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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1271 Session of  
2020

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INTRODUCED BY KEARNEY, COLLETT, COSTA, FARNESE, FONTANA, HUGHES,  
MUTH, SCHWANK AND A. WILLIAMS, SEPTEMBER 3, 2020

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REFERRED TO JUDICIARY, SEPTEMBER 3, 2020

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in commencement of  
3 proceedings, providing for execution of warrants.

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

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

8 § 8903. Execution of warrants.

9 (a) Standards.--The following standards shall apply to each  
10 law enforcement officer and law enforcement agency for the  
11 execution of any warrant issued in this Commonwealth under  
12 Chapters 2 and 5 of the Pennsylvania Rules of Criminal  
13 Procedure:

14 (1) A law enforcement officer shall physically knock and  
15 announce himself or herself before forcibly entering a home  
16 and shall wait a minimum of 15 seconds to allow the occupants  
17 of the home to respond and open the door.

18 (2) A law enforcement officer shall wear a body camera,

1 keep the law enforcement officer's body camera on and record  
2 video on the law enforcement officer's body camera:

3 (i) when the law enforcement officer conducts a  
4 search;

5 (ii) for a minimum of five minutes before and after  
6 the execution of the warrant; and

7 (iii) during any period that involves a subsequent  
8 arrest or search of a person or property.

9 (3) A law enforcement officer shall be in uniform or  
10 otherwise be wearing clothing that makes the law enforcement  
11 officer clearly and immediately identifiable as a law  
12 enforcement officer.

13 (b) Training.--The Attorney General, in collaboration with  
14 the Commissioner of Pennsylvania State Police, shall have the  
15 following duties:

16 (1) Establish a course of training for law enforcement  
17 officers on the constitutional, legal and technical aspects  
18 of executing warrants for the arrest of persons and search of  
19 property.

20 (2) Promulgate regulations as necessary to implement the  
21 training program under paragraph (1).

22 (3) Establish minimum standards for the certification  
23 and periodic recertification of law enforcement officers as  
24 eligible to conduct the execution of warrants. The minimum  
25 standards under this paragraph shall be included in the  
26 annual recertification and continuing education of law  
27 enforcement officers in accordance with 53 Pa.C.S. Ch. 21  
28 Subch. D (relating to municipal police education and  
29 training).

30 (c) Sanctions.--Notwithstanding any other provision of law,

1 decision, order, agreement or practice, a law enforcement  
2 officer who fails to comply with the requirements under  
3 subsection (a) shall be suspended from duty and the law  
4 enforcement officer's certification issued under 53 Pa.C.S. Ch.  
5 21 Subch. D shall be suspended or revoked as follows:

6 (1) For a first violation, the law enforcement officer's  
7 certification shall be suspended for a period of six months.

8 (2) For a second violation, the law enforcement  
9 officer's certification shall be suspended for a period of  
10 one year.

11 (3) For a third or subsequent violation, the law  
12 enforcement officer's certification shall be revoked.

13 (d) Arbitration.--A suspension or revocation under  
14 subsection (c) shall not be subject to arbitration or  
15 reinstatement under the act of June 24, 1968 (P.L.237, No.111),  
16 referred to as the Policemen and Firemen Collective Bargaining  
17 Act, or any other law of this Commonwealth.

18 (e) Cause of action.--Any person aggrieved for a violation  
19 of the requirements under subsection (a) may bring an action in  
20 an appropriate court of common pleas against a law enforcement  
21 officer or law enforcement agency on the grounds that the law  
22 enforcement officer or law enforcement agency intentionally  
23 failed to comply with requirements under subsection (a). If the  
24 court concludes that the law enforcement officer or law  
25 enforcement agency intentionally failed to comply with  
26 requirements under subsection (a), the court may order damages  
27 to the person or injunctive relief.

28 (f) Definitions.--As used in this section, the following  
29 words and phrases shall have the meanings given to them in this  
30 subsection unless the context clearly indicates otherwise:

1 "Body camera." An electronic, mechanical or other device  
2 that has been approved by the Pennsylvania State Police under 18  
3 Pa.C.S. § 5706(b)(4) (relating to exceptions to prohibitions in  
4 possession, sale, distribution, manufacture or advertisement of  
5 electronic, mechanical or other devices) to intercept the  
6 communication in the course of law enforcement duties.

7 "Law enforcement agency." An agency that employs a law  
8 enforcement officer.

9 "Law enforcement officer." A member of the Pennsylvania  
10 State Police or an individual employed as a police officer who  
11 holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D.

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