

No. 1984-2

AN ACT

SB 403

Providing for the education and training of deputy sheriffs; creating the Deputy Sheriffs' Education and Training Board under the Pennsylvania Commission on Crime and Delinquency; providing for the powers and duties of the board and the Attorney General; establishing the Deputy Sheriffs' Education and Training Account; providing for a surcharge on sheriffs' fees; and providing penalties.

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

Section 1. Short title.

This act shall be known and may be cited as the Deputy Sheriffs' Education and Training Act.

Section 2. Definitions.

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

“Account.” The Deputy Sheriffs' Education and Training Account.

“Board.” The Deputy Sheriffs' Education and Training Board.

“Commission.” The Pennsylvania Commission on Crime and Delinquency.

Section 3. The Deputy Sheriffs' Education and Training Board.

(a) Establishment.—There is hereby established within the commission an advisory board to be known as the Deputy Sheriffs' Education and Training Board.

(b) Composition.—The board shall be composed of nine members as follows:

(1) The Attorney General.

(2) Two judges of the courts of common pleas from different counties.

(3) Two sheriffs from different counties with a minimum of six years experience as a sheriff.

(4) Three individuals from different counties with a minimum of eight years experience each as a deputy sheriff, to be appointed by the Governor.

(5) One educator qualified in the field of curriculum design.

(c) Appointments and terms.—All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years except that upon the effective date of this act the Governor shall appoint one judge for a period of two years, one sheriff for a period of two years and one deputy sheriff for a period of one year. Any member of the board shall cease to be a member of said board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.

(d) Vacancies.—A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(e) Expenses.—The members of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of their duties under this act.

(f) Removal.—Members of the board, other than the Attorney General, may be removed by the Governor for good cause upon written notice from the Governor specifically setting forth the cause for removal.

(g) Chairman.—The members of the board shall elect a chairman from among the members to serve for a period of one year. A chairman may be elected to serve successive terms. The Governor shall designate the first chairman for organizational purposes only.

(h) Meetings and quorum.—The chairman shall summon the members of the board to the first meeting within 120 days of the effective date of this act. The board shall meet at least four times each year. Special meetings may be called by the chairman of the board or upon written request of three members. A quorum shall consist of five members.

Section 4. Powers and duties of the board.

The board, with the review and approval of the commission, shall:

(1) Establish, implement and administer the Deputy Sheriffs' Education and Training Program according to the minimum requirements set forth in this act.

(2) Establish, implement and administer requirements for the minimum courses of study and training for deputy sheriffs.

(3) Establish, implement and administer requirements for courses of study and in-service training for deputy sheriffs appointed prior to the effective date of this act.

(4) Establish, implement and administer requirements for a continuing education program for all deputy sheriffs concerning subjects the board may deem necessary and appropriate for the continued education and training of deputy sheriffs.

(5) Approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements of this act.

(6) Establish the minimum qualifications for instructors and certify instructors.

(7) Consult and cooperate with universities, colleges, law schools, community colleges and institutes for the development of specialized courses for deputy sheriffs.

(8) Promote the most efficient and economical program for deputy sheriff training by utilizing existing facilities, programs and qualified State and local personnel.

(9) Certify deputy sheriffs who have satisfactorily completed the basic education and training requirements of this act and issue appropriate certificates to them.

(10) Make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer the education and training program for deputy sheriffs.

(11) Make an annual report to the Governor and to the General Assembly concerning:

(i) The administration of the Deputy Sheriffs' Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

Section 5. Training program.

The Deputy Sheriffs' Education and Training Program shall include appropriate training for a total of 160 hours which content shall be determined by regulation.

Section 6. Continuing education.

The board, with the review and approval of the commission, shall establish a continuing education program for all deputy sheriffs, which shall include not less than 16 nor more than 20 hours of continuing education every two years, concerning subjects the board may deem necessary and appropriate for the continued education and training of deputy sheriffs.

Section 7. Training requirement.

(a) Application of act.—Every sheriff of this Commonwealth shall assure that each full-time or part-time deputy employed by him who has less than five years of experience on the effective date of this act receives the training provided for in sections 5 and 6.

(b) Prior education, training or experience.—The board, with the review and approval of the commission, shall have the authority and the discretion to reduce the hours of education and training required in section 5 for those deputy sheriffs required to receive education and training who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(c) Certification requirement for continued compensation.—Any person hired as a full-time or part-time deputy sheriff who has less than five years of experience on the effective date of this act shall, at the end of two years from the effective date of this act, be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a deputy sheriff unless he has met all of the requirements established pursuant to this act and has been duly certified as having met those requirements by the board, with the review and approval of the commission, unless the deputy sheriff is granted additional time to complete his training by the board, with the review and approval of the commission. Any new deputy hired by the sheriff after July 1, 1985 shall have one year in which to complete his or her training.

(d) Continuing education.—Any full-time or part-time deputy sheriff who fails to meet and fails to be certified as having met the requirements for continuing education established by the board, with the review and approval of the commission, shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a deputy sheriff.

(e) **Penalty.**—Any official of any county who orders, authorizes or pays a salary or compensation or other consideration or thing of value to any person in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a maximum fine of \$500 or to imprisonment for a term not to exceed 30 days.

Section 8. Deputy Sheriffs' Education and Training Account.

(a) **Establishment.**—There is hereby established a special restricted receipts account within the General Fund of the State Treasury, which shall be known as the Deputy Sheriffs' Education and Training Account, for the purpose of financing training program expenses, the costs of administering the program, reimbursements to counties and all other costs associated with the activities of the board and the implementation of this act.

(b) **Surcharge.**—There is hereby assessed a surcharge of \$2 on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ or other legal paper required to be served or posted by the sheriff.

(c) **Disposition of moneys collected.**—The moneys collected under subsection (b) shall be forwarded semiannually by the sheriff of an individual county to the State Treasurer for deposit into the account. All moneys received by the treasurer in excess of the amount necessary to cover the costs and expenses of the training program shall be transferred from the special restricted receipts account to the General Fund of the Commonwealth on an annual basis with such reserve maintained as will be adequate to assure the continued operation of the Deputy Sheriffs' Education and Training Program.

(d) **Disbursements.**—Disbursements from the account shall be made by the commission.

(e) **Audit.**—The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time but no less often than once every three years.

Section 9. Reimbursement to counties.

The commission shall provide for reimbursement to each county of 100% of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their deputy sheriffs while attending certified deputy sheriffs' basic training or continuing education schools if the county adheres to the training standards set forth in this act and established by the board with the review and approval of the commission. The regular salary of deputy sheriffs while attending approved schools shall be paid by the employing county. Fifty percent of the regular salaries of deputy sheriffs while attending approved schools shall be reimbursed to the employing county.

Section 10. Effective date.

(a) Section 8 of this act shall take effect in 60 days.

(b) The remainder of this act shall take effect in six months or July 1, 1984, whichever later occurs.

APPROVED—The 9th day of February, A. D. 1984.

DICK THORNBURGH