
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 881 Session of
2021

INTRODUCED BY LANGERHOLC, YUDICHAK, PHILLIPS-HILL, VOGEL,
MENSCH, COSTA, CAPPELLETTI, MUTH AND MASTRIANO,
SEPTEMBER 28, 2021

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
SEPTEMBER 28, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for Safe Exchange Zone
3 Program.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 62

9 SAFE EXCHANGE ZONE PROGRAM

10 Sec.

11 6201. Scope of chapter.

12 6202. Definitions.

13 6203. Legislative purpose.

14 6204. Safe Exchange Zone Program.

15 § 6201. Scope of chapter.

16 This chapter relates to the Safe Exchange Zone Program.

17 § 6202. 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 "County." A county of any class.

5 "Department." The Department of Community and Economic
6 Development of the Commonwealth.

7 "Municipality." A county, city, borough, incorporated town,
8 township or home rule, optional plan or optional charter
9 municipality or municipal authority in this Commonwealth and any
10 entity formed under Subchapter A of Chapter 23 (relating to
11 intergovernmental cooperation).

12 "Participant." An individual utilizing a safe exchange zone.

13 "Participating entity." A local police department, a county
14 sheriff or the Pennsylvania State Police.

15 "Program." The Safe Exchange Zone Program established under
16 section 6204(a) (relating to Safe Exchange Zone Program).

17 "Safe exchange zone." A place which meets the requirements
18 under section 6204(e)(1)(iii).

19 § 6203. Legislative purpose.

20 The purpose of this chapter is to establish safe public
21 locations for participants to exchange goods purchased online
22 and for child custody exchanges through the distribution of
23 grant money to municipalities.

24 § 6204. Safe Exchange Zone Program.

25 (a) Establishment.--The Safe Exchange Zone Program is
26 established within the department.

27 (b) Eligibility.--Municipalities may apply for a grant under
28 the program to establish safe exchange zones at a participating
29 entity's office or barracks or in a public area.

30 (c) Application.--The department shall generate an

1 application upon which municipalities may apply for a grant
2 under the program. The form shall indicate the cost of
3 establishing a safe exchange zone, the location, the approval of
4 a participating entity to assist with the safe exchange zone and
5 any additional information the department deems necessary.

6 (d) Duty of department.--The department shall approve or
7 deny an application under subsection (b) within 30 days of
8 receipt of the application. Upon approval of an application, the
9 department shall disburse the grant money as provided under
10 subsection (h).

11 (e) Safe exchange zone requirements and assignment of
12 responsibility.--

13 (1) Safe exchange zones:

14 (i) Shall have an appropriate video surveillance
15 system to observe all areas of the safe exchange zone,
16 which shall be monitored by a participating entity.

17 (ii) Shall be clearly indicated with proper signage
18 that displays the participating entity's telephone number
19 and "in case of an emergency dial 911."

20 (iii) May only be placed:

21 (A) Within 100 feet of a local police
22 department's office.

23 (B) Within 100 feet of a county sheriff's
24 office.

25 (C) Within 100 feet of a State Trooper barracks.

26 (D) Within 100 feet of a public park, county
27 courthouse, local magistrate's office, municipal
28 office or other public area that has an active public
29 presence, as approved by the department.

30 (iv) Must be on public land.

1 (2) If the municipality seeks to establish a safe
2 exchange zone under paragraph (1)(iii)(A), the participating
3 entity shall be the local police department.

4 (3) If the municipality seeks to establish a safe
5 exchange zone under paragraph (1)(iii)(B), the participating
6 entity shall be the county sheriff.

7 (4) If the municipality seeks to establish a safe
8 exchange zone under paragraph (1)(iii)(C), the participating
9 entity shall be the Pennsylvania State Police.

10 (5) If the municipality seeks to establish a safe
11 exchange zone under paragraph (1)(iii)(D), the video
12 surveillance requirement under subsection (g)(1) shall be the
13 responsibility of the participating entity that has the
14 closest response time to the safe exchange zone.

15 (f) Participating entity requirements.--A participating
16 entity:

17 (1) Shall regularly monitor the video surveillance
18 system required under subsection (e)(1)(i) for activity that
19 endangers participants or the public.

20 (2) Must ensure that participants have the ability to
21 notify the participating entity of the need for assistance by
22 displaying the appropriate contact information as required
23 under subsection (e)(1)(ii).

24 (3) If a participant notifies a participating entity
25 under paragraph (2), shall properly assist the participant in
26 accordance with the guidelines established under subsection
27 (g) and ensure that the exchange does not present a danger to
28 the participant or the public.

29 (4) During examination of the video surveillance, may
30 not interfere with an exchange unless it presents a clear and

1 present danger to the participating entity, a participant or
2 the public or unless the participating entity's assistance is
3 requested by a participant under paragraph (2).

4 (g) Guidelines and procedures.--In consultation with
5 participating entities, the department shall establish
6 guidelines and procedures for the adequate monitoring of video
7 surveillance required under subsection (f)(1) and for
8 surveillance measures necessary to keep participants and the
9 public safe, which do not infringe on the Fourth Amendment
10 rights of the participants of the exchange provided for in the
11 Constitution of the United States.

12 (h) Priority of award.--Priority shall be given to
13 municipalities awarded a grant under this section in the
14 following order:

15 (1) Municipalities seeking to establish safe exchange
16 zones within 100 feet of a local police department, county
17 sheriff's office or State Trooper barrack.

18 (2) Municipalities seeking to establish safe exchange
19 zones in a public area.

20 (i) Disbursement of money.--The Secretary of Community and
21 Economic Development shall ensure that the grant money awarded
22 under this section is geographically disbursed throughout this
23 Commonwealth.

24 (j) Use and audit.--Grant money must be used exclusively for
25 the purpose of establishing a safe exchange zone and is subject
26 to audit by the department and the Auditor General.

27 Section 2. This act shall take effect in 180 days.