
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 458 Session of
2019

INTRODUCED BY COSTA, FONTANA, HUGHES, SCHWANK AND HAYWOOD,
MARCH 21, 2019

REFERRED TO LAW AND JUSTICE, MARCH 21, 2019

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, further providing for
3 powers and duties of commission and providing for certified
4 police officer database.

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

7 Section 1. Section 2164(1.1), (6), (7) and (8) of Title 53
8 of the Pennsylvania Consolidated Statutes are amended and the
9 section is amended by adding paragraphs to read:

10 § 2164. Powers and duties of commission.

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

12 * * *

13 (1.1) To provide training for police officers with
14 respect to:

15 (i) Recognition of mental illness, intellectual
16 disabilities and autism.

17 (ii) Proper techniques to interact with and de-
18 escalate individuals engaging in behavior indicative of
19 mental illness, intellectual disability or autism.

1 (iii) Instruction on services available to
2 individuals with mental illness, intellectual
3 disabilities or autism.

4 (iv) Instruction on interacting with individuals of
5 diverse racial, ethnic and economic backgrounds.

6 (1.2) To require a minimum of 60 hours of instruction at
7 an accredited institution of higher education for police
8 officers.

9 * * *

10 (6) To require every police officer to attend a minimum
11 number of hours of in-service training as provided for by
12 regulation to maintain certification by the commission,
13 unless the officer's employer files a show cause document
14 with the commission requesting additional time for the
15 officer to comply with the in-service training requirements.
16 Approval of this request shall be made by the commission on a
17 case-by-case basis. In-service training shall require annual
18 instruction on the use of force, including deadly force, de-
19 escalation and harm reduction techniques, and shall include
20 on a biennial basis instruction in community and cultural
21 awareness, implicit bias, procedural justice and
22 reconciliation techniques as developed by the commission.

23 (7) To require all police officers to undergo a
24 background investigation to determine the individual's
25 suitability for employment as a police officer. This
26 investigation shall be completed prior to the employment of
27 the officer and shall include a criminal history check, a
28 check of information under section 2172 (relating to
29 certified police officer database), a credit check, personal
30 interviews and any other applicable means of determining

1 eligibility. An applicant who has been convicted of a felony
2 or serious misdemeanor shall not be eligible for employment
3 as a police officer.

4 (8) To require minimum standards for physical fitness,
5 psychological evaluation and education as prerequisites to
6 employment as a police officer. Police officers shall be
7 required to undergo a psychological examination each year of
8 the first three years of employment and each fifth year of
9 employment thereafter.

10 * * *

11 (12.1) To maintain a database of certified police
12 officers, including information regarding revocation of
13 certification and disciplinary issues consistent with section
14 2172.

15 (12.2) To develop minimal guidelines for municipalities
16 to consult and use in the administration of a municipal
17 police department, including municipal responsibilities under
18 this subchapter. The guidelines shall be developed in
19 consultation with organizations representing municipal law
20 enforcement, law enforcement agencies and municipal
21 governments.

22 * * *

23 Section 2. Title 53 is amended by adding a section to read:
24 § 2172. Certified police officer database.

25 (a) Database.--The commission shall maintain a database of
26 all certified police officers in this Commonwealth pursuant to
27 the authority granted under this subchapter. The database shall
28 include all of the following information for each officer:

29 (1) Name of the police officer.

30 (2) Employing municipality.

1 (3) All records relating to employment as a police
2 officer under this subchapter.

3 (4) All records relating to first aid or CPR
4 certification.

5 (5) All records relating to qualification with firearms
6 as specified.

7 (6) All records relating to completion of annual
8 mandatory in-service training.

9 (7) All records of physical or psychological impairment
10 which renders the officer permanently unable to perform the
11 officer's duties.

12 (8) All records of any conviction for a disqualifying
13 criminal offense.

14 (9) All records of any document submitted by a police
15 officer that the police officer knows, or reasonably should
16 know, contains false information, including fraudulent
17 application.

18 (10) Any record of disciplinary issues that have
19 resulted in the removal, suspension or reprimand of the
20 police officer by the employing municipality that are based
21 on substantiated reports regarding the following:

22 (i) excessive use of force;

23 (ii) instances of express animus or malicious
24 intention toward the race, color, religion, sex, sexual
25 orientation or national origin of another individual or
26 group of individuals demonstrated in the police officer's
27 conduct;

28 (iii) providing false or misleading evidence or
29 testimony in a judicial proceeding; and

30 (iv) failure to follow or maintain a standard,

1 policy or procedure that has been adopted by the
2 employing police department or municipality.

3 (11) Any record of civil judgments or orders against the
4 police officer that are directly related to the conduct of
5 the police officer.

6 (b) Notification of standards.--The information provided in
7 this section shall be available to a police department for the
8 purposes of considering a police officer as a candidate for
9 employment within a municipality when the police officer is
10 transferring from one municipal police department to the police
11 department of another municipality.

12 (c) Notification of termination.--It shall be the
13 responsibility of the head of the applicant's or police
14 officer's employing police department to provide written notice
15 to the commission of the following:

16 (1) An officer's termination of employment.

17 (2) An officer who has been determined to have a
18 permanent physical or psychological condition that renders
19 the officer unable to perform the officer's duties.

20 (3) An officer's arrest for a disqualifying offense
21 within 15 days from the date of arrest.

22 (4) Employment issues that have resulted in the
23 discipline of the police officer under subsection (a)(10).

24 (5) Any other information required by the commission to
25 satisfy its responsibility under this section.

26 (d) Limitations on use.--Information in the database shall
27 be limited to examination by criminal justice agencies as
28 defined in 18 Pa.C.S. Ch. 91 (relating to criminal history
29 record information) for the purposes of determining an officer's
30 eligibility and qualification for employment as a police

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

4 (e) Limitation.--The submission of information under this
5 section may not be restricted by the provisions of a collective
6 bargaining agreement, arbitration award or determination or any
7 other law to the contrary.

8 Section 3. This act shall take effect in 60 days.