

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1988 Session of 2021

INTRODUCED BY OWLETT, OBERLANDER, STRUZZI, CAUSER, MIZGORSKI, COOK, R. BROWN, SNYDER, D. WILLIAMS, BERNSTINE, SMITH, JAMES, CIRESI, MOUL, OTTEN, RADER, WHEELAND, LAWRENCE, SAPPEY AND HERRIN, OCTOBER 22, 2021

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 24, 2022

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 53  
2 (Municipalities Generally) of the Pennsylvania Consolidated  
3 Statutes, in recordings by law enforcement officers, further  
4 providing for definitions; in employees, further providing  
5 for definitions; and providing for automatic certification by  
6 the Municipal Police Officers' Education and Training  
7 Commission.

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

10 Section 1. The definition of "law enforcement officer" in  
11 section 67A01 of Title 42 of the Pennsylvania Consolidated  
12 Statutes is amended to read:

13 § 67A01. Definitions.

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

17 \* \* \*

18 "Law enforcement officer." [An officer of the United States,  
19 the Commonwealth or a political subdivision thereof, another

1 state or political subdivision thereof or who is empowered by  
2 law to conduct investigations of or to make arrests for offenses  
3 enumerated in this chapter or an equivalent crime in another  
4 jurisdiction, a sheriff or deputy sheriff and any attorney  
5 authorized by law to prosecute or participate in the prosecution  
6 of the offense.] A member of the Pennsylvania State Police, an  
7 individual employed as a police officer who holds a current  
8 certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to  
9 municipal police education and training), a sheriff or a deputy  
10 sheriff.

11 \* \* \*

12 Section 2. The definitions of "college," "police  
13 department," "police officer" and "university" in section 2162  
14 of Title 53 are amended to read:

15 § 2162. Definitions.

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

19 \* \* \*

20 "College." A college which has a campus police department,  
21 as used in section 2416 of the act of April 9, 1929 (P.L.177,  
22 No.175), known as The Administrative Code of 1929, certified by  
23 the Office of Attorney General as a criminal justice agency  
24 under the definition of "criminal justice agency" in 18 Pa.C.S.  
25 § 9102 (relating to definitions). [The term does not include the  
26 State System of Higher Education and its member institutions.]

27 \* \* \*

28 "Police department." Any of the following:

29 (1) A public agency of a political subdivision having  
30 general police powers and charged with making arrests in

1 connection with the enforcement of the criminal or traffic  
2 laws. This paragraph includes the sheriff's office in a  
3 county of the second class.

4 (2) A campus police or university police department, as  
5 used in section 2416 of the act of April 9, 1929 (P.L.177,  
6 No.175), known as The Administrative Code of 1929, certified  
7 by the Office of Attorney General as a criminal justice  
8 agency under the definition of "criminal justice agency" in  
9 18 Pa.C.S. § 9102 (relating to definitions). [This paragraph  
10 does not include a campus police or university police  
11 department of the State System of Higher Education and its  
12 member institutions.]

13 (3) A railroad or street railway police department  
14 formed with officers commissioned under 22 Pa.C.S. Ch. 33  
15 (relating to railroad and street railway police) or any prior  
16 statute providing for such commissioning.

17 (4) The Capitol Police.

18 (5) The Harrisburg International Airport Police.

19 (6) An airport authority police department.

20 (7) A county park police force under section 2511(b) of  
21 the act of August 9, 1955 (P.L.323, No.130), known as The  
22 County Code.

23 "Police officer." Any of the following:

24 (1) A full-time or part-time employee assigned to  
25 criminal or traffic law enforcement duties of any of the  
26 following:

27 (i) A police department of a county, city, borough,  
28 town or township.

29 (ii) Any railroad or street railway police.

30 (iii) Any campus or university police department,

1 including the State System of Higher Education and its  
2 member institutions.

3 (iv) The Capitol Police.

4 (v) The Harrisburg International Airport Police.

5 (vi) An airport authority police department.

6 (2) A deputy sheriff of a county of the second class.

7 (3) A security officer of a first class city housing  
8 authority or a police officer of a second class city housing  
9 authority.

10 (4) A county park police officer.

11 The term excludes persons employed to check parking meters or to  
12 perform only administrative duties and auxiliary and fire  
13 police.

14 \* \* \*

15 "University." A university which has a campus police  
16 department, as used in section 2416 of the act of April 9, 1929  
17 (P.L.177, No.175), known as The Administrative Code of 1929,  
18 certified by the Office of Attorney General as a criminal  
19 justice agency under the definition of "criminal justice agency"  
20 in 18 Pa.C.S. § 9102 (relating to definitions). [The term does  
21 not include the State System of Higher Education and its member  
22 institutions.]

23 SECTION 3. SECTION 2168 OF TITLE 53 IS AMENDED BY ADDING A <--  
24 SUBSECTION TO READ:

25 § 2168. AUTOMATIC CERTIFICATION.

26 \* \* \*

27 (E) SCHOOL POLICE OFFICER CERTIFICATION.--NOTWITHSTANDING  
28 ANY OTHER PROVISION OF LAW TO THE CONTRARY, A SCHOOL POLICE  
29 OFFICER, AS DEFINED IN SECTION 1301-C OF THE ACT OF MARCH 14,  
30 1949 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949,

1 SHALL BE ELIGIBLE TO MAINTAIN CERTIFICATION IF THE SCHOOL POLICE  
2 OFFICER MEETS THE FOLLOWING:

3 (1) SATISFACTORILY COMPLETED THE BASIC EDUCATIONAL AND  
4 TRAINING REQUIREMENTS ESTABLISHED UNDER THIS SUBCHAPTER.

5 (2) SATISFACTORILY COMPLETED THE MINIMUM NUMBER OF IN-  
6 SERVICE TRAINING HOURS ESTABLISHED BY THE COMMISSION AND  
7 REQUIRED TO MAINTAIN CERTIFICATION.

8 (3) EITHER:

9 (I) HAS AN ACTIVE CERTIFICATION ON OR AFTER THE  
10 EFFECTIVE DATE OF THIS SUBSECTION; OR

11 (II) WAS PREVIOUSLY CERTIFIED AS A SCHOOL POLICE <--  
12 OFFICER BY THE COMMISSION, WHICH CERTIFICATION LAPSED  
13 WITHIN THE LAST TWO YEARS, AND HAS BEEN EMPLOYED, WITH NO  
14 LAPSE IN SERVICE, AS A SCHOOL POLICE OFFICER IN THIS  
15 COMMONWEALTH UNDER SECTION 1302-C OF THE PUBLIC SCHOOL  
16 CODE OF 1949.

17 Section ~~3~~ 4. Campus police, as defined in section 2001-A(20) <--  
18 of the act of March 10, 1949 (P.L.30, No.14), known as the  
19 Public School Code of 1949, who have successfully completed the  
20 basic training course from the commission and obtained a  
21 psychological evaluation for employment as a law enforcement  
22 officer before the effective date of this section shall be  
23 automatically certified by the Municipal Police Officers'  
24 Education and Training Commission.

25 Section ~~4~~ 5. This act shall take effect immediately. <--