
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 142 Session of
2021

INTRODUCED BY STREET, KEARNEY, SANTARSIERO, MUTH, CAPPELLETTI
AND COSTA, JANUARY 28, 2021

REFERRED TO JUDICIARY, JANUARY 28, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, providing for use of
3 force and deadly force policy for law enforcement agencies.

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

6 Section 1. The heading of Subchapter C of Chapter 21 of
7 Title 53 of the Pennsylvania Consolidated Statutes is amended to
8 read:

9 SUBCHAPTER C

10 [(Reserved)]

11 USE OF FORCE AND DEADLY FORCE POLICY

12 FOR LAW ENFORCEMENT AGENCIES

13 Section 2. Subchapter C of Chapter 21 of Title 53 is amended
14 by adding sections to read:

15 § 2141. Policy.

16 It is the policy of the Commonwealth to provide law
17 enforcement agencies and law enforcement officers with clear
18 guidelines and training regarding the use of force and deadly

1 force.

2 § 2142. Definitions.

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

6 "Choke hold." A physical maneuver that restricts an
7 individual's ability to breathe for the purposes of
8 incapacitation.

9 "Commission." The Municipal Police Officers' Education and
10 Training Commission.

11 "Commissioner." The Commissioner of Pennsylvania State
12 Police.

13 "Deadly force." Force which, under the circumstances in
14 which it is used, is readily capable of causing death or serious
15 bodily injury.

16 "Force." Efforts used by a law enforcement officer that may
17 result in serious bodily injury or death when used to:

18 (1) Effectuate an arrest.

19 (2) Overcome resistance or threatened resistance to
20 effectuate an arrest.

21 (3) Protect the arresting officer or any other person
22 from injury or death.

23 "Law enforcement agency." A law enforcement agency in this
24 Commonwealth that is the employer of a law enforcement officer.

25 "Law enforcement officer." The term shall have the same
26 meaning as the term "peace officer" under 18 Pa.C.S. § 501
27 (relating to definitions).

28 "Serious bodily injury." Bodily injury that creates a
29 substantial risk of death or which causes serious, permanent
30 disfigurement or protracted loss or impairment of the function

1 of a bodily member or organ.

2 "Weapon." Anything readily capable of lethal use and
3 possessed under circumstances not manifestly appropriate for
4 lawful uses which it may have. The term includes a firearm which
5 is not loaded or lacks a clip or other component to render it
6 immediately operable, and components which can readily be
7 assembled into a weapon.

8 § 2143. Written policies required.

9 (a) General rule.--Each law enforcement agency shall develop
10 and implement a written use of force policy governing the
11 procedures under which a law enforcement officer should
12 initiate, continue and terminate the use of force. This policy
13 may be the model policy endorsed by a national or State
14 organization or association that is consistent with the
15 requirements of this subchapter. The written policy shall
16 reflect consideration of the guidelines under this section.

17 (b) Intent of guidelines.--The guidelines under this section
18 are solely intended to direct law enforcement agencies in
19 developing use of force policies and outline the content of
20 these policies. The guidelines contained in this section are not
21 intended to mandate the actions of individual law enforcement
22 officers.

23 (c) Policy guidelines.--Each law enforcement agency policy
24 shall be consistent with current training and certification
25 standards and include the following procedural elements:

26 (1) Decision-making criteria or principles for
27 initiation of force. These criteria or principles may
28 include, but are not limited to:

29 (i) The severity of the crime at issue.

30 (ii) Whether the suspect poses an immediate threat

1 to the safety of the law enforcement officer or others.

2 (iii) The potential for harm or immediate or
3 potential danger to others if the fleeing individual or
4 individuals escape.

5 (iv) Whether the suspect is actively resisting
6 arrest or attempting to evade arrest by flight.

7 (v) Safety factors that pose a risk to law
8 enforcement officers and other persons.

9 (vi) Whether the suspect is in possession of a
10 weapon.

11 (vii) Other relevant information that the law
12 enforcement officer reasonably believes to be true at the
13 time.

14 (2) Responsibilities of the law enforcement officers.

15 (3) Responsibilities of the field supervisor.

16 (4) Decision-making criteria or principles for
17 termination of force. These criteria or principles may
18 include safety factors that pose a risk to law enforcement
19 officers and other persons.

20 (5) Recordkeeping protocols for use of force incidents.

21 (d) Policy requirements.--Each law enforcement agency policy
22 shall prohibit the use of choke holds by law enforcement
23 officers except in cases in which deadly force is authorized.

24 (e) Training governing use of force.--Before carrying a
25 weapon, each law enforcement officer shall receive training and
26 instruction with regard to the proper use of force and to the
27 law enforcement agency's policies and statutes with regard to
28 force. The training and instruction shall continue on an annual
29 basis and may include the following criteria:

30 (1) Each law enforcement officer shall carry and use

1 only authorized weapons unless circumstances exist which pose
2 an immediate threat to the safety of the law enforcement
3 officer or the public requiring the use of a weapon or object
4 that has not been authorized to counter a threat.

5 (2) With law enforcement agency approval, law
6 enforcement officers may modify, alter or cause to be altered
7 an authorized weapon in the law enforcement officer's
8 possession or control.

9 (3) A law enforcement officer should use discretion to
10 determine reasonable force options to bring a suspect under
11 control. A law enforcement officer is not required to first
12 attempt using types and degrees of force that reasonably
13 appear to be inadequate to accomplish the intended objective.

14 (4) A law enforcement officer may announce the intention
15 to use reasonable force.

16 (5) A law enforcement officer should consider whether it
17 is reasonably prudent to use de-escalation and harm reduction
18 techniques.

19 (f) Biennial certification.--Every other year, the
20 commission shall certify whether each law enforcement agency has
21 a use of force policy in effect. The commission shall provide
22 the Pennsylvania State Police with a list of those law
23 enforcement agencies that have or have not notified or certified
24 to the commission that the law enforcement agency has a use of
25 force policy. The biennial certification may be implemented
26 simultaneously with other certifications conducted by the
27 commission.

28 (g) Policy availability.--A policy adopted under this
29 section shall be made available to the general public upon
30 request and shall be posted on a publicly accessible Internet

1 website maintained by the law enforcement agency.

2 (h) Limitations.--A law enforcement agency policy shall be
3 consistent with the requirements of 18 Pa.C.S. Ch. 5 (relating
4 to general principles of justification).

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