
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1119 Session of
2021

INTRODUCED BY WHEATLEY, N. NELSON, SANCHEZ, GALLOWAY, KENYATTA,
A. DAVIS, INNAMORATO, RABB, HARRIS, LEE, KIM, FRANKEL,
FITZGERALD, STURLA AND BULLOCK, JUNE 21, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 2021

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, for jail officers and juvenile
8 correctional officers and for bomb and explosive technicians;
9 and imposing duties on law enforcement agencies.

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

9 CHAPTER 1

10 PRELIMINARY PROVISIONS

11 Section 101. Short title.

12 This act shall be known and may be cited as the Employment
13 Certification and Decertification Training for Peace Officers
14 Act.

15 Section 102. Definitions.

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

19 "Agency head." As follows:

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

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

27 (i) The Attorney General.

28 (ii) The director of the Bureau of Narcotics
29 Investigation and Drug Control.

30 (iii) A district attorney.

1 (iv) A county or municipal fire chief.

2 (v) A peace officer employed exclusively as an
3 investigator for an individual specified under
4 subparagraphs (i), (ii), (iii) and (iv) who does not
5 exercise any law enforcement supervisory or managerial
6 duties.

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

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

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

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

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

22 "Council." The Employment Certification and Decertification
23 Training Council.

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

30 "Emergency peace officer." An individual on active State

1 duty under 51 Pa.C.S. § 508 (relating to active duty for
2 emergency).

3 "Institution of higher education." An institution as defined
4 in section 118(c) of the act of March 10, 1949 (P.L.30, No.14),
5 known as the Public School Code of 1949, which offers basic law
6 enforcement training, including a course curriculum, instructors
7 and designated facilities.

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

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

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

21 "Law enforcement agency." An agency that employs a law
22 enforcement officer.

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

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

1 crime.

2 "Peace officer." An individual who by virtue of the
3 individual's office or public employment is vested by the laws
4 of this Commonwealth with a duty to maintain public order or
5 make arrests for offenses, whether that duty extends to all
6 offenses or is limited to specific offenses.

7 "Probation officer." A probation officer appointed or
8 employed by a court or by a county probation department.

9 "Retired peace officer." A retired law enforcement officer
10 who, prior to his or her retirement from service, was a peace
11 officer.

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

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

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

28 "Trauma-informed approach." An approach that recognizes the
29 signs and symptoms of trauma in individuals and responds by
30 fully integrating knowledge about trauma into policies,

1 professional learning, procedures and practices for the purposes
2 of recognizing the presence and onset of trauma, resisting the
3 reoccurrence of trauma and promoting resiliency tailored to a
4 community's culture, climate and demographics.

5 CHAPTER 2

6 EMPLOYMENT CERTIFICATION AND DECERTIFICATION

7 TRAINING COUNCIL

8 Section 201. Establishment and composition of council.

9 (a) Establishment.--The Employment Certification and
10 Decertification Training Council is established.

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

13 (1) The Lieutenant Governor or a designee from the Board
14 of Pardons.

15 (2) The Commissioner of Pennsylvania State Police or a
16 designee.

17 (3) One member of the Senate appointed by the President
18 pro tempore of the Senate.

19 (4) One member of the Senate appointed by the Minority
20 Leader of the Senate.

21 (5) One member of the House of Representatives appointed
22 by the Speaker of the House of Representatives.

23 (6) One member of the House of Representatives appointed
24 by the Minority Leader of the House of Representatives.

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

27 (8) The president of the Pennsylvania Sheriffs'
28 Association or a designee.

29 (9) The president of the Pennsylvania Prison Wardens
30 Association or a designee.

1 (10) As follows:

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

3 (A) Five members who shall serve an initial term
4 of four years.

5 (B) Six members who shall serve an initial term
6 of three years.

7 (ii) After expiration of the initial terms under
8 subparagraph (i), the subsequent terms of the members
9 appointed under subparagraph (i) shall be four years.

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

12 (A) One county commissioner.

13 (B) One city manager or mayor.

14 (C) One chief of police.

15 (D) An active attorney of the Pennsylvania Bar
16 Association.

17 (E) Two individuals representing community
18 policing organizations.

19 (F) One member of the American Civil Liberties
20 Union.

21 (G) One public defender of a county.

22 (H) Two members of the Youth Sentencing and
23 Reentry Project.

24 (I) One member of the Pennsylvania Prison
25 Society.

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

30 (d) Compensation and expenses.--Members of the council shall

1 receive no compensation for their services, but shall receive
2 reimbursement for their necessary and proper expenses for
3 attendance at meetings.

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

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

10 The council shall conduct its affairs in the following
11 manner:

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

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

18 (3) The council shall maintain the minutes of the
19 council's meetings and other records as the council deems
20 necessary.

21 (4) The council shall report at least annually to the
22 Governor and the General Assembly regarding the council's
23 activities.

24 Section 203. Executive director of council.

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

1 the executive director.

2 (b) Contract services.--The executive director may contract
3 for services and employ professional, technical and clerical
4 personnel as may be necessary for the council to administer the
5 provisions of this chapter.

6 (c) Investigators.--

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

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

26 Section 204. Duties of council.

27 The council shall have the following duties:

28 (1) Meet at such times and places as the council deems
29 necessary.

30 (2) Contract with State agencies and other entities as

1 the council deems necessary for the rendering and affording
2 of services, facilities, studies and reports to the council
3 that will assist the council in carrying out its duties.

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

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

9 (5) Certify school entities and institutions of higher
10 education as authorized to conduct training required under
11 this chapter.

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

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

20 (8) Reevaluate certified school entities and
21 institutions of higher education annually to determine if the
22 school entities and institutions of higher education shall
23 continue to be certified.

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

29 (10) Determine whether a candidate has met the
30 requirements and is qualified to be employed as a peace

1 officer and issue a certificate to a candidate who is
2 qualified.

3 (11) Certify to a designated law enforcement agency of a
4 candidate's successful completion of the course required to
5 be a peace officer.

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

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

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

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

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

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

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

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

30 (20) Develop, adopt and issue advanced or professional

1 peace officer certificates based upon the attainment of
2 specified education, advanced or specialized training and
3 experience as determined by the council.

4 (21) Provide and administer the certification of
5 individuals qualified to operate speedometers and withdraw or
6 suspend the certification as provided under this chapter.

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

9 (23) Promulgate regulations as necessary to implement
10 the provisions of this chapter.

11 Section 205. Refusal to grant certification and disciplinary
12 measures.

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

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

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

28 (3) Has been convicted of a felony or pled guilty or
29 nolo contendere to a felony in this Commonwealth or any other
30 state.

1 (4) Commits a crime involving moral turpitude.

2 (5) Had his or her certificate or license to practice as
3 a peace officer revoked, suspended or annulled by a law
4 enforcement agency or the council.

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

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

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

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

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

23 (11) Has been suspended or discharged by the peace
24 officer's employing law enforcement agency for disciplinary
25 reasons.

26 (b) Disciplinary actions.--

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

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

2 (ii) Administer a public or private reprimand.

3 (iii) Suspend the peace officer's certificate for a
4 definite period.

5 (iv) Limit or restrict the peace officer's
6 certificate.

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

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

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

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

22 (d) Emergency suspension.--

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

29 (2) The order of emergency suspension shall be made in
30 writing and shall specify the basis for the executive

1 director's determination. After the issuance of an emergency
2 suspension order, proceedings of the council in the exercise
3 of its authority to discipline a peace officer shall be
4 promptly scheduled as provided under section 206. The
5 emergency suspension order of the executive director shall
6 continue in effect until issuance of the final decision of
7 the council or the emergency suspension order is withdrawn by
8 the executive director.

9 (e) Notice.--

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

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

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

28 (4) If the certification of a peace officer is suspended
29 or revoked by the council or executive director, the council
30 shall notify the head of the law enforcement agency that

1 employs the peace officer and the district attorney in the
2 jurisdiction where the law enforcement agency is located.
3 The notice shall identify the peace officer and state the
4 length of time, if known, that the peace officer will not
5 have authority to arrest. The notice under this paragraph
6 shall be sent by first class mail.

7 Section 206. Council hearings.

8 (a) Authorization.--

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

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

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

26 CHAPTER 3

27 PEACE OFFICERS

28 Section 301. Qualifications for peace officers.

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

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

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

3 (3) Have a high school diploma or its recognized
4 equivalent.

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

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

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

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

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

1 individual with a degree from an institution of higher
2 education shall be exempt from the examination under this
3 paragraph.

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

9 Section 302. Employment-related information.

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

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

1 (c) Public disclosure.--Employment-related information
2 provided under this section shall not be subject to public
3 disclosure by the employer or law enforcement agency and shall
4 not be subject to the act of February 14, 2008 (P.L.6, No.3),
5 known as the Right-to-Know Law.

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

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

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

23 (2) Upon the request of an applicant, a candidate or a
24 peace officer, a law enforcement agency shall allow him or
25 her to inspect the employment-related information and to
26 submit a written response to the information. The request for
27 inspection shall be made within five business days from the
28 date that the applicant, candidate or peace officer is
29 notified that the law enforcement agency has received the
30 employment-related information under paragraph (1). An

1 inspection shall be made by the applicant, candidate or peace
2 officer no later 10 business days after the request for
3 inspection. A response to the employment-related information
4 shall be made by the applicant, candidate or peace officer no
5 later than three business days after the inspection.

6 (f) Self-incriminating information.--

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

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

25 (g) Definition.--As used in this subsection, the term
26 "employment-related information" means written information
27 contained in a prior employer's records or personnel files that
28 relates to performance or behavior of an applicant, a candidate
29 or a peace officer while employed by the employer, including
30 performance evaluations, records of disciplinary action and

1 eligibility for rehire. The term shall not include information
2 prohibited from disclosure by Federal law or any document not in
3 the possession of the employer at the time a request for the
4 information is received.

5 Section 303. Basic training course.

6 (a) Requirement.--A candidate shall satisfactorily complete
7 a basic training course before the candidate's appointment as a
8 peace officer.

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

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

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

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

28 Section 304. Compliance with certification and registration
29 requirements.

30 (a) Compliance.--Except as provided under subsection (b), an

1 individual who fails to comply with the certification
2 requirements under this chapter may not be employed with a law
3 enforcement agency and a candidate may not perform any of the
4 duties of a peace officer involving the authority of arrest
5 until the certification requirements have been successfully
6 completed.

7 (b) Exception.--A peace officer who has commenced
8 employment or service before the effective date of this section
9 shall be exempt from the certification requirements under this
10 chapter as long the peace officer remains on active duty and the
11 peace officer meets the requirements specified under section
12 301(a) (2), (4), (5) and (8).

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

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

24 (2) The peace officer begins the subsequent employment
25 position within 12 months after the peace officer terminates
26 his or her previous employment position.

27 (d) Optional certification.--

28 (1) A peace officer who is exempt from the certification
29 requirements under this chapter as specified under subsection
30 (b) may choose to be certified under this chapter. If the

1 peace officer chooses to be certified under this chapter, the
2 council may recognize the instruction received by the peace
3 officer as equivalent to all or part of the instruction
4 required for certification under this chapter.

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

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

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

17 Section 305. Emergency peace officers and out-of-State peace
18 officers.

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

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

26 Section 306. Additional training requirements.

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

1 approaches.

2 (b) Exemptions.--

3 (1) A peace officer who completes the training required
4 under this section shall be excused from the minimum annual
5 training requirement for the year during which the training
6 is completed.

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

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

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

21 (d) Confirmation of training.--

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

25 (2) Failure to provide the council with the confirmation
26 of training under this section in a timely manner or failure
27 to obtain the required training in a timely manner shall
28 result in an emergency suspension of the peace officer's
29 certification by the executive director. The emergency
30 suspension order issued by the executive director shall be

1 made in writing and shall specify the basis for the
2 determination. The emergency suspension order shall continue
3 in effect until the training requirements are confirmed or a
4 waiver is issued under subsection (c). An emergency
5 suspension order issued under this paragraph shall be
6 automatically withdrawn upon confirmation of the required
7 training or the issuance of a waiver by the council under
8 subsection (c).

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

12 CHAPTER 4

13 SPEED DETECTION DEVICE OPERATORS

14 Section 401. Certification as speed detection device operators.

15 (a) Instruction requirements.--

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

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

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

1 (4) The council may certify a peace officer as a
2 qualified speed detection device operator who receives
3 instruction in the theory and application of speed detection
4 device operation that is equivalent to the instruction
5 required under this section. If the instruction is recognized
6 by the council, then the council shall accept the instruction
7 in lieu of the minimum hours of instruction required to be a
8 qualified speed detection device operator under this section.

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

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

19 (b) Withdrawal or suspension.--

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

27 (2) Upon the withdrawal or suspension of a peace
28 officer's certificate to operate speed detection devices
29 under paragraph (1), the executive director of the council
30 shall notify the commissioner. The notice shall contain the

1 peace officer's name and employing law enforcement agency.

2 (3) Upon receipt of the notice under paragraph (2), the
3 council shall withdraw or suspend the certification to
4 operate speed detection devices for each certified operator
5 employed by the employing law enforcement agency under
6 paragraph (2) for a period designated by the council.

7 CHAPTER 5

8 PROBATION OFFICERS

9 Section 501. Authorization to arrest.

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

19 (b) Requirements.--

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

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

29 (i) The duties of the subsequent employment position
30 are recognized by the council to be substantially the

1 same or similar to duties required by the probation
2 officer in his or her previous employment position.

3 (ii) The probation officer begins the subsequent
4 employment position within 12 months after the probation
5 officer terminates his or her previous employment
6 position.

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

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

17 CHAPTER 6

18 DUTIES OF LAW ENFORCEMENT AGENCIES

19 Section 601. Records on candidates and peace officers.

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

27 (b) Confidentiality.--The contents of the records prepared
28 under subsection (a), except for court proceedings, shall be
29 considered as confidential and shall not be subject to the act
30 of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know

1 Law. The contents of the records may only be accessed by the law
2 enforcement agency, the applicable candidate or peace officer or
3 the council as specified under subsection (a).

4 Section 602. Qualification standards and training requirements.

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

9 CHAPTER 7

10 CIVIL ACTIONS

11 Section 701. Injunctions to prevent violations of act.

12 The council may maintain an action for an injunction to
13 enjoin any of the following:

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

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

24 CHAPTER 8

25 AGENCY HEADS AND CHIEF ADMINISTRATORS

26 Section 801. Training requirements for current agency heads and
27 chief administrators.

28 (a) Requirements.--Beginning January 1, 2022, and each year
29 thereafter, an agency head or a chief administrator appointed
30 before the effective date of this section shall complete 20

1 hours of training as provided under this section.

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

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

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

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

19 Section 802. Training requirements for newly appointed agency
20 heads and chief administrators.

21 (a) Requirements.--Beginning January 1, 2022, and each year
22 thereafter, an agency head or a chief administrator, including
23 an individual acting in the capacity of an agency head or a
24 chief administrator for more than 60 days, appointed after the
25 effective date of this section shall complete 60 hours of
26 training as provided under this section. The training shall be
27 in addition to the basic training required of peace officers
28 under section 303.

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) Exemption.--

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

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

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

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

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

30 (f) Penalties.--An agency head or a chief administrator who

1 does not satisfy the training requirements under this section
2 shall lose his or her power of arrest.

3 CHAPTER 9

4 TRAINING COSTS

5 Section 901. Reimbursement for training costs.

6 (a) Reimbursement.--

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

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

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

27 (b) Statements.--The Commonwealth, a county or municipality
28 which initially paid for the training of a peace officer shall
29 submit an itemized, sworn statement to the new employer of a
30 peace officer under subsection (a) and shall demand payment for

1 the total cost of the training. The Commonwealth, county or
2 municipality may enforce the collection of the total cost of the
3 training under this section through civil remedies and
4 procedures in accordance with the laws of this Commonwealth.

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

12 CHAPTER 10

13 COMMUNICATIONS OFFICERS

14 Section 1001. Training requirements for communication officers.

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

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

1 coordination of standards, certification and compliance reviews
2 consistent with the provisions of this section.

3 (c) Course.--The basic training course for communications
4 officers under this section shall include training in the use of
5 telecommunications devices for the deaf.

6 CHAPTER 11

7 JAIL OFFICERS AND JUVENILE CORRECTIONAL OFFICERS

8 Section 1101. Training requirements for jail officers and
9 juvenile correctional officers.

10 (a) Requirements.--

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

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

23 (b) Authority.--

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

30 (2) An applicant to be a jail officer or juvenile

1 correctional officer and a jail officer or juvenile
2 correctional officer shall not be required to comply with the
3 requirements under section 301(a)(8) or training requirements
4 only applicable to peace officers.

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

9 (d) Registration.--

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

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

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

30 CHAPTER 12

BOMB AND EXPLOSIVE TECHNICIANS

Section 1201. Training requirements for bomb and explosive technicians.

(a) Requirements.--An individual who is employed by a State agency or municipality as a bomb technician, explosive ordnance disposal technician, handler of an animal trained to detect explosives or other similar position shall complete an initial training program, an apprenticeship and an annual recertification as prescribed by the council.

(b) Awards.--

(1) The council may award a distinctive device to an individual certified as an explosive ordnance disposal technician or as a handler of an animal trained to detect explosives upon completion of the initial training program and apprenticeship period.

(2) The council may award a distinctive device to an individual certified as an explosive ordnance disposal technician who qualifies as a senior or master explosive ordnance disposal technician.

(3) A distinctive device awarded under this subsection may be worn on a uniform of a peace officer or firefighter.

(c) Mutual aid agreements.--

(1) A State agency or municipality that employs a certified bomb technician, an explosive ordnance disposal technician, a handler of animals trained to detect explosives or an emergency medical technician or an emergency medical professional who provides medical support of explosive ordnance disposal operations may establish a mutual aid agreement with any other State agency or municipality for the purpose of assisting with the detection, rendering safe and

1 disposal of destructive devices.

2 (2) A municipality that receives assistance with the
3 detection, rendering safe and disposal of destructive devices
4 from another municipality shall reimburse the municipality
5 for the assistance, including for any loss or damage to
6 equipment other than fair wear and tear and expenses incurred
7 in the operation and maintenance of the equipment. In order
8 to receive a reimbursement under this paragraph, the
9 municipality that furnished the assistance shall provide the
10 chief financial officer of the municipality that received the
11 assistance with an itemized notice of the expenses incurred
12 within 60 days after the expenses were incurred.

13 (3) The municipality that received the assistance under
14 paragraph (2) shall reimburse the municipality that furnished
15 the assistance for all of the following:

16 (i) Overtime compensation paid to an employee of the
17 municipality as a result of the assistance.

18 (ii) The traveling and maintenance expenses of an
19 employee of the municipality as a result of the
20 assistance.

21 (iii) Compensation due to personal injury or death
22 of an employee of the municipality as a result of the
23 assistance.

24 (d) Duties of State agencies.--

25 (1) A State agency that receives assistance with the
26 detection, rendering safe and disposal of destructive devices
27 from a municipality under a mutual aid agreement shall
28 reimburse the municipality for the assistance, including for
29 any loss or damage to equipment other than fair wear and tear
30 and expenses incurred in the operation and maintenance of the

1 equipment. In order to receive a reimbursement under this
2 paragraph, the municipality that furnished the assistance
3 shall provide the State Treasurer with an itemized notice of
4 the expenses incurred within 60 days after the expenses were
5 incurred.

6 (2) The State agency that received the assistance under
7 paragraph (1) shall reimburse the municipality that furnished
8 the assistance for all of the following:

9 (i) Overtime compensation paid to an employee of the
10 municipality as a result of the assistance.

11 (ii) The traveling and maintenance expenses of an
12 employee of the municipality as a result of the
13 assistance.

14 (iii) Compensation due to personal injury or death
15 of an employee of the municipality as a result of the
16 assistance.

17 (3) Reimbursement under this subsection shall be subject
18 to an appropriation by the General Assembly.

19 (e) Rights.--An employee of a municipality who furnishes aid
20 under subsection (c) or (d) in accordance with a mutual aid
21 agreement shall have the same powers, duties, rights, privileges
22 and immunities as if the employee was engaged performing his or
23 her duties for a State agency or a municipality with which he or
24 she is normally employed.

25 (f) Documents.--Any records, books or documents that are
26 prepared for use in training conducted under this section
27 containing techniques and procedures for the manufacture or
28 rendering safe of a destructive device or guidelines for law
29 enforcement investigations or prosecutions of violations of
30 Federal or State laws relating to destructive devices,

1 explosives or chemical, biological or nuclear materials shall
2 not be subject to public disclosure except as provided under the
3 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
4 Know Law.

5 CHAPTER 21

6 MISCELLANEOUS PROVISIONS

7 Section 2101. Effective date.

8 This act shall take effect in 60 days.