section 301(a)(8) or training requirements

1 only applicable to peace officers.

2 (c) Exemptions.--An individual who commenced employment as a
3 jail officer or juvenile correctional officer before the
4 effective date of this section shall be exempt from compliance
5 with the certification provisions of this section.

6 (d) Registration.--

7 (1) A jail officer or juvenile correctional officer that
8 is exempt under subsection (c) shall register with the
9 council. The registration shall remain in effect for the
10 period of time that the jail officer or a juvenile
11 correctional officer remains employed with the detention
12 facility or juvenile correctional facility.

13 (2) The registration under paragraph (1) shall not
14 become invalid if an individual employed or appointed as a
15 jail officer or juvenile correctional officer is terminated
16 and the individual's subsequent employment or appointment as
17 a jail officer or juvenile correctional officer is commenced
18 within 12 months after the termination.

19 (e) Optional certification.--A jail officer or juvenile
20 correctional officer that is exempt under subsection (c) may
21 choose to be certified under this section. If the jail officer
22 or juvenile correctional officer chooses to be certified under
23 this section, the council may recognize instruction received by
24 the jail officer or juvenile correctional officer as equivalent
25 to the instruction required for certification under this
26 section.

27 CHAPTER 21

28 MISCELLANEOUS PROVISIONS

29 Section 2101. Effective date.

30 This act shall take effect in 60 days.