
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 438 Session of
2013

INTRODUCED BY D. COSTA, SCHLOSSBERG, O'BRIEN, YOUNGBLOOD,
RAVENSTAHL, CONKLIN, HAGGERTY, STEPHENS, CAUSER, NEILSON,
KULA, LONGIETTI, HARHAI, HALUSKA, STURLA, FABRIZIO, BOBACK,
COHEN, KORTZ, HESS, SWANGER, DAVIDSON, READSHAW, FRANKEL,
KAVULICH, O'NEILL, C. HARRIS, GROVE, CALTAGIRONE, DELUCA,
MATZIE, MILLER, GILLEN, GOODMAN, MURT, DEASY, FARRY, GRELL,
FREEMAN AND BRADFORD, JANUARY 30, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 30, 2013

AN ACT

1 Providing for the Pennsylvania Officer Down Advisory;
2 authorizing and directing the Pennsylvania State Police to
3 establish and maintain the Pennsylvania Officer Down
4 Advisory; assessing costs; and providing for immunity and
5 penalties.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the Pennsylvania
10 Officer Down Advisory Act.

11 Section 2. Pennsylvania Officer Down Advisory established.

12 The Pennsylvania State Police shall establish and maintain
13 the Pennsylvania Officer Down Advisory to assist in the
14 apprehension of those suspected of killing or seriously injuring
15 Federal, State or local law enforcement officers through prompt
16 notification to the general public and appropriate law
17 enforcement authorities. The Pennsylvania State Police shall

1 establish such protocols and procedures as are necessary for the
2 effective operation of this advisory and shall educate and
3 inform local law enforcement agencies and the public with regard
4 to its availability. At a minimum the following criteria must be
5 met to activate the advisory:

6 (1) A law enforcement officer must have been killed or
7 seriously injured by a suspect.

8 (2) The investigating law enforcement agency must
9 determine that the suspect poses a serious risk or threat to
10 the public or other law enforcement personnel.

11 (3) A detailed description of the make and model of the
12 suspect's vehicle or a complete or partial registration plate
13 number of the suspect's vehicle must be available for
14 broadcast to the public.

15 (4) The investigating law enforcement agency having
16 jurisdiction must recommend activation of the advisory.

17 Section 3. Prohibited use.

18 The transmission, broadcast or other communication of a
19 public alert, other than through the Pennsylvania Officer Down
20 Advisory, intentionally, knowingly, recklessly or negligently
21 purporting to be made by, with or through the authority of the
22 Pennsylvania Officer Down Advisory is prohibited and shall be
23 subject to a civil penalty of not more than \$5,000.

24 Section 4. Coordination with other jurisdictions.

25 The Pennsylvania State Police shall coordinate with the
26 authorities of the Federal Government and the various states
27 that are responsible within their respective jurisdictions for
28 the apprehension of those suspected of killing or seriously
29 injuring Federal, State or local law enforcement officers to
30 establish and execute the procedures appropriate to the

1 effective fulfillment of its responsibilities under section 2.
2 Section 5. Assessment of cost.

3 Unless the court finds that undue hardship would result, in
4 addition to any other cost imposed by law, a cost of \$25 shall
5 automatically be assessed on each person convicted, adjudicated
6 delinquent or granted accelerated rehabilitative disposition
7 (ARD) of the offenses named in this section. The cost shall be
8 forwarded to the Commonwealth and used by the Pennsylvania State
9 Police to establish and maintain the Pennsylvania Officer Down
10 Advisory and apply to the following offenses:

11 18 Pa.C.S. § 2507 (relating to criminal homicide of law
12 enforcement officer).

13 18 Pa.C.S. § 2702.1 (relating to assault of law
14 enforcement officer).

15 18 Pa.C.S. § 5104 (relating to resisting arrest or other
16 law enforcement).

17 18 Pa.C.S. § 5104.1 (relating to disarming law
18 enforcement officer).

19 18 Pa.C.S. § 5511.2 (relating to police animals).

20 Section 6. Immunity.

21 Owners, licensees, operators and employees of a communication
22 medium, including, but not limited to, telephone, radio,
23 television, newspaper, digital communications network, wireless
24 communications network or global communications network, shall
25 be immune from civil liability for their good faith conduct
26 while participating in accordance with this act.

27 Section 20. Effective date.

28 This act shall take effect in 30 days.