

## No. 1993-35

## AN ACT

## HB 6

Amending the act of June 18, 1974 (P.L.359, No.120), entitled "An act creating the Municipal Police Officers' Education and Training Commission; providing for the commission's membership, selection, compensation, and removal; providing for the powers and duties of the commission; providing for the appointment and duties of the chairman; providing for the act's applicability to the civil service laws; requiring training by certain political subdivisions and police departments; providing penalties for violation thereof; and making an appropriation," further defining "police officer" and "police department"; adding a definition; and further providing for powers and duties of the commission, for police training, for penalties and for reimbursement of training expenses.

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

Section 1. Section 2 of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, amended December 20, 1984 (P.L.1197, No.227) and December 21, 1988 (P.L.1865, No.180), is amended to read:

Section 2. Definitions.—As used in this act:

(1) "Commission" means the Municipal Police Officers' Education and Training Commission.

(2) "*College*" or "*university*" means any college or university which has a campus police department as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as "*The Administrative Code of 1929*," which has been certified by the Office of Attorney General as a criminal justice agency within the meaning of the Criminal History Record Information Act, 18 Pa.C.S. Ch. 91 (relating to criminal history record information), but shall not include the State System of Higher Education and its member institutions.

[(2)] (3) "School" means a training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility within the Commonwealth of Pennsylvania.

[(3)] (4) "Police officer" means any full-time or part-time employe, of a city, borough, town, township, *campus police or university police*, or county police department assigned to criminal and/or traffic law enforcement duties, and for the purpose of training only, security officers of first class city housing authority, but shall exclude persons employed to check parking meters and/or to perform only administrative duties, auxiliary and fire police.

[(4)] (5) "Police department" means:

(i) any public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement

of the criminal and/or traffic laws[.]; *or*

(ii) *any campus police or university police department as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," which has been certified by the Office of Attorney General as a criminal justice agency within the meaning of the Criminal History Record Information Act, 18 Pa.C.S. Ch. 91 (relating to criminal history record information), but shall not include any campus police or university police department of the State System of Higher Education and its member institutions.*

[(5)] (6) "Commissioner" means the Commissioner of the Pennsylvania State Police.

[(6)] (7) "Political subdivision" means any county, city, borough, incorporated town or township.

[(7)] (8) "Certification" means the assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of two years.

Section 2. Sections 5(1) and (11), 9, 9.1, 9.2 and 10(e) of the act, amended or added December 21, 1988 (P.L.1865, No.180), are amended to read:

Section 5. Powers and Duties of the Commission.—The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of study for basic and in-service training for [municipal] police officers and to revoke an officer's certification for failure to comply with the basic and in-service training requirements or in cases where an officer is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.

\* \* \*

(11) To consult, and cooperate with, universities, colleges, community colleges and institutes for the development of specialized courses for [municipal] police officers.

\* \* \*

Section 9. Police Training Mandatory; Penalties.—(a) All political subdivisions of the Commonwealth or groups of political subdivisions acting in concert *and all colleges and universities* shall be required to train all members of their police departments prior to actually enforcing criminal laws, enforcing moving traffic violations under 75 Pa.C.S. (relating to vehicles) or being authorized to carry a firearm after the effective date of this act, pursuant to the provisions of this act.

(b) Those [municipal] police officers employed on the effective date of this subsection shall be able to perform criminal or traffic duties and be authorized to carry a firearm until certified by the commission, but no longer than one year from their date of employment.

(c) Any person hired as a [municipal] police officer by any political subdivision or group thereof acting in concert *or any college or university* shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a police officer unless he has met all of the requirements as established by the commission and has been duly certified as having met those requirements by the commission.

(d) Any official of any political subdivision *or college or university* who orders, authorizes or pays as salary to a person in violation of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine of one hundred dollars (\$100) or be imprisoned for a term not to exceed a period of thirty days. The commission may stop payment of all funds which pass to municipalities by this act for any violation of this act. It shall notify the State Treasurer to discontinue disbursement of any State funds until a municipality is in compliance with this act.

Section 9.1. Automatic Certification.—(a) All [municipal] police officers hired prior to June 18, 1974, shall be automatically certified for basic training but shall be required to complete the in-service training as set forth in section 5(7).

(b) *Any campus or university police officer who, as of the effective date of this subsection, has successfully completed a basic training course similar to that required under this act shall, after review by the commission, be certified as having met the basic training requirements of this act. Any campus or university police officer who, as of the effective date of this subsection, has not successfully completed a basic training course similar to that required under this act which qualifies the police officer for certification under this subsection shall be able to perform the duties of a campus or university police officer until certified by the commission, but no longer than one year from the effective date of this subsection.*

Section 9.2. In-Service Training by Existing Personnel.—The requirements of section 5(7) shall apply to every [municipal] police officer.

Section 10. Reimbursement of Expenses.—\* \* \*

(e) The commission shall have the authority to pay for the cost of mandatory in-service training for all police officers, to the extent determined by the commission. *However, a college or university shall not be eligible for reimbursement of any expense under this section incurred during campus or university police officer training.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 1993.

MARK S. SINGEL  
ACTING GOVERNOR