

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1988 Session of 2021

INTRODUCED BY OWLETT, OBERLANDER, STRUZZI, CAUSER, MIZGORSKI, COOK, R. BROWN, SNYDER, D. WILLIAMS, BERNSTINE, SMITH, JAMES, CIRESI, MOUL, OTTEN, RADER, WHEELAND, LAWRENCE, SAPPEY AND HERRIN, OCTOBER 22, 2021

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2022

AN ACT

1 ~~Amending Title 53 (Municipalities Generally) of the Pennsylvania~~ <--
2 ~~Consolidated Statutes, in employees, further providing for~~
3 ~~definitions and for automatic certification.~~

4 AMENDING TITLES 42 (JUDICIARY AND JUDICIAL PROCEDURE) AND 53 <--
5 (MUNICIPALITIES GENERALLY) OF THE PENNSYLVANIA CONSOLIDATED
6 STATUTES, IN RECORDINGS BY LAW ENFORCEMENT OFFICERS, FURTHER
7 PROVIDING FOR DEFINITIONS; IN EMPLOYEES, FURTHER PROVIDING
8 FOR DEFINITIONS; AND PROVIDING FOR AUTOMATIC CERTIFICATION BY
9 THE MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING
10 COMMISSION.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 ~~Section 1. The definitions of "college," "police~~ <--
14 ~~department," "police officer" and "university" in section 2162~~
15 ~~of Title 53 of the Pennsylvania Consolidated Statutes are~~
16 ~~amended to read:~~

17 SECTION 1. THE DEFINITION OF "LAW ENFORCEMENT OFFICER" IN <--
18 SECTION 67A01 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED
19 STATUTES IS AMENDED TO READ:

20 § 67A01. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
2 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
3 CONTEXT CLEARLY INDICATES OTHERWISE:

4 * * *

5 "LAW ENFORCEMENT OFFICER." [AN OFFICER OF THE UNITED STATES,
6 THE COMMONWEALTH OR A POLITICAL SUBDIVISION THEREOF, ANOTHER
7 STATE OR POLITICAL SUBDIVISION THEREOF OR WHO IS EMPOWERED BY
8 LAW TO CONDUCT INVESTIGATIONS OF OR TO MAKE ARRESTS FOR OFFENSES
9 ENUMERATED IN THIS CHAPTER OR AN EQUIVALENT CRIME IN ANOTHER
10 JURISDICTION, A SHERIFF OR DEPUTY SHERIFF AND ANY ATTORNEY
11 AUTHORIZED BY LAW TO PROSECUTE OR PARTICIPATE IN THE PROSECUTION
12 OF THE OFFENSE.] A MEMBER OF THE PENNSYLVANIA STATE POLICE, AN
13 INDIVIDUAL EMPLOYED AS A POLICE OFFICER WHO HOLDS A CURRENT
14 CERTIFICATE UNDER 53 PA.C.S. CH. 21 SUBCH. D (RELATING TO
15 MUNICIPAL POLICE EDUCATION AND TRAINING), A SHERIFF OR A DEPUTY
16 SHERIFF.

17 * * *

18 SECTION 2. THE DEFINITIONS OF "COLLEGE," "POLICE
19 DEPARTMENT," "POLICE OFFICER" AND "UNIVERSITY" IN SECTION 2162
20 OF TITLE 53 ARE AMENDED TO READ:

21 § 2162. Definitions.

22 The following words and phrases when used in this subchapter
23 shall have the meanings given to them in this section unless the
24 context clearly indicates otherwise:

25 * * *

26 "College." A college which has a campus police department,
27 as used in section 2416 of the act of April 9, 1929 (P.L.177,
28 No.175), known as The Administrative Code of 1929, certified by
29 the Office of Attorney General as a criminal justice agency
30 under the definition of "criminal justice agency" in 18 Pa.C.S.

1 § 9102 (relating to definitions). [The term does not include the
2 State System of Higher Education and its member institutions.]

3 * * *

4 "Police department." Any of the following:

5 (1) A public agency of a political subdivision having
6 general police powers and charged with making arrests in
7 connection with the enforcement of the criminal or traffic
8 laws. This paragraph includes the sheriff's office in a
9 county of the second class.

10 (2) A campus police or university police department, as
11 used in section 2416 of the act of April 9, 1929 (P.L.177,
12 No.175), known as The Administrative Code of 1929, certified
13 by the Office of Attorney General as a criminal justice
14 agency under the definition of "criminal justice agency" in
15 18 Pa.C.S. § 9102 (relating to definitions). [This paragraph
16 does not include a campus police or university police
17 department of the State System of Higher Education and its
18 member institutions.]

19 (3) A railroad or street railway police department
20 formed with officers commissioned under 22 Pa.C.S. Ch. 33
21 (relating to railroad and street railway police) or any prior
22 statute providing for such commissioning.

23 (4) The Capitol Police.

24 (5) The Harrisburg International Airport Police.

25 (6) An airport authority police department.

26 (7) A county park police force under section 2511(b) of
27 the act of August 9, 1955 (P.L.323, No.130), known as The
28 County Code.

29 "Police officer." Any of the following:

30 (1) A full-time or part-time employee assigned to

1 criminal or traffic law enforcement duties of any of the
2 following:

3 (i) A police department of a county, city, borough,
4 town or township.

5 (ii) Any railroad or street railway police.

6 (iii) Any campus or university police department,
7 including the State System of Higher Education and its
8 member institutions.

9 (iv) The Capitol Police.

10 (v) The Harrisburg International Airport Police.

11 (vi) An airport authority police department.

12 (2) A deputy sheriff of a county of the second class.

13 (3) A security officer of a first class city housing
14 authority or a police officer of a second class city housing
15 authority.

16 (4) A county park police officer.

17 The term excludes persons employed to check parking meters or to
18 perform only administrative duties and auxiliary and fire
19 police.

20 * * *

21 "University." A university which has a campus police
22 department, as used in section 2416 of the act of April 9, 1929
23 (P.L.177, No.175), known as The Administrative Code of 1929,
24 certified by the Office of Attorney General as a criminal
25 justice agency under the definition of "criminal justice agency"
26 in 18 Pa.C.S. § 9102 (relating to definitions). [The term does
27 not include the State System of Higher Education and its member
28 institutions.]

29 ~~Section 2. Section 2168(b) of Title 53 is amended to read: <--~~
30 ~~§ 2168. Automatic certification.~~

1 * * *

2 ~~(b) Campus or university police.~~

3 ~~(1) Any campus or university police officer who, as of~~
4 ~~August 27, 1993, has successfully completed a basic training~~
5 ~~course similar to that required under this subchapter shall,~~
6 ~~after review by the commission, be certified as having met~~
7 ~~the basic training requirements of this subchapter. Any~~
8 ~~campus or university police officer who, as of August 27,~~
9 ~~1993, has not successfully completed a basic training course~~
10 ~~similar to that required under this subchapter which~~
11 ~~qualifies the police officer for certification under this~~
12 ~~subsection shall be able to perform the duties of a campus or~~
13 ~~university police officer until certified by the commission,~~
14 ~~but no later than August 29, 1994.~~

15 ~~(2) Campus police as defined in section 2001 A(20) of~~
16 ~~the act of March 10, 1949 (P.L.30, No.14), known as the~~
17 ~~Public School Code of 1949, who have successfully completed~~
18 ~~the basic training course from the commission before or on~~
19 ~~the effective date of this paragraph shall be automatically~~
20 ~~certified by the commission.~~

21 * * *

22 SECTION 3. CAMPUS POLICE, AS DEFINED IN SECTION 2001-A(20) <--
23 OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
24 PUBLIC SCHOOL CODE OF 1949, WHO HAVE SUCCESSFULLY COMPLETED THE
25 BASIC TRAINING COURSE FROM THE COMMISSION AND OBTAINED A
26 PSYCHOLOGICAL EVALUATION FOR EMPLOYMENT AS A LAW ENFORCEMENT
27 OFFICER BEFORE THE EFFECTIVE DATE OF THIS SECTION SHALL BE
28 AUTOMATICALLY CERTIFIED BY THE MUNICIPAL POLICE OFFICERS'
29 EDUCATION AND TRAINING COMMISSION.

30 Section 3 4. This act shall take effect immediately. <--