
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 66 Session of
2023

INTRODUCED BY HUGHES, KEARNEY, FONTANA, SCHWANK, KANE, STREET,
COSTA, CAPPELLETTI AND COMITTA, JANUARY 18, 2023

REFERRED TO LAW AND JUSTICE, JANUARY 18, 2023

AN ACT

1 Providing for the adoption of a Statewide model policy related
2 to the prevention of excessive force by law enforcement
3 officers and school security personnel.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the 8 Can't Wait
8 - Model Policy to Prevent Excessive Force Act.

9 Section 2. Legislative findings.

10 The General Assembly finds that:

11 (1) The authority of law enforcement officers and school
12 security personnel to use physical force is a serious
13 responsibility that must be exercised judiciously, with
14 respect for human rights, dignity and the sanctity of every
15 human life.

16 (2) Every individual has a right to be free from
17 excessive use of force by law enforcement officers and school
18 security personnel acting under color of law.

1 (3) Through enactment of a model policy the Commonwealth
2 can implement commonsense policing standards that can prevent
3 excessive force being used against our residents and in our
4 communities.

5 (4) The law and policy created must be carefully
6 constructed and in a manner that thoughtfully reflects the
7 gravity of the serious consequences that excessive force by
8 law enforcement officers and school security personnel can
9 have.

10 Section 3. Definitions.

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

14 "Choke hold." A physical maneuver that restricts an
15 individual's ability to breathe for the purpose of
16 incapacitation.

17 "Commission." The Municipal Police Officers' Education and
18 Training Commission of the Commonwealth.

19 "Commissioner." The Commissioner of Pennsylvania State
20 Police.

21 "Community-based organization." A grassroots organization
22 that monitors the issue of police misconduct and reform measures
23 and has a national presence and membership. The term may include
24 the National Association for the Advancement of Colored People
25 (NAACP), the American Civil Liberties Union (ACLU) and UnidosUS.

26 "Deadly force." Force which, under the circumstances in
27 which it is used, is readily capable of causing death or serious
28 bodily injury.

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

1 (1) Effectuate an arrest.

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

4 (3) Protect the arresting officer or any other person
5 from injury or death.

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

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

11 "Professional law enforcement association." A law
12 enforcement membership association that works for the needs of
13 state or local law enforcement agencies. The term includes the
14 International Association of Chiefs of Police, the National
15 Sheriffs' Association, the Fraternal Order of Police and the
16 National Association of School Resource Officers.

17 "Reasonable alternatives." Tactics and methods used by a law
18 enforcement officer or school security personnel to effectuate
19 an arrest or detainment that do not unreasonably increase the
20 risk posed to the law enforcement officer or another individual,
21 including verbal communication, distance, warnings, de-
22 escalation tactics and techniques, tactical repositioning and
23 other tactics and techniques intended to stabilize the situation
24 and reduce the immediacy of the risk so that more time, options
25 and resources can be called upon to resolve the situation
26 without the use of a firearm, taser, explosive device, chemical
27 agent, baton, impact projectile, blunt instrument, hand, fist,
28 foot, canine or vehicle against an individual.

29 "School entity." The term shall have the same meaning as
30 defined under section 1301-C of the act of March 10, 1949

(P.L.30, No.14), known as the Public School Code of 1949.

"School police officer." As defined under section 1301-C of the Public School Code of 1949.

"School resource officer." As defined under section 1301-C of the Public School Code of 1949.

"School security guard." As defined under section 1301-C of the Public School Code of 1949.

"School security personnel." School police officers, school resource officers and school security guards.

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

Section 4. Statewide model policy.

(a) Development.--Within 120 days of the effective date of this subsection, the Attorney General, in consultation with the commissioner, the commission, law enforcement agencies, professional law enforcement associations and community-based organizations shall promulgate a Statewide model policy to prevent excessive force by law enforcement officers and school security personnel within this Commonwealth. The Attorney General shall seek public comment at least 20 days prior to finalizing the Statewide model policy.

(b) Notification.--The Attorney General shall:

(1) Publicly and conspicuously post the promulgated Statewide model policy on the Attorney General's publicly accessible Internet website and provide notice of the promulgation to the commissioner, the commission, law enforcement agencies, professional law enforcement associations and community-based organizations with whom the

1 Attorney General consulted.

2 (2) Notify and supply a copy of the policy to the:

3 (i) Governor.

4 (ii) General Assembly.

5 (c) Adoption.--The following apply:

6 (1) Sixty days following the promulgation of the
7 Statewide model policy by the Attorney General, except as
8 provided under paragraph (2), each law enforcement agency and
9 school entity shall adopt the Statewide model policy as a
10 written policy governing the procedures that law enforcement
11 officers and school security personnel shall comply with when
12 engaging with individuals, including bringing an incident
13 under control, making an arrest or protecting the officers,
14 security personnel or others.

15 (2) A law enforcement agency or school entity may
16 develop and adopt a written policy provided the policy
17 developed contains, at a minimum, the components specified in
18 subsection (f).

19 (3) The Statewide model policy shall serve as a minimum
20 standard by which other policies are developed and reviewed.
21 The commission shall compile a list of all law enforcement
22 agencies and school entities that are required to adopt a
23 written policy under this section.

24 (4) Each law enforcement agency and any required school
25 entity shall certify to the commission compliance with this
26 section and provide the commission with a copy of the adopted
27 policy.

28 (5) The commission shall review each adopted policy to
29 determine if the policy meets the minimum standards required.
30 The commission shall notify the Attorney General of any law

enforcement agencies or school entities that have failed to
comply with this section.

(d) Failure to comply.--If a law enforcement agency or
school entity fails to adopt a written policy as required under
subsection (c), the law enforcement agency or school entity
risks revocation or suspension of State-appropriated money. The
Attorney General shall notify the Governor and the General
Assembly of any law enforcement agency or school entity that
fails to comply.

(e) Periodic review and training.--At least every two years,
the Attorney General shall review and update the Statewide model
policy as may be required. At least annually, the commissioner
and the commission shall review the training programs, for which
each is responsible, and ensure that law enforcement officers
and school security personnel are receiving training that is
consistent with the Statewide model policy.

(f) Components of policy.--The following apply:

(1) The Statewide model policy developed shall, at a
minimum:

(i) Require the use of de-escalation tactics and
techniques before using force.

(ii) Develop a force continuum or matrix that
defines and limits the types of force and specific
weapons that can be used to respond to specific levels of
resistance.

(iii) Ban choke holds and strangleholds, including
carotid restraints.

(iv) Require a verbal warning be given, when
possible, before using deadly force.

(v) Prohibit shooting at individuals in moving

1 vehicles unless the individual poses a deadly threat by
2 means other than the vehicle.

3 (vi) Require the exhaustion of all reasonable
4 alternatives before resorting to using deadly force.

5 (vii) Establish a duty to intervene and stop other
6 law enforcement officers or school security personnel
7 from using excessive force, as well as immediately
8 reporting incidents to a supervisor.

9 (viii) Require reporting of uses of force, including
10 when force was threatened or attempted but not used.

11 (2) The policy developed must provide for the consistent
12 definition and use of the following terms:

13 (i) "De-escalation tactics and techniques."

14 (ii) "Duty to intervene."

15 (iii) "Excessive force."

16 (iv) Any other term that may require clarification
17 to ensure uniform understanding and use.

18 Section 5. Applicability.

19 This act applies to all law enforcement officers and school
20 security personnel within the jurisdiction of the Commonwealth.

21 Section 6. Exclusive jurisdiction.

22 The Supreme Court shall have exclusive jurisdiction to hear
23 any challenge to or to render a declaratory judgment concerning
24 the constitutionality of this act. The Supreme Court is
25 authorized to take such action as it deems appropriate,
26 consistent with the Supreme Court retaining jurisdiction, to
27 find facts or to expedite a final judgment in connection with
28 such a challenge or request for declaratory relief.

29 Section 7. Effective date.

30 This act shall take effect immediately.