

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1738 Session of
2017

INTRODUCED BY MARSICO, PASHINSKI, PICKETT, FREEMAN, QUIGLEY,
O'NEILL, SAYLOR, D. COSTA, A. HARRIS, MARSHALL, MILLARD,
WHEELAND, DeLUCA, ZIMMERMAN, WATSON, BENNINGHOFF, BARBIN,
CALTAGIRONE AND JOZWIAK, AUGUST 24, 2017

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
JUNE 5, 2018

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in commencement of
3 proceedings, further providing for definitions and providing
4 for nonmunicipal police extraterritorial jurisdiction for
5 purposes of municipal police jurisdiction.

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

8 Section 1. Section 8951 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 8951. Definitions.

11 The following words and phrases when used in this subchapter
12 shall have, unless the context clearly indicates otherwise, the
13 meanings given to them in this section:

14 * * *

15 "Nonmunicipal police department." The term shall have the
16 same meaning as paragraphs (2), (3), (4), (5) and (6) in the
17 definition of "police department" in 53 Pa.C.S. § 2162 (relating

1 to definitions) AND SHALL INCLUDE THE OFFICE OF ATTORNEY <--
2 GENERAL.

3 "Nonmunicipal police officer." A police officer employed by
4 a nonmunicipal police department as a regular full-time or part-
5 time police officer; AND AN AGENT OF THE OFFICE OF ATTORNEY <--
6 GENERAL AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF
7 "ENFORCEMENT OFFICER" IN 71 PA.C.S. § 5102 (RELATING TO
8 DEFINITIONS).

9 * * *

10 Section 2. Title 42 is amended by adding a section to read:
11 § 8953.1. Nonmunicipal police extraterritorial jurisdiction.

12 (a) Power and authority.--In addition to a power and
13 authority vested by law, a nonmunicipal police officer who is
14 within this Commonwealth, but beyond the territorial limit of
15 the jurisdiction established for the officer's nonmunicipal
16 police department by law, shall have the power and authority to
17 enforce the laws of this Commonwealth or to perform a function
18 of a municipal police officer in the following circumstances:

19 (1) If the officer is in hot pursuit of a person for an
20 offense which was committed, or which the officer has
21 probable cause to believe was committed, within the officer's
22 jurisdiction and for which the officer continues in fresh
23 pursuit of the person after the commission of the offense.

24 (2) If the officer has been requested to aid or assist a
25 Federal, State or local law enforcement officer or park
26 police officer or has probable cause to believe that the
27 other officer is in need of aid or assistance.

28 (3) If, while on official business, the officer views an
29 offense and makes a reasonable effort to identify himself or
30 herself as a police officer and the offense is:

1 (i) A felony.

2 (ii) A misdemeanor.

3 (iii) A breach of the peace or other act that
4 presents an immediate clear and present danger to a
5 person or property.

6 (4) If the officer views an offense that is a felony and
7 makes a reasonable effort to identify himself or herself as a
8 police officer.

9 (b) Applicability.--A nonmunicipal police officer acting in
10 accordance with the authority granted under this section shall
11 be subject to section 8953(b), (c) and (d) (relating to
12 Statewide municipal police jurisdiction) to the same extent as
13 would a municipal police officer.

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