

Criminal procedure.

Motion in arrest of judgment permitted where evidence insufficient to sustain conviction.

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

Section 1. Hereafter, in all criminal prosecutions in this Commonwealth in which the jury shall have rendered a verdict against the defendant, the defendant may, in addition to making a motion in arrest of judgment on the grounds that there is error appearing on the face of the record, may make a motion in arrest of judgment on the grounds that the evidence was insufficient to sustain the charge, and if the court, after consideration of the entire record, shall decide that there is not sufficient evidence to sustain the conviction, it shall forthwith discharge the defendant and dismiss the case.

APPROVED—The 15th day of June, A. D. 1951.

JOHN S. FINE

No. 144

AN ACT

Regulating the suspension, removal, furloughing and reinstatement of police officers in boroughs and townships of the first class having police forces of less than three members, and in townships of the second class.

Police.

Applicability of act; townships of second class, and certain boroughs and townships of first class.

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

Section 1. This act shall apply to each township of the second class, to each borough and township of the first class having a police force of less than three members and not subject to sections one thousand one hundred sixty-five through one thousand one hundred ninety of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws 519), known as "The Borough Code," and their amendments, nor to sections six hundred twenty-five through six hundred fifty of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), known as "The First Class Township Code," and their amendments.

Section 2. Removals.—No person employed as a regular full time police officer in any police department of any township of the second class, or any borough or township of the first class within the scope of this act, shall be suspended or removed except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violat-

ing of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer; (5) intoxication while on duty. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed.

Section 3. Reduction in Number of Police.—If, for reasons of economy or other reasons, it shall be deemed necessary by any township of the second class, or any borough or township of the first class within the scope of this act, to reduce the number of paid employes of the police department, then such political subdivision shall apply the following procedure: (a) If there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement, if the party to be retired is sixty-five years of age or over; (b) If the number of paid employes in the police force eligible to retirement is sufficient to effect the necessary reduction in number, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the man or men, including probationers, last appointed to said police force. Such removal shall be accomplished by furloughing in numerical order, commencing with the man last appointed, until such reduction shall have been accomplished. In the event the said police force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 4. Hearings on Dismissals.—If the person sought to be suspended or removed shall demand a public hearing, the demand shall be made to the appointing authority. Such person may make written answers to any charges filed against him. The appointing authority shall grant him a public hearing, which shall be held within a period of ten days from the filing of charges in writing, and written answers thereto filed within five days, and may be continued by the appointing authority for cause or at the request of the accused. At any such hearing, the person against whom the charges are made may be present in person and by counsel. The appointing authority may suspend any such person without pay pending the determination of the charges against him, but in the event the appointing authority fails to uphold the charges, then the person sought to be suspended or removed shall be reinstated with full pay for the period during which he was suspended, and no charges shall be officially recorded against his record. No order of

suspension made by the appointing authority shall be for a longer period than one year.

A written record of all testimony taken at such hearings shall be filed with and preserved by the appointing authority, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

Appeal.

Section 5. The suspended or dismissed employe shall have the right to appeal to the court of common pleas of the county in which he was employed.

APPROVED—The 15th day of June, A. D. 1951.

JOHN S. FINE

No. 145.

AN ACT

Appropriating certain moneys in the Motor License Fund to cities, boroughs, towns and townships of the Commonwealth for certain purposes and for a limited time; conferring powers and imposing duties on the officials of such political subdivisions and on the Department of Highways.

Motor License Fund.

Appropriation for two calendar years beginning January 1, 1952, made to cities, boroughs, towns and townships responsible for maintenance of public roads and streets.

Formula for determining amount due municipality or township for maintenance, repair, etc., of public roads or streets, etc.

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

Section 1. There is hereby appropriated for the two calendar years beginning the first day of January, one thousand nine hundred fifty-two, to the respective cities, boroughs, towns and townships of this Commonwealth which are responsible for the maintenance of public roads and streets, from one cent of any additional tax over and above the permanent State tax on liquid fuels, as defined in the act, approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws 149) and its amendments, known as "The Liquid Fuels Tax Act," the following sums, for the purposes and subject to the conditions and limitations hereinafter set forth:

(a) The sum of twelve million dollars (\$12,000,000) per annum shall be paid to such cities, boroughs, towns and townships in accordance with the following formula:

<p>Seven million two hundred thousand dollars (\$7,200,000) divided by the Total miles of public roads and streets which are maintained by municipalities and townships</p>	<p>Multiplied by the Number of such miles in the particular municipal-ity or township</p>
---	---