

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2261 Session of 2024

INTRODUCED BY JOZWIAK, MAY 1, 2024

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 1, 2024

AN ACT

1 Amending the act of March 7, 1901 (P.L.20, No.14), entitled "An  
 2 act for the government of cities of the second class,"  
 3 further providing for department of public safety.

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

6 Section 1. Section 1 of Article III of the act of March 7,  
 7 1901 (P.L.20, No.14), referred to as the Second Class City Law,  
 8 is amended to read:

9 Section 1. The department of public safety shall be under  
 10 the charge of one director, who shall be the head thereof. The  
 11 care, management, administration and supervision of the police  
 12 affairs, and all matters relating to the public health, to the  
 13 fire and police force, fire alarm telegraph, erection of fire-  
 14 escapes, and the inspection of buildings and boilers, markets  
 15 and food sold therein, and the construction, protection and  
 16 repair of buildings erected for police and fire purposes, shall  
 17 be in charge of this department.

18 Any police force under the department of public safety must  
 19 operate as a full-time police department.

1 No person shall be employed in this department as a policeman  
2 or fireman who is not a citizen of the United States, or who has  
3 been convicted of crime, unless pardoned, or who cannot read and  
4 write understandingly in the English language, or who shall not  
5 have resided within the State at least one year preceding his  
6 appointment.

7 No policeman shall be required to be on duty for more than  
8 nine out of any twenty-four consecutive hours, nor for more than  
9 forty-four hours in any calendar week, and every policeman shall  
10 be allowed to have at least forty-eight consecutive hours off  
11 duty in every calendar week, except in emergency cases for the  
12 suppression of riots or tumults or the preservation of the  
13 public peace in times of riot, conflagration, or public  
14 celebrations; and in such cases, council shall provide for the  
15 payment of extra compensation or time off at the same rate as  
16 paid for regular service. The existing salary or compensation of  
17 any policeman shall not be diminished because of the reduced  
18 number of hours of duty prescribed by this amendment.

19 The department shall make suitable regulations, under which  
20 the officers and members of the fire, telegraph and police force  
21 shall be required to wear an appropriate uniform.

22 The city councils may provide by ordinance a fund for the  
23 care, maintenance, and relief of aged, retired, disabled, or  
24 injured policemen or firemen, and the families of such as may be  
25 injured or killed in the service.

26 No policeman appointed under this act shall be dismissed  
27 without his written consent, except by the decision of a court  
28 either of trial or inquiry, duly determined and certified in  
29 writing to the mayor, which court shall be composed of not less  
30 than three and not more than five persons belonging to the

1 police force, equal or superior in official position therein to  
2 the accused. Such decision shall only be determined by trial of  
3 charges, with plain specifications made by or lodged with the  
4 director of the department of public safety, of which trial the  
5 accused shall have due notice, and at which he shall have the  
6 right to be present in person. The persons composing such court  
7 shall be appointed and sworn by the director of the department  
8 of public safety to perform their duties impartially and without  
9 fear or favor; and the person of highest rank in such court  
10 shall have the same authority to issue and enforce process to  
11 secure the attendance of witnesses, and to administer oaths to  
12 witnesses, as is possessed by any justice of the peace of this  
13 Commonwealth.

14 Such charges may be of disability for service, in which case  
15 the court shall be one of inquiry, whose decision may be for the  
16 honorable discharge from the service of the person concerned;  
17 or, of neglect or violation of law or duty, inefficiency,  
18 intemperance, disobedience of orders, or unbecoming official or  
19 personal conduct, in which cases the court shall be one of  
20 trial, and its decision may authorize the director of the  
21 department of public safety to impose fines and pecuniary  
22 penalties, to be stopped from pay, or to suspend from pay or  
23 duty, or both, for a period fixed by them, not exceeding one  
24 year, or to dismiss from the service. The right of appeal of the  
25 decision of the trial board shall be made within five days to  
26 the civil service board.

27 It shall be lawful for the director of the department of  
28 public safety, at his discretion, to suspend from duty before  
29 trial any person charged, as aforesaid, until such trial can be  
30 had, with or without pay as such court shall afterward

1 determine, but no trial shall be delayed for more than one month  
2 after charge has been made.

3 The finding of the court of trial or inquiry, as aforesaid,  
4 shall be of no effect until approved by the mayor.

5 The laws in relation to health, buildings and building  
6 inspection, remain unaffected by any of the provisions thereof,  
7 and the board of health and the building inspectors shall remain  
8 as heretofore, and shall be attached to the Department of Public  
9 Safety.

10 As used in this section, the term "full-time police  
11 department" shall mean a police force that maintains twenty-  
12 four-hour-per-day police coverage in its designated area.

13 Section 2. This act shall take effect in 60 days.