

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 228 Session of  
2021

---

INTRODUCED BY SCHWANK, COSTA, FONTANA, KEARNEY, MUTH,  
SANTARSIERO, TARTAGLIONE, BREWSTER, KANE AND COMITTA,  
FEBRUARY 22, 2021

---

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
FEBRUARY 22, 2021

---

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, providing for Pennsylvania Nonprofit  
3 Security Grant Program; and establishing the Pennsylvania  
4 Nonprofit Security Grant Committee within the Pennsylvania  
5 Commission on Crime and Delinquency and the Pennsylvania  
6 Nonprofit Security Grant Fund.

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

9 Section 1. Title 35 of the Pennsylvania Consolidated  
10 Statutes is amended by adding a chapter to read:

11 CHAPTER 78A

12 PENNSYLVANIA NONPROFIT SECURITY GRANT PROGRAM

13 Sec.

14 78A01. Scope of chapter.

15 78A02. Definitions.

16 78A03. Pennsylvania Nonprofit Security Grant Committee.

17 78A04. Criteria.

18 78A05. Assessment providers.

19 78A06. Safety and security assessments.

1 78A07. Pennsylvania Nonprofit Security Grant Program.

2 78A08. Pennsylvania Nonprofit Security Grant Fund.

3 § 78A01. Scope of chapter.

4 This chapter relates to the Pennsylvania Nonprofit Security  
5 Grant Program.

6 § 78A02. Definitions.

7 The following words and phrases when used in this chapter  
8 shall have the meanings given to them in this section unless the  
9 context clearly indicates otherwise:

10 "Agency." The Pennsylvania Emergency Management Agency.

11 "Commission." The Pennsylvania Commission on Crime and  
12 Delinquency.

13 "Committee." The Pennsylvania Nonprofit Security Grant  
14 Committee established under section 78A03 (relating to  
15 Pennsylvania Nonprofit Security Grant Committee).

16 "Eligible uses." Any of the following:

17 (1) Security enhancements that may include, but are not  
18 limited to:

19 (i) Safety and security planning.

20 (ii) Safety and security equipment and purchase of  
21 security-related technology, which may include, but is  
22 not limited to:

23 (A) Metal detectors.

24 (B) Protective lighting.

25 (C) Specialty-trained canines.

26 (D) Surveillance equipment.

27 (E) Special emergency communications equipment.

28 (F) Electronic locksets.

29 (G) Deadbolts.

30 (H) Trauma kits.

- 1                   (I) Theft control devices.  
2                   (iii) Safety and security training.  
3                   (iv) Threat awareness and response training.  
4                   (v) Upgrades to existing structures that enhance  
5                   safety and security.  
6                   (vi) Vulnerability and threat assessments.  
7                   (vii) Any other safety or security-related use that  
8                   enhances safety or security of a nonprofit organization.

9                   (2) Public outreach programs designed to reduce violence  
10                   in the community by encouraging increased communication,  
11                   tolerance, respect and understanding that are approved by the  
12                   committee.

13                   "Fund." The Pennsylvania Nonprofit Security Grant Fund  
14                   established under section 78A08(a) (relating to Pennsylvania  
15                   Nonprofit Security Grant Fund).

16                   "Grant program." The Pennsylvania Nonprofit Security Grant  
17                   Program established under section 78A07(a) (relating to  
18                   Pennsylvania Nonprofit Security Grant Program).

19                   "Nonprofit organization." A corporation or other entity that  
20                   is an exempt organization as provided for under section 501(c)  
21                   (3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26  
22                   U.S.C. § 501(c)(3)).

23                   "Safety and security assessment" or "assessment." A  
24                   strategic evaluation of the facilities of a nonprofit  
25                   organization that is used to identify potential safety and  
26                   security threats.

27                   § 78A03. Pennsylvania Nonprofit Security Grant Committee.

28                   (a) Establishment.--The Pennsylvania Nonprofit Security  
29                   Grant Committee is established within the commission.

30                   (b) Composition.--The committee shall consist of a

1 chairperson and the following members:

2 (1) The Attorney General or a designee.

3 (2) The Commissioner of Pennsylvania State Police or a  
4 designee.

5 (3) The director of the agency or a designee.

6 (4) The chairperson of the commission or a designee.

7 (5) The chairperson of the Pennsylvania Human Relations  
8 Commission or a designee.

9 (6) An individual with experience in the subject matter  
10 appointed by the President pro tempore of the Senate.

11 (7) An individual with experience in the subject matter  
12 appointed by the Minority Leader of the Senate.

13 (8) An individual with experience in the subject matter  
14 appointed by the Speaker of the House of Representatives.

15 (9) An individual with experience in the subject matter  
16 appointed by the Minority Leader of the House of  
17 Representatives.

18 (10) A recognized subject matter expert appointed by the  
19 Governor.

20 (c) Chairperson.--The chairperson of the committee shall be  
21 selected by the Governor from among the members of the  
22 committee.

23 (d) Vice chairperson.--A vice chairperson shall be  
24 designated by the chairperson of the committee from among the  
25 members of the committee to preside at meetings in the absence  
26 of the chairperson.

27 (e) Term.--Members of the committee shall serve a four-year  
28 term.

29 (f) Quorum.--A majority of the members of the committee  
30 shall constitute a quorum, and a quorum shall be required for

1 all actions.

2 (g) Actions.--A vote of the majority of the members of the  
3 committee present shall be sufficient for all actions taken by  
4 the committee.

5 (h) Initial meeting.--The committee shall hold its first  
6 meeting no later than 30 days from the effective date of this  
7 subsection.

8 (i) Compensation.--Members of the committee shall serve  
9 without compensation for their services. Members of the  
10 committee under subsection (b) (6), (7), (8), (9) and (10) shall  
11 be reimbursed for their actual and necessary expenses incurred  
12 in the performance of their duties.

13 (j) Cooperation.--The commission shall cooperate with the  
14 committee to select staff to be employed by the commission and  
15 assigned to assist the committee in carrying out its duties.

16 § 78A04. Criteria.

17 (a) Duty to establish.--No later than October 31, 2020, the  
18 committee shall establish criteria to be used when evaluating  
19 the following:

20 (1) Applications submitted under this chapter for  
21 proposed security enhancements to the facility or facilities  
22 of a nonprofit organization, including:

23 (i) A review of the safety and security assessment  
24 form submitted with an application for a grant under this  
25 chapter.

26 (ii) A review of the nonprofit organization's safety  
27 and security plan.

28 (iii) A review of the nonprofit organization's  
29 existing plans for crisis response and mitigation.

30 (iv) An analysis of the design and the safety and

1 security vulnerabilities of the facility or facilities of  
2 the nonprofit organization.

3 (v) An evaluation of the nonprofit organization's  
4 policies relating to safety and security issues.

5 (vi) An analysis of how the proposed security  
6 enhancements will address the indicated security  
7 vulnerabilities.

8 (2) Applications submitted under this chapter that  
9 include proposed public outreach programs designed to reduce  
10 violence in the community by encouraging increased  
11 communication, tolerance, respect and understanding.

12 (b) Periodic review of criteria.--The committee shall review  
13 the criteria established under subsection (a) at a minimum every  
14 three years and may make revisions as needed.

15 § 78A05. Assessment providers.

16 (a) Duty to establish criteria.--No later than October 31,  
17 2020, the committee shall establish criteria for registration of  
18 a person with knowledge and experience in matters of safety and  
19 security that qualifies the person to conduct safety and  
20 security assessments based upon the criteria established by the  
21 committee under section 78A04 (relating to criteria) beginning  
22 October 31, 2020.

23 (b) Qualified persons.--Persons registered to conduct school  
24 safety and security assessments under section 1304-B of the act  
25 of March 10, 1949 (P.L.30, No.14), known as the Public School  
26 Code of 1949, shall be qualified to conduct safety and security  
27 assessments under this chapter.

28 (c) Periodic review of criteria.--The committee shall review  
29 the criteria established in subsection (a) at a minimum every  
30 three years and may make revisions as needed.

1 (d) Registration.--A person shall apply for registration as  
2 an assessment provider to the committee in a manner prescribed  
3 by the committee.

4 § 78A06. Safety and security assessments.

5 (a) Development.--No later than October 31, 2019, the  
6 committee shall develop a safety and security assessment form to  
7 distribute to nonprofit organizations for submission with an  
8 application for a grant under this chapter.

9 (b) Confidentiality.--Any data collected through the safety  
10 and security assessment form by the committee and the findings  
11 of the committee shall remain confidential and shall not be  
12 subject to the act of February 14, 2008 (P.L.6, No.3), known as  
13 the Right-to-Know Law.

14 § 78A07. Pennsylvania Nonprofit Security Grant Program.

15 (a) Establishment.--The Pennsylvania Nonprofit Security  
16 Grant Program is established to provide grants to nonprofit  
17 organizations throughout this Commonwealth to fund eligible  
18 uses.

19 (b) Functions generally.--The committee shall perform all  
20 functions related to the direct approval, disbursement and  
21 administration of grants under the program.

22 (c) Applications.--No later than September 1, 2020, and by  
23 September 1 of each year thereafter, the committee shall accept  
24 applications from nonprofit organizations for a grant during a  
25 fiscal year. The applications must be submitted in the form and  
26 manner prescribed by the committee.

27 (d) Review process.--

28 (1) No later than 90 days after a completed application  
29 is received from a nonprofit organization, the committee  
30 shall review and approve or deny the application.

1           (2) A nonprofit organization may revise and resubmit a  
2           denied application to the committee. The committee shall make  
3           a reasonable effort to assist the nonprofit organization in  
4           the revision and resubmission of the denied application.

5           (3) The committee may engage registered assessment  
6           providers to complete the review required under this  
7           subsection.

8           (e) Time frame.--The committee shall review applications on  
9           a rolling basis and shall accept applications until all grant  
10          program money for the fiscal year is exhausted.

11          (f) Eligible uses.--The committee may only award grants  
12          through the grant program for eligible uses. Nonprofit  
13          organizations may only expend grant money received through the  
14          grant program on eligible uses.

15          (g) Diversity.--The committee shall ensure that funding  
16          under the grant program is geographically dispersed throughout  
17          this Commonwealth.

18          (h) Limitation.--Each nonprofit organization may submit one  
19          application annually. No nonprofit organization may receive an  
20          annual grant allocation that exceeds 10% of the money available  
21          under the grant program.

22          (i) Coordination.--The committee shall coordinate with the  
23          commission and the agency on the interaction of the grant  
24          program with the Federal Nonprofit Security Grant Program  
25          administered by the United States Department of Homeland  
26          Security to ensure the most effective use of resources.

27          (j) Audits.--The commission may randomly audit grant  
28          recipients to ensure the appropriate use of grant money and  
29          compliance with the provisions of this chapter.

30          § 78A08. Pennsylvania Nonprofit Security Grant Fund.

1     (a) Establishment.--The Pennsylvania Nonprofit Security  
2 Grant Fund is established as a special nonlapsing fund in the  
3 State Treasury.

4     (b) Appropriation.--All money deposited in the fund and the  
5 interest it accrues are appropriated to the commission on a  
6 continuing basis to award grants under this chapter.

7     (c) Use.--The fund may only be used for the grant program  
8 authorized under this chapter, and no money in the fund may be  
9 transferred or diverted to any other purpose by administrative  
10 action.

11     (d) Funding.--Money available to the fund shall include  
12 appropriations and transfers from Federal funds and other  
13 sources of revenue made available to it.

14     (e) Allocations.--No more than 12.5% of the fund may be  
15 allocated annually for grants for public outreach programs  
16 designed to reduce violence in the community.

17     (f) Administrative costs.--No more than 1% of the fund may  
18 be used for reasonable administrative costs.

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