

AMENDMENTS TO SENATE BILL NO. 37

Sponsor: REPRESENTATIVE NEILSON

Printer's No. 939

1 Amend Bill, page 1, line 11, by inserting after "vehicle;"
2 in enforcement, providing for data collection and reporting
3 relating to traffic stops;

4 Amend Bill, page 2, lines 22 through 25, by striking out all
5 of lines 22 through 24 and "(5)" in line 25 and inserting
6 (4)

7 Amend Bill, page 2, line 27, by striking out "(6)" and
8 inserting
9 (5)

10 Amend Bill, page 2, line 30, by striking out "(7)" and
11 inserting
12 (6)

13 Amend Bill, page 11, line 10, by striking out "a driver may
14 not" and inserting
15 no driver shall

16 Amend Bill, page 15, line 11, by striking out all of said
17 line and inserting

18 Section 7. Title 75 is amended by adding a section to read:
19 § 6329. Data collection and reporting relating to traffic
20 stops.

21 (a) Data collection.--Notwithstanding any law to the
22 contrary, a Pennsylvania State Police officer or a local police
23 officer shall collect, in a form and manner determined by the
24 Pennsylvania State Police, the following information for any
25 self-initiated traffic stop made under this title as authorized
26 under section 6308 (relating to investigation by police
27 officers):

28 (1) The reason for the traffic stop.

29 (2) The perceived race and ethnicity of the driver

1 subject to the traffic stop.

2 (3) The gender and age of the driver subject to the
3 traffic stop.

4 (4) Whether a search was initiated, including a search
5 of a vehicle or the vehicle operator or passengers, and, if a
6 search was initiated, whether the search was conducted with
7 the consent of the operator or passengers.

8 (5) The results of a search.

9 (6) Whether the traffic stop or subsequent search
10 resulted in a warning, citation, arrest or other action.

11 (7) Any additional information the Pennsylvania State
12 Police deems necessary.

13 (b) Effect of failure to collect data.--The failure of a
14 member of the Pennsylvania State Police or a local police
15 officer to collect the data under subsection (a) shall not
16 affect the validity of the underlying traffic stop.

17 (c) Report by local police departments.--On an annual basis,
18 a local police department shall transmit the data collected
19 under subsection (a) by the local police officers employed by
20 the local police department to the Pennsylvania State Police, or
21 a third party designated by the Pennsylvania State Police with
22 experience in the analysis of such data, for the preparation of
23 an annual analysis and report based on the data. Upon receipt of
24 the data, the Pennsylvania State Police or the third party shall
25 immediately make the annual analysis and report, including any
26 aggregate analysis of the data, publicly available by posting
27 the annual analysis and report on a publicly accessible Internet
28 website and transmit a copy of the annual analysis and report to
29 all of the following:

30 (1) The chair and minority chair of the Transportation
31 Committee of the Senate.

32 (2) The chair and minority chair of the Transportation
33 committee of the House of Representatives.

34 (3) The Pennsylvania Commission on Crime and
35 Delinquency.

36 (4) The Pennsylvania Human Relations Commission.

37 (d) Guidance and directives.--The Pennsylvania State Police
38 shall issue guidance to all of the following:

39 (1) If applicable, a third party designated by the
40 Pennsylvania State Police on the organization and appearance
41 of an analysis and report required under subsection (c).

42 (2) Each local police department on the required method,
43 manner and schedule for transmitting the data collected under
44 subsection (a) to the Pennsylvania State Police or a third
45 party designated by the Pennsylvania State Police under
46 subsection (c).

47 (e) Interdepartmental cooperation.--Local police departments
48 may enter into agreements and jointly cooperate for the purpose
49 of developing, sharing or implementing a system that satisfies
50 this section.

51 (f) Applicability.--

1 (1) The requirements under this section do not apply to
2 a local police department that, on the effective date of this
3 paragraph, is collecting the data specified in subsection
4 (a), providing the data to a third party for analysis and
5 making the results available to the public.

6 (2) If a local police department stops collecting the
7 data under subsection (a), providing the data to a third
8 party for analysis or making the results available to the
9 public, the local police department shall be subject to the
10 requirements under this section.

11 (g) Construction.--Nothing in this section shall be
12 construed to prohibit data collected under this section from
13 being shared with organizations that compile national data
14 statistics. Data collected under subsection (a) shall not be
15 accessible under the act of February 14, 2008 (P.L.6, No.3),
16 known as the Right-to-Know Law.

17 (h) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Local police department." A police department that is:

21 (1) a regional police department that provides police
22 services to more than one municipality pursuant to an
23 agreement or contract and serves a total population of more
24 than 5,000 according to the 2020 Federal decennial census; or

25 (2) a municipal police department for a municipality
26 with a population of more than 5,000 according to the 2020
27 Federal decennial census.

28 "Local police officer." An employee of a local police
29 department who is empowered to:

30 (1) Enforce 18 Pa.C.S. (relating to crimes and offenses)
31 and this title.

32 (2) Make traffic stops under section 6308.

33 "Self-initiated traffic stop." A traffic stop, regardless of
34 the outcome, that was initiated as a result of a reasonable
35 suspicion or probable cause of a violation of traffic or
36 criminal law.

37 Section 8. This act shall take effect as follows:

38 (1) This section shall take effect immediately.

39 (2) The addition of section 6329 of the act shall take
40 effect in 18 months.

41 (3) The remainder of this act shall take effect in 12
42 months.