

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1910 Session of 2019

INTRODUCED BY WILLIAMS, KINSEY, HILL-EVANS, KIRKLAND, CALTAGIRONE, HARRIS, FRANKEL, CIRESI, T. DAVIS, FREEMAN, READSHAW, HOWARD, SHUSTERMAN, FITZGERALD, FIEDLER, ROZZI, YOUNGBLOOD, WARREN, MADDEN, SCHWEYER, SCHLOSSBERG, HOHENSTEIN, ISAACSON, BULLOCK, HANBIDGE, GREEN, GALLOWAY, SANCHEZ, DALEY, ZABEL AND PASHINSKI, OCTOBER 11, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 15, 2020

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure), 44 (LAW <--
2 AND JUSTICE) and 53 (Municipalities Generally) of the
3 Pennsylvania Consolidated Statutes, in selection and
4 retention of judicial officers, further providing for content
5 of course of instruction and examination; IN OTHER OFFICERS, <--
6 PROVIDING FOR MENTAL HEALTH EVALUATIONS; and, in employees,
7 further providing for powers and duties of commission.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 3113(b) of Title 42 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 3113. Content of course of instruction and examination.

13 * * *

14 (b) Content of course.--The course of training and
15 instruction shall not exceed four weeks in duration and shall
16 consist of a minimum of 40 hours of class instruction in civil
17 and criminal law, including evidence and procedure, summary
18 proceedings, motor vehicles, the identification and reporting of

1 suspected child abuse as defined in 23 Pa.C.S. Ch. 63 (relating
2 to child protective services), court proceedings involving
3 children and courses in judicial ethics, in the case of all such
4 officials except arraignment court magistrates, in which case
5 the course of training shall consist of a minimum of 30 hours of
6 class instruction in criminal law, search and seizure, arrest
7 and bail practices and procedures, and except judges of the
8 Traffic Court of Philadelphia, in which case the course of
9 training shall consist of a minimum of 20 hours of class
10 instruction in summary proceedings and laws relating to motor
11 vehicles.

12 ~~Section 2. Section 2164 of Title 53 is amended by adding a~~
13 ~~paragraph to read:~~

14 SECTION 2. TITLE 44 IS AMENDED BY ADDING A CHAPTER TO READ: <--

15 CHAPTER 72
16 MENTAL HEALTH EVALUATIONS

17 SUBCHAPTER

18 A. PRELIMINARY PROVISIONS

19 B. GENERAL PROVISIONS

20 SUBCHAPTER A

21 PRELIMINARY PROVISIONS

22 SEC.

23 7201. SCOPE OF CHAPTER.

24 7202. DEFINITIONS.

25 § 7201. SCOPE OF CHAPTER.

26 THIS CHAPTER RELATES TO MENTAL HEALTH EVALUATIONS FOR LAW
27 ENFORCEMENT OFFICERS.

28 § 7202. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "ADMINISTRATIVE DUTY." AN ADMINISTRATIVE LAW ENFORCEMENT
3 DUTY THAT IS DESIGNED TO LIMIT A LAW ENFORCEMENT OFFICER'S DAY-
4 TO-DAY WORK-RELATED INTERACTIONS WITH THE PUBLIC.

5 "LAW ENFORCEMENT AGENCY." ANY OF THE FOLLOWING:

6 (1) A POLICE DEPARTMENT OF A COUNTY, CITY, BOROUGH,
7 INCORPORATED TOWN OR TOWNSHIP.

8 (2) A COUNTY DISTRICT ATTORNEY'S OFFICE.

9 "LAW ENFORCEMENT OFFICER." AN INDIVIDUAL EMPLOYED BY A LAW
10 ENFORCEMENT AGENCY WHO IS REQUIRED TO BE TRAINED UNDER 53
11 PA.C.S. CH. 21 SUBCH. D (RELATING TO MUNICIPAL POLICE EDUCATION
12 AND TRAINING).

13 "POST-TRAUMATIC STRESS DISORDER." A POST-TRAUMATIC STRESS
14 DISORDER AS DEFINED BY A MENTAL ORDER CHARACTERIZED BY DIRECT
15 EXPOSURE TO A TRAUMATIC EVENT AS IDENTIFIED BY THE AMERICAN
16 PSYCHIATRIC ASSOCIATION AND DOCUMENTED IN THE AMERICAN
17 PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC AND STATISTICAL MANUAL OF
18 MENTAL DISORDERS, 5TH EDITION.

19 SUBCHAPTER B

20 GENERAL PROVISIONS

21 SEC.

22 7203. MENTAL HEALTH EVALUATIONS FOR LAW ENFORCEMENT OFFICERS.

23 7204. REGULATIONS.

24 § 7203. MENTAL HEALTH EVALUATIONS FOR LAW ENFORCEMENT OFFICERS.

25 (A) EVALUATIONS.--AS A CONDITION OF CONTINUED EMPLOYMENT,

26 AND WITHOUT COST TO THE LAW ENFORCEMENT OFFICER, A LAW

27 ENFORCEMENT AGENCY SHALL PROVIDE A LAW ENFORCEMENT OFFICER WITH

28 A MENTAL HEALTH EVALUATION FOR POST-TRAUMATIC STRESS DISORDER BY

29 A LICENSED MENTAL HEALTH PROFESSIONAL:

30 (1) UPON REQUEST OF THE LAW ENFORCEMENT OFFICER;

1 (2) UPON RECOMMENDATION OF A POLICE CHIEF OR OTHER
2 SUPERVISING LAW ENFORCEMENT OFFICER; OR

3 (3) WITHIN 30 DAYS OF AN INCIDENT OF THE USE OF LETHAL
4 FORCE DURING THE COURSE OF LAW ENFORCEMENT DUTIES.

5 (B) TREATMENT.--IF A LICENSED MENTAL HEALTH PROFESSIONAL
6 DETERMINES DURING THE MENTAL HEALTH EVALUATION UNDER SUBSECTION
7 (A) THAT A LAW ENFORCEMENT OFFICER HAS SYMPTOMS OF POST-
8 TRAUMATIC STRESS DISORDER, THE LAW ENFORCEMENT OFFICER SHALL BE
9 PROVIDED WITH TREATMENT UNDER A LICENSED PHYSICIAN'S CARE UNTIL
10 THE LICENSED PHYSICIAN DETERMINES IN WRITING THAT THE LAW
11 ENFORCEMENT OFFICER IS ABLE TO RESUME FULL DUTIES.

12 (C) ADMINISTRATIVE DUTY.--A LAW ENFORCEMENT OFFICER SHALL BE
13 ASSIGNED TO ADMINISTRATIVE DUTY IF THE LAW ENFORCEMENT OFFICER:

14 (1) FAILS TO UNDERGO A MENTAL HEALTH EVALUATION FOR
15 POST-TRAUMATIC STRESS DISORDER WHEN REQUIRED UNDER SUBSECTION
16 (A);

17 (2) IS EXPERIENCING SYMPTOMS OF POST-TRAUMATIC STRESS
18 DISORDER AS DETERMINED BY A LICENSED MENTAL HEALTH
19 PROFESSIONAL UNDER SUBSECTION (A); OR

20 (3) IS RECEIVING TREATMENT BY A LICENSED PHYSICIAN UNDER
21 SUBSECTION (B).

22 § 7204. REGULATIONS.

23 (A) TEMPORARY REGULATIONS.--IN ORDER TO FACILITATE THE
24 PROMPT IMPLEMENTATION OF THIS CHAPTER, THE COMMISSION SHALL
25 PROMULGATE TEMPORARY REGULATIONS WITHIN SIX MONTHS OF THE
26 EFFECTIVE DATE OF THIS SECTION THAT SHALL EXPIRE NOT LATER THAN
27 TWO YEARS FOLLOWING THE PUBLICATION OF THE TEMPORARY
28 REGULATIONS. THE DEPARTMENT SHALL PROMULGATE TEMPORARY
29 REGULATIONS NOT SUBJECT TO:

30 (1) SECTIONS 201, 202, 203, 204 AND 205 OF THE ACT OF

1 JULY 31, 1968 (P.L.769, NO.240), REFERRED TO AS THE
2 COMMONWEALTH DOCUMENTS LAW.

3 (2) THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS
4 THE REGULATORY REVIEW ACT.

5 (3) SECTIONS 204(B) AND 301(10) OF THE ACT OF OCTOBER
6 15, 1980 (P.L.950, NO.164), KNOWN AS THE COMMONWEALTH
7 ATTORNEYS ACT.

8 (B) PUBLICATION.--THE DEPARTMENT SHALL TRANSMIT TEMPORARY
9 REGULATIONS TO THE LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION
10 IN THE PENNSYLVANIA BULLETIN NO LATER THAN SIX MONTHS AFTER THE
11 EFFECTIVE DATE OF THIS SECTION.

12 (C) PROMULGATION.--THE COMMISSION SHALL, BY REGULATION
13 INCLUDING TEMPORARY REGULATION, ESTABLISH PROCEDURES TO
14 GUARANTEE THE FOLLOWING:

15 (1) CONFIDENTIALITY OF REQUESTS OR RECOMMENDATIONS FOR
16 MENTAL HEALTH EVALUATIONS.

17 (2) CONFIDENTIALITY OF MENTAL HEALTH RECORDS PRODUCED BY
18 OPERATION OF THIS CHAPTER.

19 (3) ANY OTHER PROCEDURE DEEMED NECESSARY BY THE
20 COMMISSION FOR IMPLEMENTATION OF THIS CHAPTER.

21 SECTION 3. SECTION 2164(1.1) AND (6) OF TITLE 53 ARE AMENDED <--
22 AND THE SECTION IS AMENDED BY ADDING PARAGRAPHS TO READ:

23 § 2164. Powers and duties of commission.

24 The powers and duties of the commission shall be as follows:

25 * * *

<--

26 (1.1) TO PROVIDE TRAINING FOR POLICE OFFICERS WITH
27 RESPECT TO:

28 (I) RECOGNITION OF MENTAL ILLNESS, INTELLECTUAL
29 DISABILITIES AND AUTISM.

30 (II) PROPER TECHNIQUES TO INTERACT WITH AND DE-

1 ESCALATE INDIVIDUALS ENGAGING IN BEHAVIOR INDICATIVE OF
2 MENTAL ILLNESS, INTELLECTUAL DISABILITY OR AUTISM.

3 (III) INSTRUCTION ON SERVICES AVAILABLE TO
4 INDIVIDUALS WITH MENTAL ILLNESS, INTELLECTUAL
5 DISABILITIES OR AUTISM.

6 (IV) INSTRUCTION ON INTERACTING WITH INDIVIDUALS OF
7 DIVERSE RACIAL, ETHNIC AND ECONOMIC BACKGROUNDS.

8 * * *

9 (6) TO REQUIRE EVERY POLICE OFFICER TO ATTEND A MINIMUM
10 NUMBER OF HOURS OF IN-SERVICE TRAINING AS PROVIDED FOR BY
11 REGULATION TO MAINTAIN CERTIFICATION BY THE COMMISSION,
12 UNLESS THE OFFICER'S EMPLOYER FILES A SHOW CAUSE DOCUMENT
13 WITH THE COMMISSION REQUESTING ADDITIONAL TIME FOR THE
14 OFFICER TO COMPLY WITH THE IN-SERVICE TRAINING REQUIREMENTS.
15 APPROVAL OF THIS REQUEST SHALL BE MADE BY THE COMMISSION ON A
16 CASE-BY-CASE BASIS. IN-SERVICE TRAINING SHALL REQUIRE ANNUAL
17 INSTRUCTION ON THE USE OF FORCE, INCLUDING DEADLY FORCE, DE-
18 ESCALATION AND HARM REDUCTION TECHNIQUES, AND SHALL INCLUDE
19 ON A BIENNIAL BASIS INSTRUCTION IN COMMUNITY AND CULTURAL
20 AWARENESS, IMPLICIT BIAS, PROCEDURAL JUSTICE AND
21 RECONCILIATION TECHNIQUES AS DEVELOPED BY THE COMMISSION.

22 * * *

23 (17) To train police officers with respect to:

24 (i) Recognizing child abuse.

25 (ii) The provisions regarding reporting suspected
26 child abuse under 23 Pa.C.S. Ch. 63 (relating to child
27 protective services).

28 (iii) The efficacy of conducting forensic
29 interviewing of victims of child abuse within the setting
30 of a children's advocacy center.

1 As used in this paragraph, the terms "child abuse" and
2 "children's advocacy center" shall have the meanings given to
3 them in 23 Pa.C.S. § 6303 (relating to definitions).

4 ~~Section 3. This act shall take effect in 60 days.~~ <--

5 (18) TO TRAIN POLICE OFFICERS IN TRAUMA INFORMED CARE <--
6 AND WITH RESPECT TO RECOGNIZING AND INTERACTING WITH
7 INDIVIDUALS WITH POST-TRAUMATIC STRESS DISORDER, INCLUDING
8 INTERVENING WITH OR ON BEHALF OF OTHER POLICE OFFICERS
9 EXHIBITING POST-TRAUMATIC STRESS DISORDER.

10 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

11 (1) THE FOLLOWING SHALL TAKE EFFECT IN 60 DAYS:

12 (I) THE AMENDMENT OF 42 PA.C.S. § 3113(B).

13 (II) THE ADDITION OF 53 PA.C.S. §§ 2164(17) AND
14 (18).

15 (III) THE ADDITION OF 44 PA.C.S. § 7204.

16 (2) THE ADDITION OF 44 PA.C.S. §§ 7201, 7202 AND 7203
17 SHALL TAKE EFFECT IN ONE YEAR.

18 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
19 IMMEDIATELY.