

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 733** Session of
2015

INTRODUCED BY MAHONEY, JAMES, TALLMAN, HARKINS, MILLARD,
V. BROWN, KAUFFMAN, COHEN, A. HARRIS, RAPP AND ROZZI,
MARCH 6, 2015

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 6, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 42 (Judiciary and
2 Judicial Procedure) and 53 (Municipalities Generally) of the
3 Pennsylvania Consolidated Statutes, in general provisions,
4 further defining "police officer"; in municipal police
5 jurisdiction, further defining "chief law enforcement
6 officer" and "municipal police officer"; further providing
7 for noncompliance with mandatory certification requirements;
8 in employees, making an editorial change; providing for
9 county sheriffs and deputy sheriffs; in municipal police
10 education and training, further defining "police officer";
11 further providing for members of the Municipal Police
12 Officers' Education and Training Commission; and repealing
13 inconsistent provisions of the Second Class County Code.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. The definition of "police officer" in section 103
17 of Title 18 of the Pennsylvania Consolidated Statutes is amended
18 to read:

19 § 103. Definitions.

20 Subject to additional definitions contained in subsequent
21 provisions of this title which are applicable to specific
22 provisions of this part, the following words and phrases when

1 used in this title shall have, unless the context clearly
2 indicates otherwise, the meanings given to them in this section:

3 * * *

4 "Police officer." The term shall include the sheriff of a
5 county of the first class, second class, second class A, third
6 class, fourth class, fifth class, sixth class, seventh class or
7 eighth class and a deputy [sheriffs] sheriff of a county of the
8 first class, second class, second class A, third class, fourth
9 class, fifth class, sixth class, seventh class or eighth class
10 who have successfully completed the requirements under [the act
11 of June 18, 1974 (P.L.359, No.120), referred to as the Municipal
12 Police Education and Training Law] 53 Pa.C.S. Ch. 21 Subch. D
13 (relating to municipal police education and training) or the act
14 of February 9, 1984 (P.L.3, No.2), known as the Sheriff and ◀
15 Deputy Sheriff Education and Training Act.

16 * * *

17 Section 2. The definitions of "chief law enforcement
18 officer" and "municipal police officer" in section 8951 of Title
19 42 are amended to read:

20 § 8951. Definitions.

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

24 "Chief law enforcement officer." The head of a duly
25 constituted municipal law enforcement agency which regularly
26 provides primary police services to a political subdivision or,
27 in the absence of any such municipal law enforcement agency, the
28 commanding officer of the Pennsylvania State Police installation
29 which regularly provides primary police services to the
30 political subdivision or, in the case of any occurrence or event

1 that takes place on real property owned or leased by a county
2 government, including, but not limited to, a county correctional
3 facility, courthouse or park, the sheriff of the county.

4 "Municipal police officer." Any natural person who is
5 properly employed by a municipality, including a home rule
6 municipality, as a regular full-time or part-time police officer
7 or a certified sheriff or deputy sheriff.

8 * * *

9 Section 3. Section 8954 of Title 42 is amended to read:

10 § 8954. Noncompliance with mandatory certification
11 requirements.

12 Any person employed as a municipal police officer who is
13 subject to the mandatory certification requirements of the
14 training law and fails to obtain the required certification from
15 the Commissioner of the Pennsylvania State Police or the
16 executive director of the Pennsylvania Commission on Crime and
17 Delinquency within the time limits provided by law shall cease
18 to be empowered or authorized to function as a municipal police
19 officer for any purpose whatsoever.

20 Section 4. Subchapter A heading of Chapter 21 of Title 53 is
21 amended to read:

22 Subchapter A

23 [(Reserved)]

24 COUNTY OFFICERS AND EMPLOYEES

25 Section 5. Title 53 is amended by adding sections to read:

26 § 2111. Office of sheriff.

27 (a) Qualifications.--On or after January 1, 2016, a person
28 shall not be eligible to be a candidate for the office of
29 sheriff and a person shall not be elected or appointed to the
30 office of sheriff unless that person meets the following

1 qualifications:

2 (1) Is a citizen of the United States.

3 (2) Has been a resident of the county for at least one
4 year.

5 (3) Has not been convicted of an offense graded higher
6 than a misdemeanor of the third degree.

7 (4) Is at least 18 years of age.

8 (b) Educational requirements.--

9 (1) Except as otherwise provided in this subchapter, any
10 person first elected to the office of sheriff on or after
11 January 1, 2015, shall have completed a recognized law
12 enforcement management/administration program, including, but
13 not limited to, the National Sheriffs' Institute training
14 course. In the event the individual elected as sheriff has
15 not completed the National Sheriffs' Institute's or a similar
16 course, the individual shall within the first term of office
17 successfully complete the National Sheriffs' Institute
18 training course administered by the National Sheriffs'
19 Association.

20 (2) (i) A sheriff who has successfully completed
21 training under Subchapter D (relating to municipal police
22 education and training) or the act of February 9, 1984
23 (P.L.3, No.2), known as the Sheriff and Deputy Sheriff ◀
24 Education and Training Act, or Pennsylvania State Police
25 training shall be eligible to perform all duties
26 authorized by law.

27 (ii) A sheriff who has not completed training in
28 accordance with this section shall serve in an
29 administrative capacity and be eligible only to complete
30 administrative functions unless or until such training is

1 completed. A sheriff who completes administrative
2 functions and serves in an administrative capacity shall
3 only provide administrative functions, including, but not
4 limited to, planning, organizing, staffing and directing
5 of the office of sheriff, and may not perform law
6 enforcement functions as authorized by law.

7 § 2112. Deputies and clerks.

8 (a) General rule.--The sheriff of each county may appoint
9 such deputies and clerks as may be necessary to properly
10 transact business of the office. The sheriff may hire, discharge
11 and supervise the deputies and clerks in accordance with law.
12 The number of deputies and clerks shall be determined by the
13 county salary board.

14 (b) Educational requirements.--A deputy appointed on or
15 after January 1, 2015, shall have successfully completed the
16 standards and training in accordance with Subchapter D (relating
17 to municipal police education and training) or the act of
18 February 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy ◀
19 Sheriff Education and Training Act, if they are substantially
20 equal to the standards and training under Subchapter D.

21 (c) Hiring procedure.--A deputy shall be hired by the
22 sheriff utilizing the same process as the county district
23 attorney for the employment of county detectives.

24 (d) Rights.--Except where prohibited by law, deputy sheriffs
25 shall be subject to the act of July 23, 1970 (P.L.563, No.195),
26 known as the Public Employe Relations Act, in the same manner
27 and receive the same rights as units of guards at prisons or
28 mental hospitals or units of employees directly involved with
29 and necessary to the function of the courts in this
30 Commonwealth. The rights shall include, but not be limited to,

1 the right to a separate homogeneous bargaining unit.

2 § 2113. Powers and duties of sheriff and deputy sheriff.

3 (a) General rule.--A sheriff and deputy sheriff shall
4 perform and possess all authority and powers to perform all
5 duties required of a police officer, sheriff or deputy sheriff
6 or law enforcement official in accordance with the following:

7 (1) The act of May 15, 1939 (P.L.134, No.65), referred
8 to as the Fireworks Law, as to removal at the expense of the
9 owner of all stocks of consumer fireworks or the display of
10 fireworks or combustibles sold or stored in violation of that
11 act.

12 (2) The act of July 10, 1981 (P.L.214, No.67), known as
13 the Bingo Law, as to enforcement.

14 (3) The act of February 24, 1984 (P.L.92, No.17),
15 referred to as the Precious Metal Sale Regulation Law, as to
16 dealer licensing.

17 (4) The provisions of 3 Pa.C.S. Ch. 23 (relating to
18 domestic animals) relating to conducting investigations.

19 (5) The provisions of 18 Pa.C.S. (relating to crimes and
20 offenses).

21 (6) The provisions of 18 Pa.C.S. Ch. 61 (relating to
22 firearms and other dangerous articles) relating to issuing
23 firearms licenses and investigating and enforcing the laws
24 relating to violations and performing all duties.

25 (7) The provisions of 23 Pa.C.S. Ch. 61 (relating to
26 protection from abuse) relating to arrests and performing all
27 duties required of the sheriff by that chapter.

28 (8) The provisions of 75 Pa.C.S. (relating to vehicles).

29 (9) Any other law relating to the seizure of guns used
30 or possessed in violation of the laws of this Commonwealth.

1 (b) Execution of process, writs and orders.--The sheriff
2 shall either personally or by deputy, execute all process, writs
3 and orders issued or made by lawful authority and delivered to
4 the sheriff.

5 (c) Jurisdiction.--

6 (1) The sheriff shall have primary jurisdiction within
7 all courthouses of the county and other county-owned or
8 county-leased buildings, properties and facilities, including
9 properties owned or leased by county agencies and, as such,
10 shall enforce good order in county courthouses or other
11 grounds and buildings owned or leased by the county or within
12 500 feet of county-owned or county-leased property and upon
13 the sidewalks, roads, streets and parking areas within such
14 area.

15 (2) The sheriff shall safeguard and have law
16 enforcement, investigation and arrest authority in county
17 courthouses, in county-owned or county-leased buildings and
18 with respect to all other county or county agency property.

19 (d) School resource officers.--A sheriff may serve as a
20 school resource officer.

21 (e) Assistance to other law enforcement officials.--A
22 sheriff may assist the Attorney General of the Commonwealth, the
23 county district attorney and other law enforcement officials in
24 the enforcement of the laws of this Commonwealth, including, but
25 not limited to, participation in the following:

26 (1) Terrorism task forces.

27 (2) Attorney General or District Attorney drug task
28 forces.

29 (3) Joint task forces in association with other Federal,
30 State and local law enforcement agencies.

1 (f) Search and rescue operations.--A sheriff may search and
2 rescue persons who are lost or are in danger of their lives
3 within or in the immediate vicinity of the county.

4 (g) Municipal police powers.--A sheriff may exercise the
5 authority and power provided to municipal police officers by 42
6 Pa.C.S. Ch. 89 Subch. D (relating to municipal police
7 jurisdiction).

8 (h) Cooperative agreements.--A sheriff may enter into
9 cooperative law enforcement police service agreements under 42
10 Pa.C.S. § 8953(e) (relating to Statewide municipal police
11 jurisdiction) with other municipalities for purposes of,
12 including, but not limited to, describing conditions of mutual
13 aid, assigning liability and determining appropriate costs of
14 these cooperative efforts with the approval of the board of
15 county commissioners or the county council in home rule
16 counties.

17 (i) Other duties.--A sheriff shall perform all other duties
18 required of the sheriff by law or lawfully by a court of this
19 Commonwealth.

20 § 2114. Construction.

21 Nothing in this subchapter shall be construed to abolish or
22 supplant an existing police department or law enforcement agency
23 or eliminate, supplant, reduce or displace the employment of any
24 municipal police chief or officer.

25 Section 6. The definition of "police officer" in section
26 2162 of Title 53 is amended to read:

27 § 2162. Definitions.

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

1 * * *

2 "Police officer." Any of the following:

3 (1) A full-time or part-time employee assigned to
4 criminal or traffic law enforcement duties of any of the
5 following:

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

8 (ii) Any railroad or street railway police.

9 (iii) Any campus or university police department.

10 (iv) The Capitol Police.

11 (v) The Harrisburg International Airport Police.

12 (vi) An airport authority police department.

13 (2) A deputy sheriff of a county [of the second class].

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

17 (4) A county park police officer.

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

21 * * *

22 Section 7. Section 2163(a)(3) of Title 53 is amended to
23 read:

24 § 2163. Commission members.

25 (a) Selection.--The commission shall be composed of [20
26 members as follows] the following members:

27 * * *

28 (3) The following members shall be appointed by the
29 Governor.

30 (i) A borough official, a first class township

1 official, a second class township official and a city
2 official.

3 (ii) Four incumbent chiefs of police from the
4 various municipalities of this Commonwealth, at least one
5 to be a chief of a borough police department, at least
6 one to be a chief of a township police department and at
7 least one to be a chief of a city police department.

8 (iii) One Federal Bureau of Investigation special
9 agent-in-charge.

10 (iv) One educator qualified in the field of law
11 enforcement.

12 (v) One member representing the public at large.

13 (vi) Two noncommissioned police officers.

14 (vii) A director of one of the certified training
15 schools.

16 (viii) Two sheriffs.

17 (ix) Two deputy sheriffs.

18 * * *

19 Section 8. Repeals are as follows:

20 (1) The General Assembly finds that the repeals in
21 paragraphs (2) and (3) are necessary to effectuate this act.

22 (2) Article XII of the act of July 28, 1953 (P.L.723,
23 No.230), known as the Second Class County Code, to the extent
24 of any inconsistency with this act.

25 (3) Any act or part of an act is repealed to the extent
26 of any inconsistency with this act.

27 Section 9. This act shall take effect in 60 days.