
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 176 Session of
2013

INTRODUCED BY GREENLEAF, TARTAGLIONE, BROWNE, VULAKOVICH,
ERICKSON, RAFFERTY, FARNESE, SOLOBAY, HUGHES AND BOSCOLA,
JANUARY 15, 2013

REFERRED TO JUDICIARY, JANUARY 15, 2013

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the
2 Interstate Drug Interdiction and Enforcement Compact;
3 providing for the form of the compact; and imposing
4 additional powers and duties on the Governor and the Compact.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Interstate
9 Drug Interdiction and Enforcement Compact Act.

10 Section 2. Authority to execute compact.

11 The Governor, on behalf of the Commonwealth, is hereby
12 authorized to execute a compact in substantially the following
13 form with any one or more of the states of the United States,
14 and the General Assembly hereby signifies in advance its
15 approval and ratification of such compact:

16 THE INTERSTATE DRUG INTERDICTION AND ENFORCEMENT COMPACT

17 ARTICLE I

18 PURPOSE

1 The compacting states to this Interstate Compact recognize
2 that each state is undertaking efforts to combat the illicit
3 drug trade which disrupts families, endangers communities and
4 threatens the well-being of our children. The compacting states
5 also recognize that the Congress of the United States, by
6 enacting the Crime Control Act (63 Stat. 107, 4 U.S.C. § 112),
7 has authorized and encouraged compacts for cooperative efforts
8 and mutual assistance in the prevention of crime.

9 It is the purpose of this compact, through means of joint and
10 cooperative action among the compacting states to:

11 (A) Provide for mutual assistance and support among the
12 compacting states in the utilization of state law enforcement,
13 and any local law enforcement authorized under Article III, in
14 drug interdiction, counter-drug and demand reduction activities.

15 (B) Permit state law enforcement of this state to enter into
16 mutual assistance and support agreements, on the basis of need,
17 with one or more state law enforcement departments or agencies
18 of one or more other states, whether such activities are within
19 or without this state, in order to facilitate and coordinate
20 efficient, cooperative enforcement efforts directed toward drug
21 interdiction and counter-drug and demand reduction activities.

22 (C) Permit state law enforcement of this state to act as a
23 receiving and a responding state, as defined within this
24 compact, and ensure the prompt and effective delivery of law
25 enforcement personnel, assets and services to state law
26 enforcement departments or agencies that are in need of
27 increased support and presence.

28 (D) Permit and encourage a high degree of flexibility in the
29 deployment of law enforcement personnel in the interest of
30 efficiency.

1 (E) Maximize the effectiveness of state law enforcement, and
2 any local law enforcement authorized under Article III, in those
3 situations which call for its utilization under this compact.

4 (F) Provide protection for the rights of state law
5 enforcement personnel, and any local law enforcement personnel
6 authorized under Article III, when performing duties in other
7 states in counter-drug activities.

8 (G) Ensure uniformity of state laws in the area of law
9 enforcement involvement in interstate counter-drug activities by
10 incorporating uniform laws within this compact.

11 ARTICLE II

12 DEFINITIONS

13 As used in this compact, unless the context clearly requires
14 a different construction:

15 (A) "Attorney General" means: the Attorney General of the
16 compacting state.

17 (B) "Compacting state" means: any state which has enacted
18 the enabling legislation for this compact.

19 (C) "Demand reduction" means: providing available state law
20 enforcement personnel, and any local law enforcement personnel
21 authorized under Article III, equipment, support and
22 coordination to state law enforcement departments or agencies
23 for the purposes of the prevention of drug abuse and the
24 reduction in the demand for illegal drugs.

25 (D) "Drug interdiction and counter-drug activities" means:
26 the use of law enforcement personnel, in any support activities
27 that are intended to reduce the supply or use of illegal drugs
28 in the United States. These activities include, but are not
29 limited to:

30 (1) Providing information obtained during counter-drug

1 activities to state law enforcement officials in the compact
2 that may be relevant to a violation of any federal or state law
3 within the jurisdiction of such officials;

4 (2) Making available any equipment (including associated
5 supplies or spare parts), or facilities of state law
6 enforcement, to state law enforcement officials in the compact
7 for law enforcement purposes, in accordance with other
8 applicable law or regulation;

9 (3) Providing available law enforcement personnel to train
10 state or local law enforcement in the compact in the operation
11 and maintenance of equipment, including equipment made available
12 above, in accordance with other applicable law;

13 (4) Providing available law enforcement personnel to operate
14 and maintain equipment provided to state or local law
15 enforcement officials in the compact pursuant to activities
16 defined and referred to in this compact;

17 (5) Operating and maintaining equipment and facilities of
18 state and local law enforcement agencies used for the purposes
19 of drug interdiction and counter-drug activities;

20 (6) Providing available law enforcement personnel to operate
21 equipment for the detection, monitoring and communication of the
22 movement of air, land and sea traffic, to facilitate
23 communications in connection with law enforcement programs, to
24 provide transportation for law enforcement personnel;

25 (7) Providing available law enforcement personnel, equipment
26 and support for administrative, interpretive, analytic or other
27 purposes; and

28 (8) Providing available law enforcement personnel and
29 equipment to aid state law enforcement departments or agencies
30 in the compact otherwise involved in the prosecution or

1 incarceration of individuals processed within the criminal
2 justice system who have been arrested for criminal acts
3 involving the use, distribution or transportation of controlled
4 substances as defined in Title II of the Controlled Substance
5 Act (Public Law 91-513, 21 U.S.C. § 801 et seq.), or otherwise
6 by law, in accordance with other law.

7 (E) "Local law enforcement" means: a lawfully established
8 local public agency that is responsible for the prevention and
9 detection of crime and the enforcement of penal, traffic or
10 controlled substances laws.

11 (F) "Mutual assistance and support agreement" or "agreement"
12 means: an agreement between state law enforcement of this state
13 and one or more state law enforcement departments or agencies of
14 other states, consistent with the purposes of this compact.

15 (G) "Official" means: the appointed, elected, designated or
16 otherwise duly selected representative of a state law
17 enforcement department or agency authorized to conduct those
18 activities for which assistance is requested.

19 (H) "Requesting state" means: the state whose Governor
20 requested assistance in the area of counter-drug activities.

21 (I) "Responding state" means: the state furnishing
22 assistance, or requested to furnish assistance, in the area of
23 counter-drug activities.

24 (J) "State" means: a state of the United States, the
25 District of Columbia, the Commonwealth of Puerto Rico or a
26 territory or possession of the United States.

27 (K) "State law enforcement" means: the State Police, State
28 Highway Patrol, Highway Patrol, State Patrol or similar state
29 law enforcement department or agency that is responsible for the
30 prevention and detection of crime and the enforcement of penal,

1 traffic or controlled substances laws.

2 ARTICLE III

3 MUTUAL ASSISTANCE AND SUPPORT

4 (A) Upon the request of a Governor of a compacting state for
5 mutual assistance and support in the area of drug interdiction,
6 counter-drug and demand reduction activities, the Governor of a
7 responding state shall have authority under this compact to
8 enter into an agreement to send without the borders of his or
9 her state and place under the temporary operational control of
10 the appropriate official of the requesting state, for the
11 purposes of providing such requested assistance, all or any part
12 of state law enforcement personnel of his or her state as he or
13 she may deem necessary, and the exercise of his or her
14 discretion in this regard shall be conclusive.

15 (B) The state law enforcement agency of this state may also
16 enter into memorandums of understanding or agreements with local
17 law enforcement agencies of this state to provide mutual
18 assistance and support to requesting states.

19 (C) The Governor of a compacting state may, within his or
20 her discretion, withhold state law enforcement personnel of his
21 or her state from such use and recall any personnel or part
22 thereof previously deployed in a requesting state.

23 (D) State and local law enforcement of this state are hereby
24 authorized to engage in counter-drug activities and demand
25 reduction.

26 (E) The mutual assistance and support agreement must set
27 forth the powers, rights and obligations of the parties to the
28 agreement, where applicable, as follows:

29 (1) Its duration;

30 (2) The organization, composition and nature of any separate

1 legal entity created thereby;

2 (3) The purpose of the agreement;

3 (4) The manner of financing the agreement and establishing
4 and maintaining its budget;

5 (5) The method to be employed in accomplishing the partial
6 or complete termination of the agreement and for disposing of
7 property upon such partial or complete termination;

8 (6) Provision for administering the agreement, which may
9 include creation of a joint board responsible for such
10 administration;

11 (7) The manner of acquiring, holding and disposing of real
12 and personal property used in this agreement, if necessary;

13 (8) The minimum standards for law enforcement personnel
14 implementing the provisions of this agreement;

15 (9) The minimum insurance required of each party to the
16 agreement, if necessary;

17 (10) The chain of command or delegation of authority to be
18 followed by law enforcement personnel acting under the
19 provisions of the agreement;

20 (11) The duties and authority that the law enforcement
21 personnel of each compacting state may exercise; and

22 (12) Any other necessary and proper matters.

23 (F) Agreements prepared under the provisions of this compact
24 are exempt from any general law pertaining to intergovernmental
25 agreements.

26 (G) As a condition precedent to an agreement becoming
27 effective under this part, the agreement must be submitted to
28 and receive the approval of the Attorney General. The Attorney
29 General shall approve an agreement submitted to him under this
30 part unless he finds that it is not in proper form, does not

1 meet the requirements set forth in this part, or otherwise does
2 not conform to the laws of his or her state. If the Attorney
3 General disapproves an agreement, he shall provide a written
4 explanation to the Governor.

5 (H) If the Attorney General does not disapprove an agreement
6 within thirty (30) days after its submission to him, it is
7 considered approved.

8 (I) Whenever law enforcement personnel of any compacting
9 state are engaged in the performance of duties, in the area of
10 drug interdiction, counter-drug and demand reduction activities,
11 pursuant to orders, they shall not be held personally liable for
12 any acts or omissions which occur during the performance of
13 their duties.

14 ARTICLE IV

15 RESPONSIBILITIES

16 (A) Whenever law enforcement personnel of any responding
17 state are engaged in another state in carrying out the purposes
18 of this compact, the personnel thereof so engaged shall have the
19 same powers, duties, rights, privileges and immunities as
20 members of law enforcement departments or agencies of the
21 requesting state. The requesting state shall save and hold law
22 enforcement personnel of the responding states harmless from
23 civil liability except as otherwise provided herein, for acts or
24 omissions which occur in the performance of their duties while
25 engaged in carrying out the purposes of this compact, whether
26 responding personnel are serving the requesting state within the
27 borders of the responding state or are attached to the
28 requesting state for purposes of operational control.

29 (B) Subject to the provisions of (C), (D) and (E) of this
30 article, all liability that may arise under the laws of the

1 requesting state or the responding states, on account of or in
2 connection with a request for assistance or support, shall be
3 assumed and borne by the requesting state.

4 (C) Any responding state rendering aid or assistance
5 pursuant to this compact shall be reimbursed by the requesting
6 state for any loss or damage to, or expense incurred in the
7 operation of, any equipment answering a request for aid, and for
8 the cost of the materials, transportation and maintenance of law
9 enforcement personnel and equipment incurred in connection with
10 such request, provided that nothing herein contained shall
11 prevent any responding state from assuming such loss, damage,
12 expense or other cost.

13 (D) Unless there is a written agreement to the contrary,
14 each party shall provide, in the same amounts and manner as if
15 they were on duty within their state, for pay and allowances of
16 the personnel while engaged without the state pursuant to this
17 compact and while going to and returning from such duty pursuant
18 to this compact.

19 (E) Each compacting state providing for the payment of
20 compensation and death benefits to injured law enforcement
21 personnel and the representatives of deceased members of law
22 enforcement agencies in case such members sustain injuries or
23 are killed within their own state shall provide for the payment
24 of compensation and death benefits in the same manner and on the
25 same terms in the event such members sustain injury or are
26 killed while rendering assistance or support pursuant to this
27 compact. Such benefits and compensation shall be deemed items of
28 expense reimbursable pursuant to (C) of this article.

29 (F) Personnel of law enforcement agencies performing duties
30 pursuant to this compact shall be subject to and governed by the

1 provisions of their home state criminal justice law whether they
2 are performing duties within or without their home state.
3 However, nothing in this section shall abrogate the general
4 criminal jurisdiction of the state in which the offense
5 occurred.

6 ARTICLE V

7 DELEGATION

8 Nothing in this compact shall be construed to prevent the
9 Governor of a compact state from delegating any of his or her
10 responsibility or authority respecting state law enforcement,
11 provided that such delegation is otherwise in accordance with
12 law. For purposes of this compact, however, the Governor shall
13 not delegate the power to request assistance from another state.

14 ARTICLE VI

15 ENTRY INTO FORCE AND WITHDRAWAL

16 (A) This compact shall enter into force when enacted into
17 law by any two (2) states; thereafter, this compact shall become
18 effective as to any other state upon its enactment thereof.

19 (B) A compacting state may withdraw from the compact by
20 specifically repealing the statute which enacted the compact
21 into law.

22 (C) The effective date of withdrawal is the effective date
23 of the repeal. The Governor of the withdrawing state shall
24 notify in writing of such withdrawal to the governors of all
25 other compacting states.

26 ARTICLE VII

27 SEVERABILITY AND CONSTRUCTION

28 (A) The provisions of this compact shall be severable, and
29 if any phrase, clause, sentence or provision of this compact is
30 deemed unenforceable, the remaining provisions of this compact

1 shall be enforceable.

2 (B) The provisions of this compact shall be liberally
3 construed to effectuate its purposes.

4 Section 3. Effective date.

5 This act shall take effect immediately.