

No. 2014-114

AN ACT

HB 1772

Amending the act of February 9, 1984 (P.L.3, No.2), entitled "An act 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," further providing for title and short title of act and for definitions; renaming the Deputy Sheriffs' Education and Training Board and further providing for its duties; further providing for the training program and for continuing education; providing for sheriff training requirement; further providing for deputy sheriff training requirement; providing for revocation of certification; renaming the Deputy Sheriffs' Education and Training Account; and further providing for reimbursement to counties.

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

Section 1. The title and section 1 of the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, are amended to read:

AN ACT

Providing for the education and training of *sheriffs and* deputy sheriffs; creating the **[Deputy Sheriffs'] Sheriff and Deputy Sheriff** 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'] Sheriff and Deputy Sheriff** Education and Training Account; providing for a surcharge on sheriffs' fees; and providing penalties.

Section 1. Short title.

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

Section 2. The definitions of "account" and "board" in section 2 of the act are amended to read:

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'] Sheriff and Deputy Sheriff** Education and Training Account.

"Board." The **[Deputy Sheriffs'] Sheriff and Deputy Sheriff** Education and Training Board.

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Section 3. Section 3 heading, (a), (b), (d), (g) and (h) of the act, amended June 15, 1994 (P.L.262, No.43) and January 29, 1998 (P.L.38, No.10), are amended to read:

Section 3. The **[Deputy Sheriffs'] Sheriff and Deputy Sheriff** Education and Training Board.

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

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

(1) The Attorney General.

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

(3) Two sheriffs **[or chief deputies]** from different counties with a minimum of six years experience as a sheriff or chief deputy.

(4) Three individuals from different counties with a minimum of eight years experience each as a deputy sheriff. One of the three shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.

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

(6) One county commissioner.

* * *

(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] who the appointee succeeds** in the same manner as the original appointment.

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

(h) Meetings and quorum.—The **[chairman] chair** 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] chair** of the board or upon written request of three members. A quorum shall consist of five members.

Section 4. Section 4 of the act is amended to read:

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'] Sheriff and Deputy Sheriff** 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 *sheriffs and* deputy sheriffs.

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

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

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

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

(9.1) Revoke the certification of sheriffs and deputy sheriffs in accordance with section 7.1.

(9.2) Reinstate previously revoked certifications of sheriffs and deputy sheriffs where the board finds that the circumstances which led to the revocation of certification are no longer an impediment to certification.

(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]** *this act.*

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

(i) The administration of the **[Deputy Sheriffs'] Sheriff and Deputy Sheriff** Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

Section 5. Sections 5 and 6 of the act, amended January 29, 1998 (P.L.38, No.10), are amended to read:

Section 5. Training program.

The **[Deputy Sheriffs'] Sheriff and Deputy Sheriff** Education and Training Program shall include appropriate training for not less than 160 hours which content and hours of instruction shall be determined by the board, subject to the review and approval of the commission.

Section 6. Continuing education.

The board, with the review and approval of the commission, shall establish a continuing education program for all *sheriffs and* deputy sheriffs, which shall include not less 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 *sheriffs and* deputy sheriffs.

Section 6. The act is amended by adding a section to read:

Section 6.1. Sheriff training requirement.

(a) Certification required.—

(1) It shall be the duty of any sheriff elected after the effective date of this section and not holding certification as either a deputy sheriff or sheriff on the first Monday in January next following the election, during the sheriff's term of office:

(i) To obtain the education and training as provided in section 5, subject to any reduction in hours as provided in subsection (c).

(ii) To meet the requirements for continuing education after certification.

(iii) To obtain reinstatement of a previously revoked certification, if applicable.

(2) In the case of a county which has adopted a home rule charter which provides for the appointment of the sheriff, a sheriff appointed after the effective date of this section shall obtain certification under this section within 18 months of appointment.

(b) Continuing education.—Every sheriff shall, while in office, meet the requirements for continuing education established by the board, with the review and approval of the commission.

(c) 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 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.

(d) Sheriffs in office.—Any sheriff holding office on the effective date of this section shall be deemed to have satisfied the requirements for training under section 5 and shall receive certification from the board. From the date of the certification under this subsection, sheriffs shall be subject to continuing education as provided in subsection (b).

(e) Ineligibility.—Any sheriff failing to receive and maintain certification as provided in this section shall be ineligible to be on the ballot for the office of sheriff for any term subsequent to that referred to in subsection (a).

(f) Vacancies.—

(1) Any person appointed to fill a vacancy in the office of sheriff shall be certified or, in the alternative, obtain and maintain certification during the term for which the person is appointed in accordance with subsection (a). Any person appointed to fill a vacancy in the office of sheriff who does not fulfill the requirements of subsection (a) shall be ineligible for subsequent election as provided in subsection (e).

(2) No person appointed to fill a vacancy in the office of sheriff where the balance of the unexpired term is less than one year shall be subject to the requirements of paragraph (1). However, a person who is elected to a term as sheriff immediately following the person's previously appointed term of less than one year is subject to the requirements of subsection (a).

(g) Purpose and legislative intent.—It is hereby declared to be a public policy of this Commonwealth that sheriffs receive and maintain education and training equivalent to that required by law of deputy sheriffs in order to preserve the safety of county facilities, employees and residents. It is further declared that a newly elected sheriff have an opportunity to satisfy the requirements of this act during the sheriff's first term, notwithstanding past training and experience.

Section 7. Section 7 heading, (a), (c) and (d) of the act are amended to read:

Section 7. **[Training] Deputy sheriff training** requirement.

(a) Application of act.—Every sheriff of this Commonwealth shall assure that each full-time or part-time deputy employed by **[him] the sheriff** 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.

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(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] the deputy sheriff** 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.

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Section 8. The act is amended by adding a section to read:

Section 7.1. Revocation of certification.

(a) Revocation of deputy sheriff certification.—The board shall revoke the certification of any deputy sheriff for one or more of the following:

(1) Conviction for a felony or misdemeanor of the first or second degree.

(2) Where the board determines the person was dismissed for cause from employment as a deputy sheriff.

(3) Where the board determines the person is physically or psychologically unfit to perform the duties of the office.

(4) Where the board determines the person has committed misconduct which makes the person unfit to perform the duties of the office, including:

(i) Submission to the board of a document that the deputy knows contains false information, including fraudulent application.

(ii) Cheating on board examinations or skill tests.

(b) Revocation of sheriff certification.—The board shall revoke the certification of a sheriff only after the sheriff is removed from office. Nothing in this act shall be interpreted as providing grounds for removal of a sheriff from office, except as provided for by Article VI of the Constitution of Pennsylvania.

(c) *Notification by sheriff.*—*In the case of a deputy sheriff, it shall be the responsibility of the sheriff to notify the board within 15 days of the occurrence of an event described under subsection (a).*

(d) *Notification by county commissioners.*—*In the case of a sheriff, it shall be the responsibility of the county commissioners to notify the board within 15 days of a sheriff's removal from office.*

(e) *Regulations.*—*The board shall establish, with the approval of the commission, regulations providing for the following:*

(1) *Notice of a revocation and the right of sheriffs and deputy sheriffs to request a hearing.*

(2) *Standards and guidelines for application for recertification following revocation.*

Section 9. Section 8 heading, (a), (c) and (e) of the act are amended to read:

Section 8. **[Deputy Sheriffs'] Sheriff and Deputy Sheriff 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'] Sheriff and Deputy Sheriff 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.*

* * *

(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] and used exclusively 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'] Sheriff and Deputy Sheriff Education and Training Program.*

* * *

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

Section 10. Section 9 of the act, amended December 9, 2002 (P.L.1442, No.184), is amended to read:

Section 9. Reimbursement to counties.

Each county shall pay the ordinary and necessary living and travel expenses and the regular salary of their *sheriff and* deputy sheriffs while attending approved schools. The commission shall provide for reimbursement to each county of 100% of the regular salaries of their *sheriff and* deputy sheriffs and 100% of the ordinary and necessary living and travel expenses incurred by their *sheriff and* deputy sheriffs while attending certified **[deputy sheriffs'] sheriff and deputy sheriff** 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 commission shall provide for 100% of the tuition incurred by *sheriffs and* deputy sheriffs while attending certified [deputy sheriffs'] *sheriff and deputy sheriff* basic training or continuing education schools.

Section 11. This act shall take effect in 60 days.

APPROVED—The 9th day of July, A.D. 2014

TOM CORBETT